

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2091 (Mia Bonta)
Version: May 12, 2022
Hearing Date: June 14, 2022
Fiscal: Yes
Urgency: Yes
AM

SUBJECT

Disclosure of information: reproductive health and foreign penal civil actions

DIGEST

This bill prohibits the validation of foreign subpoenas pertaining to a foreign penal civil action, as defined. The bill prohibits the sharing of specified information in response to subpoenas related to out-of-state anti-abortion statutes or foreign penal civil actions. The bill authorizes the Insurance Commissioner to issue civil penalties against health insurers who violate the confidentiality of an insured's medical information. The bill also prohibits prison staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested is based on out-of-state anti-abortion statutes or foreign penal civil actions. The bill declares it is to take effect immediately as an urgency statute.

EXECUTIVE SUMMARY

In 1969, the California Supreme Court that held the state constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion. The state Reproductive Privacy Act declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions and that it is the public policy of this state that every individual has the fundamental right to choose or refuse birth control and choose to have an abortion. Furthermore, the state is prohibited from denying or interfering with these fundamental rights. Unfortunately, reproductive rights are under attack across the nation. The U.S. Supreme Court has continuously held, since 1973, that it is a federal constitutional right to access abortion before fetal viability; however, the Court is reviewing a case that directly challenges this precedent and it has been reported that the Court very well may vote to take away this right. Additionally, new tactics to deny people access to abortions are also underway as evidenced by recent legislation in Texas. This bill endeavors to provide protection from civil liability for exercising one's fundamental right in this state by prohibiting the enforcement of subpoenas based on out-of-state laws, like the one in Texas. The bill also

seeks to increase privacy protections for individuals exercising their fundamental right to access an abortion.

The bill is sponsored by the Planned Parenthood Affiliates of California. It is supported by Lieutenant Governor Eleni Kounalakis, the California Department of Insurance, and various organizations, including reproductive rights and privacy rights organizations. It is opposed by organizations against the right to access abortion. The bill contains an urgency clause. If the bill is voted out of this Committee, it will next be heard in the Senate Health Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Provides that full faith and credit must be given in each state to the public acts, records, and judicial proceedings of every other state, and that the United States Congress may by general laws prescribe the manner in which such acts, records, and proceedings must be proved, and the effect thereof. (U.S. Const. art. IV, sec. 1.)
- 2) Provides that records and judicial proceedings of any court of any such state, territory, or possession, or copies thereof, must be proved or admitted in other courts within the United States and its territories and possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form, and that such acts, records, and judicial proceedings or copies thereof, so authenticated, have the same full faith and credit in every court within the United States and its territories and possessions as they have by law or usage in the courts of such state, territory or possession from which they are taken. (28 U.S.C. § 1738.)
- 3) Establishes, pursuant to the federal Health Insurance Portability and Accountability Act (HIPAA), privacy protections for patients' protected health information and generally provides that a covered entity, as defined (health plan, health care provider, and health care clearing house), may not use or disclose protected health information except as specified or as authorized by the patient in writing. (45 C.F.R. § 164.500 et seq.)

Existing state law:

- 1) Provides, under the state constitution, that all people are by nature free and independent and have inalienable rights, including, among others, the right to privacy. (Cal. Const. art. I. § 1.)

- 2) Holds that the state constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.)
- 3) Establishes the Reproductive Privacy Act, provides that the Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions and, therefore, it is the public policy of the State of California that:
 - a) every individual has the fundamental right to choose or refuse birth control; and
 - b) every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion, with specified limited exceptions.
- 4) Provides that the state may not deny or interfere with a person's right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the person. (Health & Safe. Code § 123462(c); 123466.)
- 5) Prohibits, under the State Confidentiality of Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code § 56 et seq.)
- 6) Specifies, under the Insurance Information and Privacy Protection Act, requirements insurers must take to protect the confidentiality of an insured's medical information. (Ins. Code § 791.29 et. seq.)
 - a) Requires a health insurer to recognize the right of a protected individual to exclusively exercise rights regarding medical information related to sensitive services that the protected individual has received, including reproductive health services. (Ins. Code § 791.29 (a)(2).)
 - b) Prohibits a health insurer from disclosing medical information about sensitive health care services provided to a protected individual to the policyholder or any insureds other than the protected individual receiving care, absent written authorization of the protected individual receiving care. (*Id.* (a)(4).)
- 7) Provides that a court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States. (Code of Civ. Proc. § 410.10.)
- 8) Provides, under the Interstate and International Depositions and Discovery Act, the procedure for obtaining discovery in California for purposes of a case pending in a jurisdiction outside of California. (Code of Civ. Proc. § 2029.100 et seq.)
- 9) Provides specified rights and medical care requirements for incarcerated pregnant persons, including the right to seek and obtain an abortion. (Pen. Code § 3408 et seq.)

- a) Requires an incarcerated person with a positive pregnancy test to be offered unbiased, noncoercive counselling that includes information about prenatal health care, adoption, and the right to have an abortion. (Pen. Code § 3408(b).)
- b) Requires an incarcerated person who decides to have an abortion to be offered all due medical care and accommodations until they are no longer pregnant. (Pen. Code § 3408 (c).)

This bill:

- 1) Makes various findings and declarations, including that abortion care is a constitutional right; California is committed to building upon existing protections that preserve the right to abortion; actions against California abortion providers, patients and supporters based on hostile antiabortion statutes in other states would interfere with protected rights under the Reproductive Privacy Act; and that California must protect the confidentiality of medical records related to abortion.
- 2) Prohibits a provider of health care, a health care service plan, or a contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a subpoena or request if that subpoena or request is based on either: a) another state's laws that interferes with a person's rights under the Reproductive Privacy Act; or b) a foreign penal civil action, as defined.
- 3) Defines "foreign penal civil action" to mean a civil action authorized by the law of a state other than this state in which the sole purpose is to punish an offense against the public justice of that state.
- 4) Prohibits the superior court or an attorney licensed in California from issuing a subpoena based on a foreign subpoena that relates to a foreign penal civil action.
- 5) Prohibits, under the Reproductive Privacy Act, compelling a person in a state, county, city, or other local criminal, administrative, legislative, or other proceeding to identify or provide information that would identify an individual who sought or obtained an abortion if the information being requested is based on either: a) another state's law that interferes with a person's rights under the Reproductive Privacy Act, or b) a foreign penal civil action, as defined.
- 6) Provides that, if the Insurance Commissioner determines that an insurer has violated specified rights and requirements providing for the privacy and confidentiality of an insured person, the Commissioner may, after appropriate notice and opportunity for a hearing, assess a civil penalty not to exceed \$5,000 for each violation.
 - a) Provides that, if a violation was willful, the civil penalty may not exceed \$10,000 for each violation.

- b) Grants the Commissioner discretion to determine whether acts or omissions constitute a violation.
- 7) Makes various findings and declarations of the Legislature.
- 8) Provides the provisions of the bill are severable.
- 9) Declares it is to take effect immediately as an urgency statute.

COMMENTS

1. Stated need for the bill

The author writes:

States throughout the U.S. have been targeting and restricting abortion access. With the U. S. Supreme Court likely to overturn the protections granted under *Roe v. Wade*, it is essential for states like California to double down on abortion access and strong abortion related privacy protections. Regressive abortion laws, like we most recently saw in a Texas law that allows private citizens to sue anyone who even utters the word abortion, are a huge infringement on a person's constitutional right to an abortion. We know that people are coming to California to seek reproductive care. However, we worry that private citizens will demand the medical records of those who seek care here in California, in order to punish them. No one should be able to manipulate California's legal system to target and punish people who seeks care and refuge here. My bill will ensure out of state subpoenas, which seek information related to a patient who received reproductive healthcare here in California, are not granted. By doing this, California will protect the medical privacy of those patients who may be targeted under these hostile states' laws. California must proactively protect the confidentiality of medical records, related to abortion care, especially as we see states around the country paving the way to use those records to enforce their own state's anti-abortion laws.

2. Reproductive freedom

a. Reproductive freedom is a fundamental right in California

The California Supreme Court held in 1969 that the state constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.) Existing California statutory law provides, under the Reproductive Privacy Act, that that the Legislature finds and declares every individual possesses a fundamental right of privacy with respect to personal reproductive decisions; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control and the right to choose to bear a child or to choose to obtain an abortion. (Health & Safe. Code §

123462(a)-(b).) The Act further provides that it is the public policy of the state that the state shall not deny or interfere with a person's fundamental right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the pregnant person. (Health & Safe. Code § 123462(c) & § 123466.) In 2019 Governor Newsom issued a proclamation reaffirming California's commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation.¹

b. Access to abortion is a constitutional right under Roe v. Wade – for now

Roe v. Wade is the landmark U.S. Supreme Court decision holding that the implied constitutional right to privacy extends to a person's decision whether to terminate a pregnancy; while allowing that some state regulation of abortion access could be permissible. ((1973) 410 U.S. 113.) Specifically, the Court found for the first time that the constitutional right to privacy is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." *Roe* has been one of the most debated Supreme Court decisions, and its application and validity continue to be challenged. For example, in *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) 505 U.S. 833, the Court reaffirmed the basic holding of *Roe*, yet also permitted states to impose restrictions on abortion as long as those restrictions do not create an undue burden on a person's right to choose to terminate a pregnancy. Most significantly is the currently pending case of *Dobbs v. Jackson Women's Health* where the court is deciding whether all pre-viability prohibitions on elective abortions are unconstitutional. (*Dobbs v. Jackson Women's Health* (2021) ___ U.S. ___ (141 S.Ct. 2619).)

On May 3, 2022, Politico reported that that the Court had voted to strike down the holding in *Roe* and *Casey* according to a leaked draft of the initial majority opinion, which was written by Justice Alito.² The opinion has not been officially published but an official opinion in the case is expected by the end of the Court's term in June 2022. In the leaked opinion, the majority upholds the Mississippi law finding that, contrary to 50 years of precedent, there is no fundamental constitutional right to have an abortion. The opinion further provides that states should be allowed to decide how to regulate abortion and that a strong presumption of validity should be afforded to those state laws.³

¹ California Proclamation on Reproductive Freedom (May 31, 2019) available at

<https://www.gov.ca.gov/wp-content/uploads/2019/05/Proclamation-on-Reproductive-Freedom.pdf>.

² Josh Gerstein and Alexander Ward, *Supreme Court has voted to overturn abortion rights, draft opinion shows*, Politico (May, 3, 2022), available at <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>.

³ Leaked 1st Draft of *Dobbs v. Jackson Women's Health* (2022) _ U.S. _ (141 S.Ct. 2619) at p. 66, as reported by Politico (May 2, 2022), available at <https://www.politico.com/news/2022/05/02/read-justice-alito-initial-abortion-opinion-overturn-roe-v-wade-pdf-00029504> (as of June 4, 2022).

c. *New challenges to exercising one's constitutional right to an abortion*

Recently, Texas perniciously enacted a law with an enforcement scheme that was designed to avoid judicial scrutiny of its clearly unconstitutional provisions under the holding of *Roe* and *Casey*.⁴ Texas abortion providers filed a case in an attempt to stop the law before it took effect seeking pre-enforcement review of the law and an injunction barring its enforcement. On certiorari from the Fifth Circuit, the U.S. Supreme Court held that a pre-enforcement challenge to the law under the U.S. Constitution may only proceed against certain defendants but not others.⁵ The court did not address whether the law was constitutionally sound. However, the court's ruling essentially insulated the private enforcement of the law from challenge, allowing the law to remain in effect. The inability to challenge the law pre-enforcement allows it to stand as an ominous threat to all persons seeking or performing an abortion. If *Roe* is overturned by the Court, the Texas law may very well be found to be constitutional under the holding of *Dobbs*.

The Texas law prohibits a physician from knowingly performing or inducing an abortion on a pregnant woman if the physician detected a fetal heartbeat for the unborn child, as specified, or failed to perform a test to detect a fetal heartbeat. (Tex. Health & Safety Code § 171.201 et seq. (enacted through Texas Senate Bill 8).) This law essentially places a near-categorical ban on abortions beginning six weeks after a person's last menstrual period, which is before many people even realize they are pregnant and occurs months before fetal viability.⁶ It should be noted that proponents of these laws refer to them as fetal heartbeat laws but medical professionals who specialize in reproductive health believe this is misleading, noting that at six weeks "'valves [of the heart] don't exist' and that the 'flickering we're seeing on the ultrasound that early in the development of the pregnancy is actually electrical activity, and the sound that you 'hear' is actually manufactured by the ultrasound machine' and 'in no way is [it] detecting a functional cardiovascular system or a functional heart.'"⁷

The Texas law has far-reaching implications, not solely for the person receiving an abortion or performing abortion services. This is evidenced in the provisions that prohibit anyone from "aiding and abetting" a person in obtaining an abortion, which could implicate and impose significant civil liability upon a person providing

⁴ See *Whole Woman's Health v. Jackson* (2021) 142 S. Ct. 522, at 543 (conc. opn. Roberts, C.J., Breyer, Sotomayor, & Kagan) that states Texas has passed a law that is contrary to *Roe* and *Casey* because it has "the effect of denying the exercise of what we have held is a right protected under the Federal Constitution" and was "designed to shield its unconstitutional law from judicial review." (footnote omitted).

⁵ *Whole Woman's Health v. Jackson* (2021) 142 S. Ct. 522, 530.

⁶ See *Whole Woman's Health v. Jackson* (2021) 141 S. Ct. 2494, at 24998 (dis. opn. Sotomayor, Breyer, & Kagan).

⁷ Selena Simmins-Duffin & Carrie Feibel, *The Texas Abortion Ban Hinges On 'Fetal Heartbeat.'* *Doctors Call That Misleading*, NPR (May, 3, 2022), available at <https://www.npr.org/sections/health-shots/2021/09/02/1033727679/fetal-heartbeat-isnt-a-medical-term-but-its-still-used-in-laws-on-abortion>.

transportation to or from an abortion clinic, a person donating to a fund to assist individuals receiving an abortion, or even a person who simply discusses getting an abortion with someone. (Tex. Health & Safety Code § 171.208.) The Texas law provides that any person, other than an officer or employee of a state or local governmental entity in Texas, may bring a civil action to enforce its provisions, which includes liability of \$10,000 plus costs and fees if a plaintiff prevails while a defendant is prohibited from recovering their own costs and fees if they prevail. (*Id.* at § 171.201(b) & (i).) Other states are already following suit. Idaho enacted a similar law via Idaho Senate Bill 1309; however, the implementation of that bill has been stayed by the Idaho Supreme Court pending further action of that court.⁸ Similar legislation has also been introduced in Arizona, Florida, Minnesota, and Wisconsin.⁹ In Missouri, an amendment was introduced that expressly allows civil suits to punish those who would help a person obtain an abortion out of state.¹⁰

3. Bill furthers the public policy of the State of California that access to abortion is a fundamental right

The inability to challenge the Texas law pre-enforcement allows it to stand as an ominous threat to all persons seeking or performing an abortion, especially as more states consider enacting similar legislation. This bill seeks to provide protection from civil liability for exercising one's fundamental right to an abortion and ensure the privacy of individuals in their intimate decisions thereto. The bill does this in a few ways.

First, it prohibits a provider of health care, health care service plan, or contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a subpoena or request if that subpoena or request is based on either: a) another state's laws that interfere with a person's rights to choose or obtain an abortion, or b) a foreign penal civil action. The bill defines foreign penal civil action as a civil action authorized by the law of a state other than this state in which the sole purpose is to punish an offense against the public justice of that state. The bill prohibits the issuance of a subpoena by a state court or an attorney licensed in this state based on a foreign subpoena that relates to a foreign penal civil action.

⁸ Order Granting Motion to Reconsider, Idaho Supreme Court, Docket No. 49615-2022, Apr. 8, 2022 available at <https://coi.isc.idaho.gov/docs/Supreme/49615-2022/040822%20Order%20Granting%20Motion%20to%20Reconsider.pdf>.

⁹ Alison Durkee, *Idaho Enacts Law Copying Texas' Abortion Ban – And These States Might Be Next*, Forbes (Mar. 23, 2022) available at <https://www.forbes.com/sites/alisdurkee/2022/03/23/idaho-enacts-law-copying-texas-abortion-ban---and-these-states-might-be-next/?sh=340dc49425c0>.

¹⁰ Caroline Kirchener, *Missouri lawmaker seeks to stop residents from obtaining abortion out of state*, Washington Post (Mar. 8, 2022), available at <https://www.washingtonpost.com/politics/2022/03/08/missouri-abortion-ban-texas-supreme-court/>.

In order to protect the privacy of individuals in exercising their fundamental right to access an abortion, the bill provides additional protections against those who may seek access to information related to a person seeking or obtaining an abortion. Specifically, the bill:

- Prohibits a person from being compelled in a state, county, city, or other local criminal, administrative, legislative, or other proceeding to identify or provide information that would identify an individual who has sought or obtained an abortion if the information is being requested based on either: a) another state's laws that interfere with a person's rights to choose or obtain an abortion, or b) a foreign penal civil action.
- Authorizes the Insurance Commissioner, if the Commissioner determines that an insurer has violated provisions of law related to protecting confidential medical information of an insured, to assess a civil penalty not to exceed \$5,000 for each violation, or, if a violation was willful, \$10,000 for each violation, as specified.
- Prohibits prison staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested based on either: a) another state's laws that interfere with a person's rights to choose or obtain an abortion, or b) a foreign penal civil action.

4. Bill implicates the Full Faith and Credit Clause of the federal Constitution

Article IV, Section 1 of the U. S. Constitution, known as the Full Faith and Credit Clause, requires every state to give full faith and credit to the public acts (statutes), records, and judicial proceedings of every other state. As the bill limits the ability of California courts to enforce subpoenas issued by out-of-state courts, which are judicial actions, it potentially implicates the Full Faith and Credit Clause. Current legal scholarship regarding the Full Faith and Credit Clause posits that the clause applies differently to public acts (statutes), records, and judicial proceedings.¹¹ The Court has generally held, dating back to 1813, that states must recognize and enforce the judicial determinations of another state. (*Mills v. Duryee* (1813) 7 Cranch 481, 484-485.) However, the Court has intimated that there may be exceptions to this general rule, stating that states are not automatically required to enforce civil judgments of another state that are based on that state's civil statutes when the goal or purpose of the civil statute is punishing a person for an offence against the "public justice." (*Huntington v Attrill* (1892) 146 U.S. 657, 673-674.) In short, if another state's civil law is in essence a criminal or penal law disguised as a civil law, the Court has posited that it may not have to be enforced in another state under the Full Faith and Credit Clause. Although the Court has never deemed a state law to be a "penal statute" the *Huntington* decision was just the first of a series of cases in which the court did examine whether or not a statute was

¹¹ Redpath, *Between Judgment and Law: Full Faith and Credit, Public Policy, and State Records* (2013) 62 Emory L.J. 639.

aimed at civilly punishing a party for violating the “public justice.” (See *Milwaukee County v. M. E. White Company* (1935) 296 U.S. 268.)

It can be plausibly argued that the Texas statute, and others like it, are designed to punish an offense against the public justice. They do not require any actual harm or violation of personal rights for a plaintiff to bring a civil suit to enforce its provisions. As such, the \$10,000 civil penalty cannot be intended to compensate the plaintiff for a personal injury or remedy a specific harm. Statutes regulating abortion have historically been enforced through criminal prosecutions or by state regulatory agencies as public health measures. Further evidence that the purpose of the Texas law is penal – to punish an offense against the public justice of the state – is found in statements made by John Seago, the legislative director of Texas Right to Life, which was a sponsor of the Texas bill, in an interview in *The Atlantic* magazine. In response to a question about the novel legal approach employed by the bill, Mr. Seago replied:

There are two main motivations. The first one is lawless district attorneys that the pro-life movement has dealt with for years. In October, district attorneys from around the country publicly signed a letter saying they will not enforce pro-life laws. They said that even if *Roe v. Wade* is overturned, they are not going to use resources holding the abortion industry to account. That shows that the best way to get a pro-life policy into effect is not by imposing criminal penalties, but civil liability.¹²

If in-state district attorneys refuse to enforce laws to punish an offense against the public justice of that state, it seems even more absurd to require courts of another state to, especially when the out-of-state policy is diametrically opposed to the public policy of this state and would require California to undermine fundamental rights.

The novelty of anti-abortion laws designed to effectively police behavior through a private right of action and the evidence that more states will pursue such laws, the bill defines “foreign penal civil action” in California law in order to protect California residents from being targeted by these laws. Given that California can plausibly argue that the Texas statute and it’s like are purely penal in nature, California should be able to refuse to validate a foreign subpoena issued in civil actions arising under those laws and stay within the Supreme Court’s suggestion that a state need not enforce judgements from penal civil statutes.

¹² Emma Green, *What Texas Abortion Foes Want Next*, (Sep. 2021) *The Atlantic*, available at: <https://www.theatlantic.com/politics/archive/2021/09/texas-abortion-ban-supreme-court/619953/>.

5. Statements in support

Planned Parenthood Affiliates of California, the sponsor of the bill, write:

[...The Texas law relies on private citizens, even those who have no connection to the person seeking the abortion, to enforce the abortion ban by filing civil lawsuits against abortion providers and those who assist people in obtaining abortions. Unfortunately, the U.S. Supreme Court has upheld this scheme to circumvent judicial review of an unconstitutional state law and lawmakers in 18 states have now introduced or announced they will introduce legislation to ban abortion modeled after the Texas law. As people in these states travel out of state to seek abortion care, more and more patients will turn to California for care – putting abortion providers and patients at risk of civil liability.

AB 2091 takes specific steps to protect patient privacy by prohibiting health plans, health care providers, and their contractors from disclosing medical information of a person seeking an abortion in response to a subpoena based on the violation of another state's law and by ensuring that an out of state subpoena is not immediately granted as it relates to a patient who received an abortion in California. The bill also protects an individual from being compelled to disclose information that would identify an individual who sought or obtained an abortion. Additionally, it authorizes the Insurance Commissioner to assess a civil penalty against an insurer that has disclosed an insured's confidential medical information. These actions are just a few steps necessary to protect patient privacy for all patients seeking care in California. [...]

6. Statements in opposition

The Right to Life League writes in opposition:

[...] [A]B 2091 will effectively grant immunity from foreign subpoenas to sexual abusers and human traffickers who coerce women and minors into pregnancy termination in other states then flee to California to avoid the legal consequences. SB 2091 is dangerous because it declares another state's court orders to have no effect, thwarting enforcement of foreign laws against abusers and human traffickers who may hide in California, denying justice to victims.

[A]B 2091 would remove consequences for proven abuse and neglect by extending legal protection to abusers fleeing other states, thereby covering the tracks of abortion coercion. The bill will embolden bad actors to exploit women. [...]

SUPPORT

Planned Parenthood Affiliates of California (sponsor)
American College of Obstetricians and Gynecologists District IX
California Academy of Family Physicians
California Department of Insurance
California Nurse Midwives Association
California Pan-Ethnic Health Network
Equality California
Lieutenant Governor Eleni Kounalakis
NARAL Pro-Choice California
Oakland Privacy
Santa Barbara Women Lawyers
Stronger Women United

OPPOSITION

Right to Life League

RELATED LEGISLATION

Pending Legislation:

SCA 10 (Atkins & Rendon, 2022) expressly provides that the state shall not deny or interfere with an individual's reproductive freedom in their most intimate choices, which includes the fundamental right to choose to have an abortion and the fundamental right to choose or refuse contraceptives. SCA 10 is set to be heard in this Committee on the same day as this bill.

SB 1375 (Atkins, 2022), among other things, authorizes nurse practitioners (NPs) who are qualified to independently practice to provide abortion services by aspiration techniques in the first trimester without having to work under existing prescribed standardized procedures and makes conforming changes. SB 1375 is currently pending in the Assembly Business and Professions Committee.

AB 1666 (Bauer-Kahan, 2022) prohibits the enforcement of out-of-state fetal heartbeat abortion restriction laws in California. AB 1666 is set to be heard in this Committee on the same day as this bill.

AB 2223 (Wicks, 2022), among other things, authorizes a party aggrieved by a violation of the Reproductive Privacy Act to bring a civil action against an offending state actor, as specified, and provides that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage

management, and infertility care. AB 2223 is set to be heard in this Committee on the same day as this bill.

Prior Legislation:

SB 245 (Gonzalez, Ch. 11, Stats. 2022) prohibits cost-sharing, restrictions, delays, prior authorization and annual or lifetime limits on all abortion services, including follow-up services.

SB 24 (Leyva, Ch. 740, Stats. 2019) requires student health centers located on a University of California or California State University campus that provide primary health care services to students to offer abortion by medication onsite, as provided.

PRIOR VOTES:

Assembly Floor (Ayes 54, Noes 16)

Assembly Floor (Ayes 50, Noes 14)

Assembly Appropriations Committee (Ayes 12, Noes 4)

Assembly Health Committee (Ayes 10, Noes 3)

Assembly Judiciary Committee (Ayes 7, Noes 2)
