

ASSEMBLY THIRD READING

AB 1854 (Krell)

As Amended May 18, 2026

Majority vote

SUMMARY

Prohibits a state or local law enforcement agency from knowingly affecting the arrest of, or arresting any person who the Governor has declined to surrender on the demand of the executive authority of any other state where the accused was not in the demanding state at the time of the commission of the crime and has not fled from another state.

Major Provisions

- 1) Prevents a state or local law enforcement agency or state court from arresting or participating in the arrest of, cooperating with, or providing information to, or imposing criminal or civil penalty on, any person performing, supporting, or aiding in the performance of a legally protected health care activity, regardless of the patient's location, if the legally protected healthcare activity.
- 2) Prohibits a state or local law enforcement officer or agency or a state or local public agency or employee from cooperating with, or providing information to, another state or federal agency, as specified, about a legally protected healthcare activity regardless of the patient's location.
- 3) Mandates an out-of-state warrant, subpoena, or wiretap order be based on a declaration stating various grounds for the discovery of information, as specified, be filed under penalty of perjury.
- 4) Authorizes Department of Justice (DOJ) to commence an action to enforce the requirements of this bill including, but not limited to an application or motion for an order enjoining ongoing or future violations.
- 5) Prohibits a California corporation that provides financial services to the general public from complying with an out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, other legal process, or request by a law enforcement agent or entity seeking records that would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer's usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications, unless the out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, other legal process, or request from law enforcement includes an affidavit or declaration, as specified.
- 6) States the DOJ shall not commence an action unless it has reason to believe the defendant or respondent intends to comply or has complied with, or intends to provide information in response to or has provided information in response to, an inquiry, investigation, subpoena, or summons regarding legally protected health care activity.
- 7) States that, notwithstanding any law to the contrary, DOJ may seek any other legal or equitable remedy lawfully available.

- 8) Mandates that any action brought by the DOJ, as specified, be commenced within six years of the date on which the DOJ received the notice of the inquiry, investigation, subpoena, or summons at issue.
- 9) Provides that the DOJ be awarded all attorneys' fees and costs in any civil action in which a court imposes any penalties, as specified.
- 10) Requires a court to assess a statutory penalty of \$10,000 for the first violation and \$15,000 for the second and each subsequent violation against any person or entity found to have intentionally, knowingly, willingly, or recklessly complied with or provided information in response to an inquiry, investigation, subpoena, or summons regarding legally protected health care activity, as specified.
- 11) Defines "California corporation" as any corporation or other entity that is subject to Section 102 of the Corporations Code, with the exception of foreign corporations.
- 12) Defines "Financial services" to mean services provided by an entity that receives deposits, extends credit, conducts fund transfers, or transports cash or financial instruments.

COMMENTS

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. At a time when anti-abortion states are targeting those who legally provide or receive reproductive health care in California, it's vital we fortify our protections."

Arguments in Support

According to *Office of Attorney General Rob Bonta*, "After the overturn of *Roe v. Wade*, California passed several shield laws to protect people who provide, receive, or help others obtain health care that is legal in California, including abortion and gender-affirming care. These laws prohibit California agencies and certain companies from helping other states enforce laws that punish this care.

"Since California's shield laws took effect, anti-abortion states have increased efforts to investigate and prosecute California providers, and some states have tried to extradite or take adverse legal actions against California doctors. For example, Louisiana has sought to extradite a California abortion provider for allegedly sending abortion medication to a Louisiana resident.¹

"AB 1854 would address these issues by 1) expanding shield law coverage to more California businesses and individuals who receive legal demands, 2) creating a notification process so the Attorney General can intervene and stop improper disclosures, 3) giving the Attorney General

¹ <https://apnews.com/article/louisiana-california-abortion-pill-extradite-doctor-f99a0f638daa6996bf2affd9194b2809>
[last visited April 7, 2026.]

stronger authority to take legal action and enforce the law, and 4) clarifying that law enforcement cannot arrest someone if the Governor refuses an extradition request.

"These clarifications are essential to ensuring that California's protections remain effective in practice and continue to provide certainty to patients, providers, and support networks. They also help safeguard sensitive personal information from being used in out-of-state proceedings that seek to penalize lawful care. As the legal landscape continues to shift nationwide, AB 1854 ensures California will remain a safe haven for those seeking and providing reproductive health care."

Arguments in Opposition

According to the *California Hospital Association*, "Hospitals are deeply committed to protecting patient privacy and safeguarding the confidentiality of personal health information. Every day, patients place their trust in hospitals — often during their most vulnerable moments — and hospitals take these responsibilities seriously. This is especially true for sensitive services such as reproductive and gender-affirming care, where privacy is essential to patient safety, dignity, and access to treatment.

"Despite hospitals' deep commitment to protecting sensitive patient information, Assembly Bill (AB) 1854 (Krell) would significantly alter how hospitals must respond to requests for information related to health care activities. AB 1854 would prohibit a hospital or other entity from responding to a "civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity" unless the requesting party provides a specified affidavit, the hospital notifies the California attorney general and the affected patients, and the hospital waits 30 days before responding.

"While the California Hospital Association (CHA), on behalf of nearly 400 hospitals and health systems, understands the intent of AB 1854, the bill as drafted is overly broad and presents significant operational challenges, as described below.

Overly broad definition of covered services: The bill applies to "legally protected health care activity," defined in Penal Code Section 1549.15 to include reproductive and gender-affirming services. In practice, this encompasses a wide range of routine care, such as prenatal visits, childbirth, hysterectomies, vasectomies, and commonly prescribed medications (many unrelated to gender dysphoria). It also includes psychotherapy, even though hospitals do not have visibility into the specific topics discussed between a therapist and patient. *Example: A hospital that does not provide abortion or gender-affirming care could still be required to obtain an affidavit, notify the attorney general and patient, and wait 30 days before responding to a basic request — such as a family member asking which room a maternity patient is in.*

Applies to undefined and overly broad "inquiries": The bill extends beyond formal subpoenas or investigations to any "civil, criminal, or regulatory inquiry," a term that is not defined and could include routine emails, letters, or phone calls from state agencies and departments, health plans, and others as part of standard, necessary communication. *Example: A simple request from a health plan, physician's office, or family member could trigger complex legal requirements, creating uncertainty and disrupting standard hospital communication workflows.*

- 1) **Conflict with federal law and timelines:** The bill appears to require a 30-day delay before responding to requests, including federal subpoenas, which may require faster compliance. Under the Supremacy Clause of the U.S. Constitution, state law cannot impose conditions

that make it impossible to timely comply with federal court orders or subpoenas — which are exercises of federal judicial authority.

- 2) Interference with mandatory inspections and oversight: Hospitals that participate in Medicare or Medicaid (Medi-Cal in California) must provide immediate access to records for federal and state inspectors who are assessing quality of care. These reviews routinely involve services covered by AB 1854, including childbirth and other reproductive or gender-related care. *Example: Surveyors reviewing obstetric or surgical care must be granted prompt access to records; a 30-day delay or additional procedural requirements would conflict with these obligations and risk noncompliance."*

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

ASM PUBLIC SAFETY: 7-1-1

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

NO: Lackey

ABS, ABST OR NV: Alanis

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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