

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1854 (Krell) – As Amended March 19, 2026

Policy Committee:	Public Safety	Vote:	7 - 1
	Judiciary		9 - 3

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

SUMMARY:

This bill expands California’s shield law protections by extending existing prohibitions on cooperation with out-of-state enforcement of laws targeting legally protected health care activity to such activity performed in any state, prohibiting state and local law enforcement from arresting any person whose extradition the Governor has declined, and adding Penal Code provisions requiring affidavit, Attorney General (AG) notification, and 30-day waiting-period conditions before any California-located, headquartered, or incorporated entity may respond to an inquiry, investigation, subpoena, or summons regarding legally protected health care activity.

Specifically, this bill:

- 1) Strikes the “in this state” qualifier throughout Penal Code Section 13778.2, extending the prohibition on cooperation, information sharing, and subpoena issuance to legally protected health care activity wherever performed, provided it is lawful in California.
- 2) Prohibits state and local law enforcement from knowingly arresting any person the Governor has declined to surrender on an extradition demand.
- 3) Establishes affidavit, 7-day AG notification, 30-day waiting-period, and 30-day patient notification requirements.
- 4) Authorizes the AG to intervene in declaratory relief actions, commence civil enforcement actions, and recover \$15,000 civil penalties for false affidavits and statutory penalties of \$10,000 for first-time and \$15,000 for subsequent compliance violations.
- 5) Establishes a 6-year statute of limitations for AG actions and mandates that DOJ be awarded all attorney’s fees and costs in any civil action in which the court imposes a penalty.

FISCAL EFFECT:

- 1) While DOJ did not have a cost estimate available at the time of the writing of this analysis, the committee anticipates workload costs to the Department of Justice (General Fund) to (a) receive and review notifications from California persons and entities of inquiries regarding legally protected health care activity within the 7-day notice window; (b) intervene in collateral proceedings to seek protective orders, motions to quash, or other relief on behalf of patients, providers, and California entities; and (c) bring civil enforcement actions against entities that comply with covered inquiries in violation of the bill, and against persons submitting false affidavits. Costs would depend on enforcement volume and the level of

additional staffing needed. Statutory penalties of \$10,000–\$15,000 per violation, plus AG attorney’s fees recovered when penalties are imposed, would partially offset enforcement costs to the extent they are pursued and collected.

- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to trial courts. To the extent persons or entities are sued for complying with the bill (and the AG intervenes) or for failing to comply (with the AG bringing enforcement), trial courts will incur costs to adjudicate these matters and assess statutory penalties. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst’s Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

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

AB 1854 continues California’s commitment to defend reproductive health care freedoms by strengthening California’s shield laws to better stop out-of-state anti-abortion prosecutions and extradition attempts at our border.

- 2) **Background.** Following the U.S. Supreme Court’s 2022 decision in *Dobbs v. Jackson Women’s Health Organization*, California has enacted a series of “shield laws” to prevent California actors from cooperating with out-of-state efforts to penalize lawful reproductive and gender-affirming health care, including AB 1242 (Bauer-Kahan), Chapter 627, Statutes of 2022, AB 2091 (Bonta), Chapter 628, Statutes of 2022, SB 107 (Wiener), Chapter 810, Statutes of 2022, SB 345 (Skinner), Chapter 260, Statutes of 2023, AB 82 (Ward), Chapter 679, Statutes of 2025, and SB 497 (Wiener), Chapter 764, Statutes of 2025.

Two recent events have prompted further legislative attention. In 2025, the federal Department of Justice issued a subpoena to Children’s Hospital Los Angeles seeking information identifying transgender youth receiving gender-affirming care, and the hospital subsequently closed its Center for Trans Youth Health and Development. In January 2026, the Governor rejected Louisiana’s request to extradite a California physician for allegedly providing medication abortion to a Louisiana resident through the mail. AB 1854 is one of two bills sponsored by the Attorney General in 2026 to strengthen California’s shield law architecture, alongside AB 1930 (Zbur).

The bill channels all qualifying inquiries through DOJ for review before a covered entity may respond, via the 7-day notification requirement, 30-day waiting period, and affidavit requirement. The Judiciary Committee analysis observed that the bill’s broad reach to any “inquiry” — including routine state agency communications and inquiries from health plans— could materially increase the volume of notifications routed to DOJ.

The Judiciary Committee analysis and stakeholders have raised concerns about how the bill's notification and waiting-period requirements would apply to inquiries from federal authorities. The Judiciary Committee analysis observes that the federal government is unlikely to provide an affidavit, and without one, covered entities may be unable to comply with a federal inquiry regardless of whether they receive a federal court order — exposing them to federal court sanctions. The California Chamber of Commerce and the California Hospital Association raise a parallel concern that the bill's 37-day minimum delay may exceed federal subpoena response deadlines, placing covered businesses in the position of being unable to comply with both federal and state law. In addition to the notification architecture, the bill prohibits state and local law enforcement from knowingly arresting any person whose extradition the Governor has declined. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

- 3) **Related Legislation.** AB 1930 (Zbur), also sponsored by the Attorney General, adds substantively identical notification and enforcement provisions to Civil Code Section 1798.309. The Judiciary Committee analysis questioned the necessity of having identical language in both the Civil Code and Penal Code. If both bills are enacted, DOJ would receive parallel notifications under both code sections from the same recipients regarding the same inquiries, requiring coordinated intake and tracking. AB 1930 is pending in this committee.

AB 2164 (Bauer-Kahan) addresses the extradition-recognition stage by limiting the Governor's discretionary extradition authority. The bill is also pending in this committee.

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