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

AB 1666 (Bauer-Kahan)
Version: May 5, 2022
Hearing Date: June 14, 2022
Fiscal: No
Urgency: Yes
AM

SUBJECT

Abortion: civil actions

DIGEST

This bill declares that a law of another state that authorizes a person to bring a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, is contrary to the public policy of this state. The bill prohibits the state from applying that law to a case or controversy heard in state court and the enforcement or satisfaction of a civil judgment received under that law. The bill provides that its provisions are severable. The bill declare that 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 out-of-state laws, like the one in Texas, in California.

The bill is sponsored by the American College of Obstetricians and Gynecologists District IX. It is supported Lieutenant Governor Eleni Kounalakis and by various organizations, including reproductive and privacy rights organizations. It is opposed by organizations that oppose abortion rights. The bill contains an urgency clause.

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.)

Existing state law:

1) 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.*)*

2) Establishes the Reproductive Privacy Act and 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;
    b) every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion, with specified limited exceptions; and
    c) the state shall not deny or interfere with a person's fundamental right to choose to bear a child or to choose to obtain an abortion, except as specifically permitted (Health & Saf. Code § 123460 et. seq., § 123462.)

3) 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 § 123466.)

4) 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.)

This bill:

1) Provides that a law of another state that authorizes a person to bring a civil action against a person or entity who does any of the following is contrary to the public policy of this state:
    a) receives or seeks an abortion;
    b) performs or induces an abortion;
    c) knowingly engages in conduct that aids or abets the performance or inducement of an abortion; or
    d) attempts or intends to engage in the conduct described in a) through c).

2) Prohibits the application of an out-of-state law described in 1) from being applied to a case or controversy heard in state court.

3) Prohibits the enforcement or satisfaction of a civil judgment received through an adjudication under an out-of-state law described in 1).

4) Provides the provisions of the bill are severable.

5) Declares that it is to take effect immediately as an urgency statute in order to protect the public from civil actions authorized under the law of another state that are contrary to the public policy of this state.

COMMENTS

1. Stated need for the bill

The author writes:

> California must take proactive steps to protect access to and provision of abortion. Brought in partnership with the Future of Abortion Council, AB 1666 protects the California providers, supporters, and patients that face unjust legal repercussions for providing vital, legal abortion care. States across the country are targeting providers and patients with hundreds of thousands of dollars in fines. Without sufficient protection, providers in California could be ruined for providing basic, legal abortion care. The Supreme Court has chosen to abandon the spirit of *Roe v. Wade* and allow these blatant attacks of the pregnant people whose lives depend on their right to choose. It is no longer sufficient to permit abortion care to occur. This right is being shamelessly attacked with the broadest legal means available, AB 1666 protects abortion by providing a mechanism to defend against such attacks.

2. 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]

3. Attacks on reproductive freedom across the nation

a. 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." At the same time, the high court also defined two compelling state interests that would satisfy restrictions on a person's right to choose to terminate a pregnancy: 1) states may regulate the abortion procedure after the first trimester of pregnancy in ways necessary to promote a woman's health; and 2) after the point of fetal viability outside of the womb, a state may, to protect the potential life of the fetus, prohibit abortions that are not necessary to preserve a person's life or health. In short, *Roe* held that bans on abortion before viability, which is generally agreed by experts to be around 24 weeks of pregnancy, are unconstitutional, and bans after viability are constitutional as long as there is an exception for preserving a pregnant person's life or health. *Roe* has been one of the most debated Supreme Court decisions, and its application and continued validity have frequently been challenged in the courts. Most significantly, in *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) 505 U.S. 833, the Court reaffirmed the basic holding of *Roe v. Wade*, yet also

[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.

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.

b. The U.S. Supreme Court is reported to have voted to overturn the holding in Roe and Casey

Currently pending at the U.S. Supreme Court is the 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).) Mississippi passed a law in 2018 that bans most abortions after the first 15 weeks of pregnancy, which is before what is generally accepted as the period of viability. (*see* Miss. Code Ann. §41-41-191.) 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]

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

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[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).

[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.

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 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 the court.[8] Similar legislation has also been introduced in Arizona, Florida, Minnesota, and Wisconsin.[9] In Missouri, an amendment

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[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.
[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/alisondurkee/2022/03/23/idaho-enacts-law-copying-texas-abortion-ban---and-these-states-might-be-next/?sh=340dc49425c0

was introduced that expressly allows civil suits to punish those who would help a person obtain an abortion out of state.[10]

4. 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 in this state by prohibiting the enforcement of out-of-state laws, like the one in Texas, in California. The bill does this in a few ways. First, it states that the law of another state that authorizes a person to bring a civil action against a person or entity seeking, receiving, performing, inducing, or aiding a person in obtaining an abortion is contrary to the public policy of the State of California. Second it prohibits the state from applying such an out-of-state law in an action brought in California courts. Third, it prohibits the enforcement of a civil judgment rendered under such an out-of-state law that imposes civil liability and is obtained in a non-California court.

a. Full Faith and Credit Clause

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 requires certain laws and judgments of other states to not be enforced in California, 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 current jurisprudence seems to provide that determinative judicial proceedings should be enforced in another jurisdiction as evidenced by the Court in *Baker v. General Motors Corp.* stating "for claim and issue preclusion purposes…the judgement of the rendering state gains nationwide force." ((1998) 522 U.S. 222, 233; *see also Mills v. Duryee* (1813) 7 Cranch 481, 484-485 holding that the judgment of a court of one of the states was conclusive evidence in every court within the United States.) Public acts or statutes and state records; however, may not need to be as strictly enforced. (*see Alaska Packers Association v. Industrial Accident Comm*. (1935) 294 U.S. 532; *Adar v. Smith* (5th Cir. 2011) 639 F.3d 146.)

b. Public policy exception for public acts

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

The Court upheld the application of California law to settle a dispute of conflicting workers compensation statutes holding "[a] rigid and literal enforcement of the Full Faith and Credit Clause, without regard to the statute of the forum, would lead to the absurd result that wherever a conflict arises, the statute of each state must be enforced in the courts of the other, but cannot be in its own." (*Alaska Packers Association supra*. at 547.) The Court further stated: "Prima facie every state is entitled to enforce in its own courts its own statutes, lawfully enacted. One who challenges that right, because of the force given to a conflicting statute of another state by the full faith and credit clause, assumes the burden of showing, upon some rational basis, that of the conflicting interests involved those of the foreign state are superior to those of the forum." (*Id*. at 547-48.) A few years later, the Court noted that "the Full Faith and Credit Clause is not an inexorable and unqualified command. It leaves some scope for state control within its borders…" *(Pink v. AAA Highway Express, Inc.* (1941) 314 U.S. 201,210.) These cases seem to indicate that states can uphold their public policy and apply their laws when a conflict of laws arises in a forum in that state and not run afoul of the Full Faith and Credit Clause.

This bill's provisions prohibiting the state from applying an out-of-state law authorizing a civil action against a person or entity seeking, receiving, performing, inducing, or aiding a person in obtaining an abortion in an action brought in California courts may very well not run afoul of the Full Faith and Credit Clause as it would fall within the public policy exception for public acts. If California was compelled to enforce such an out-of-state law, it would require California to deny individuals their fundamental rights under state constitutional and statutory law. This would clearly lead to an "absurd result" as described by the Court in *Alaska Packers Association* and deprive individuals from exercising their fundamental rights.

c. Civil Penal Actions

The bill's provisions that prohibit the enforcement of a civil judgment rendered under an out-of-state law that imposes civil liability related to abortion more directly implicates the Full Faith and Credit Clause because it prohibits the enforcement of a determinative judicial proceeding of another state. 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.)

As the Assembly Judiciary Committee analysis succinctly elucidates:

> In 1892, the Supreme Court was asked to evaluate whether a Maryland court's refusal to uphold a New York judgment was correct when the Maryland court found that the New York cause of action was "intended as a punishment for doing any acts forbidden, and was, therefore…a penalty which could not be enforced." (*Huntington v Attrill* (1892) 146 U.S. 657.) The *Huntington* court opted to examine the definition of "penal" in the "international sense" and harkened back to Chief Justice Marshall's maxim, "the courts of no country execute the penal laws of another." (*The Antelope* 10 Wheat 66, 123.) The *Huntington* court further explained that whether or not a law [was] considered penal, and thus could not be enforced in the court of another jurisdiction, "depends on the question whether its purpose is to punish an offense against the public justice of the state, or to afford a private remedy to a person injured by the wrongful act." (*Huntington v Attrill, supra,* 146 U.S. 657, 673-674.) Although the *Huntington* court held that the New York statute in question was not penal, as it related to compensating a victim of a fraud, the Supreme Court has continued to examine Full Faith and Credit Clause claims using the penal exception standard. (See *Milwaukee County v. M. E. White Company* (1935) 296 U.S. 268.)[12] The Supreme Court also continues to apply the *Huntington* analysis of whether a statute is penal in nature to this day. Thus, such an analysis would likely apply to any review of this bill. (See *Kokesh v. Securities & Exchange Commission* (2017) 137 S. Ct. 1635, 1642.)

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

[12] Asm. Judiciary Comm. Analysis of Asm. Bill 1666 (2021-2022 Reg. Sess.) as amended March 24, 2022, pp. 8-9.

> get a pro-life policy into effect is not by imposing criminal penalties, but civil liability.[13]

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.

Other legal theories and issues may arise due to the unique and novel nature of laws like Texas' statute. As the Assembly Judiciary Committee notes: "should a party seek to claim that a Californian who donated to a pro-choice organization that subsequently provided funds for women to leave Texas to obtain an abortion, jurisdictional issues may arise. Additionally, legal scholars note that in instances of a fraudulently obtained judgment, the Full Faith and Credit Clause may not apply."[14]

3. Statements in support

The American College of Obstetricians and Gynecologists District IX, sponsor of the bill, writes:

> With new laws across the nation penalizing access to abortion, anyone aiding or assisting someone in obtaining an abortion, including OB/GYN's, could face devastating consequences. With more and more patients relying on California providers for telehealth-based reproductive care, California has the unique opportunity to protect providers and protect the rights of their patients.

4. Statements in opposition

The Capitol Resource Institute writes in opposition:

> AB 1666 is nothing but an attack on the pro-life laws of other states. This bill protects abortion providers and assumes California as the safe haven for abortions. Declaring that another state's law is contrary to the public policy of California will be difficult to defend. California's lawmakers do anything to protect abortion providers and this bill is another way of protecting the abortion industry.

SUPPORT

[13] 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/.
[14] Reynolds, *The Iron Law of Full Faith and Credit, supra,* at pp. 422-23.

American Congress of Obstetricians & Gynecologists - District IX (sponsor)
California Association of Nurse Practitioners
City of Oakland
Democratic Party of Contra Costa County
Democrats of Rossmoor
Lieutenant Governor Eleni Kounalakis
NARAL Pro-Choice California
Oakland Privacy
Planned Parenthood Affiliates of California
Santa Barbara Women's Political Committee

OPPOSITION

Capitol Resource Institute
Concerned Women of America Legislative Action Committee
Right to Life League of Southern California

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 2091 (Mia Bonta, 2022), among other things, prohibits compelling a person to identify or provide information that would identify an individual who has sought or obtained an abortion in a state, county, city, or other local criminal, administrative, legislative, or other proceeding if the information is being requested based on another state's laws that interfere with a person's right to choose or obtain an abortion or a foreign penal civil action. AB 2091 is set to be heard 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 56, Noes 15)
Assembly Floor (Ayes 49, Noes 11)
Assembly Health Committee (Ayes 11, Noes 2)
Assembly Judiciary Committee (Ayes 7, Noes 2)

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