

Date of Hearing: August 23, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 345 (Skinner) – As Amended July 6, 2023

Policy Committee:	Judiciary	Vote:	8 - 2
	Public Safety		6 - 1

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill adds professional and legal safeguards for medical professionals who provide health care services relating to abortion or gender affirming care in jurisdictions where those health care services are unlawful.

Specifically, among other provisions, this bill:

- 1) Limits the enforcement of civil actions arising from another state's laws that prohibit abortion or gender affirming care against persons in California, and gives a person subject to such lawsuits the ability to file a counter claim in California courts.
- 2) Makes it a misdemeanor for a bail fugitive recovery agent to apprehend, detain, or arrest a bail fugitive admitted to bail in another state whose alleged offense or conviction was for the violation of the laws of another state in which it is a crime to perform or receive sexual or reproductive health care. This misdemeanor is punishable by a fine of \$5,000 or by imprisonment in a county jail not to exceed one year, or by both, and specified licensure penalties.
- 3) Creates a civil cause of action that allows a person who is taken into custody by a bail agent in violation of 2), above, to file a lawsuit seeking injunctive, monetary, or other appropriate relief against the bail agent.
- 4) States that, notwithstanding any other law and except as required by federal law, a demand for the extradition of a person charged with any legally protected health care activity shall not be recognized by the Governor, except as specified.
- 5) Prohibits a person or business from collecting, using, disclosing, or retaining the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, except only as necessary to perform the services or provide the goods requested by the person. A person or business shall not sell or share this personal information.
- 6) Prohibits a board from suspending or revoking the license of a person solely because that person provided a legally protected health care activity, as defined.
- 7) Prohibits a board from denying an application for licensure or from suspending, revoking, or otherwise imposing discipline upon a person licensed, as specified, because the person was

disciplined for, or convicted of, an offense in another state in which they were licensed if the suspension, revocation, or other discipline was for providing a health care activity that is legally protected in California.

FISCAL EFFECT:

Costs (Trial Court Trust Fund, General Fund) to the courts of an unknown but potentially significant amount. This bill creates a misdemeanor, creates a civil cause of action, and authorizes counterclaims in certain civil suits. Any criminal cases, civil cases, or counterclaims filed due to this bill will result in additional workload to the courts. Actual costs to the courts will depend on the number of cases and counterclaims filed and the amount of court time needed to resolve each matter. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The 2023-24 budget includes \$105 million from the General Fund to backfill declining revenue to the Trial Court Trust Fund.

COMMENTS:

1) **Purpose.** According to the author:

In the wake of Roe being overturned last year, California strengthened and expanded access to reproductive health care and abortion services and provided many legal protections to patients and providers. California also affirmed the right to gender-affirming care. But as the assault on essential healthcare accelerates, new challenges are emerging to patients and health care providers who have extended a lifeline to patients who may be in a location where medically safe and effective abortions or gender affirming care are now illegal. SB 345 is necessary to ensure that California healthcare practitioners are legally protected when they provide essential reproductive and gender affirming care to any of their patients, regardless of their patient's location. As the CA Medical Board's letter in support notes, SB 345 'protects healthcare providers licensed in California ... for performing healthcare activities within the standard of care permitted in California.' Additionally SB 345 makes it unlawful for bounty hunters or others to take enforcement actions against or apprehend people in California related to violations of another state's anti-abortion or anti-gender affirming care law.

2) **Background.** In 2022, the U.S. Supreme Court overturned *Roe v. Wade*, eliminating federal constitutional protections for abortion care. As a result, many states have now outlawed abortion and related reproductive health care services. Many states have also passed laws significantly restricting or even criminalizing provision of gender affirming health care services. In response, California has enacted a series of laws that affirm state constitutional protections for the right to reproductive health care.

This bill adds additional professional and legal protections for Californians who receive or provide abortion services or gender affirming health care. The bill clarifies that no healthcare professional in California may be disciplined by their regulator solely for providing health care services that are lawful in this state, so long as such care meets all

applicable standards of care. Additionally, this measure seeks to limit the enforcement of civil actions arising from another state's laws that prohibit abortion or gender affirming care against persons in California, and gives a person subject to such lawsuits the ability to file a counterclaim in California courts. This bill also adds criminal liability and licensing penalties for bail agents who enforce out-of-state criminal sanctions against a person who is in California. Finally, this measure enhances personal privacy protections for people who go to a family planning center.

- 3) **Related Legislation.** AB 1194 (Carrillo) specifies that a person accessing or searching for reproductive health services does not qualify for an exemption under the California Consumer Privacy Act for being at risk or danger of death or serious physical injury. AB 1194 is pending in the Senate Appropriations Committee.

AB 1707 (Pacheco) protects California-licensed health care professionals from adverse licensing actions or losing staff privileges in this state as a result of an adverse action taken in another jurisdiction from providing abortion care that is legal in California. AB 1707 is pending in the Senate Appropriations Committee.

SB 36 (Skinner) would have prohibited a magistrate from issuing a warrant for the arrest of a bail fugitive whose alleged offense or conviction is for the violation of another state's laws that criminalize reproductive health care or gender affirming care that is lawful in this state, regardless of the individual's location. SB 36 was held on the Senate Appropriations Committee's suspense file.

SB 487 (Atkins) establishes protections for health care providers who contract with health plans and insurers, or are enrolled as Medi-Cal providers, from specified adverse outcomes pertaining to provision of abortion or gender affirming care. SB 487 is pending in this committee.

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