
THIRD READING

Bill No: AB 1854
Author: Krell (D), et al.
Amended: 5/18/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/23/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NOES: Seyarto

SENATE JUDICIARY COMMITTEE: 11-2, 6/30/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 4-2, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson

NOES: Seyarto, Dahle

NO VOTE RECORDED: Wahab

ASSEMBLY FLOOR: 60-17, 5/27/26 - See last page for vote

SUBJECT: Legally protected health care activities

SOURCE: Attorney General Rob Bonta

DIGEST: This bill prohibits a state or local law enforcement agency from knowingly causing 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, and it makes various changes to the rules prohibiting cooperation with out of state efforts to prosecute legally protected healthcare activities.

ANALYSIS:

Existing Law:

- 1) Defines “legally protected health care activity” as any of the following:
 - a) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services or gender-affirming health care services.
 - b) An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services, gender-affirming health care services.
 - c) The provision of reproductive health care services or gender-affirming health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, those services or care by a health care service plan or a health insurer. (Penal (Pen.) Code, § 1549.15, subdivision (subd.) (b)(1)(A)-(C).)
- 2) Prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of a legally protected health care activity. (Pen. Code, § 13778.2, subd. (a).)
- 3) Prohibits a state or local public agency, or any employee thereof acting in their official capacity, from cooperating with or providing information to any individual or agency or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency regarding a legally protected health care activity that is lawful under the laws of this state and that is performed in this state. (Pen. Code, § 13778.2, subd. (b).)
- 4) States that a law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state, is against the public policy of this state. (Pen. Code, § 13778.2, subd. (c)(1).)
- 5) Prohibits a state court, judicial officer, court employee or clerk, or authorized attorney from issuing a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state. (Pen. Code, § 13778.2, subd. (c)(2).)

- 6) States that the investigation of any criminal activity in this state that may involve the performance of a legally protected health care activity is not prohibited, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's law involving a legally protected health care activity. (Pen. Code, § 13778.2, subd. (d).)
- 7) Prohibits a state or local government employee, person or entity contracted by a state or local government, or person or entity acting on behalf of a local or state government from cooperating with or providing information to any individual or out-of-state agency or department, regarding any legally protected health care activity. States that the state or local government agency may not expend or use time, moneys, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for any legally protected health care activity that occurred in this state or that would be legal if it occurred in this state. (Pen. Code, § 13778.3, subd. (b).)
- 8) Requires that any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, legal process, or request from any law enforcement agent or entity shall include an affidavit or declaration under penalty of perjury that the discovery is not in connection with an out-of-state proceeding relating to any legally protected health care activity unless the out-of-state proceeding meets all of the following requirements:
 - a) Is based in tort, contract, or on statute.
 - b) Is actionable, in an equivalent or similar manner, under the laws of this state.
 - c) Was brought by the patient who received a legally protected health care activity or the patient's legal representative. (Pen. Code, § 13778.3, subd. (d).)
- 9) Prohibits a California corporation that provides electronic communication services or remote computing 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 the affidavit or declaration as described above. States that a corporation subject to this subdivision is entitled to rely on the representations made in the affidavit or declaration. (Pen. Code, § 13778.3, subd. (f).)

- 10) States 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 and Safety (Health & Safe) Code, § 123462, subd. (c), 123466.)
- 11) States that a person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime. (United State Constitution (U.S. Const.), art. IV, sec. 2, cl. 2.)
- 12) States that it is the duty of the Governor of this state to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state. (Pen. Code, § 1548.1).
- 13) States that, notwithstanding specified state laws, the Governor's Office must decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision, receipt, or assistance with reproductive health care services, unless required by the U.S. Constitution or the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of California. (Governor's Exec. Order N-12-22 (June 27, 2022).)

This bill:

- 1) Prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person who the Governor has declined to surrender, on the demand of the executive authority of any other state, pursuant to the state's extradition statute.
- 2) Expands existing laws, as specified and described above, which prohibit cooperation with out of state efforts to prosecute legally protected healthcare

activities, to include patients not located in California.

- 3) Mandates that an out-of-state warrant, subpoena, or wiretap order based on a declaration stating various grounds for the discovery of information, as specified, be filed under penalty of perjury.
- 4) 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 the affidavit or declaration as described above. States that a corporation subject to this subdivision is entitled to rely on the representations made in the affidavit or declaration.
- 5) Defines "financial services" to mean services provided by an entity that receives deposits, extends credit, conducts fund transfers, or transports cash or financial instruments.
- 6) Authorizes the Department of Justice (DOJ) to commence an action to enforce the requirements of Penal Code section 13778.3, described above, including, but not limited to an application or motion for an order enjoining ongoing or future violations. States that DOJ shall not commence that action unless DOJ 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) Mandates that any action brought by DOJ, as specified, be commenced within six years of the date on which DOJ received the notice of the inquiry, investigation, subpoena, or summons at issue.
- 8) States that a court of this state shall assess a statutory penalty of ten thousand dollars (\$10,000) for the first violation and fifteen thousand dollars (\$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 in violation of this section. States that these penalties shall be in addition to any other legal or equitable remedy lawfully available. States that DOJ shall be awarded all attorney's fees and costs in any civil action in which a court imposes any of the penalties described in this section.

Background

California's extradition statute states that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this State. (Pen. Code, § 1548.1).

Existing law, Penal Code section 13778.3, prohibits a state or local government employee, or a person or entity acting on behalf of a local or state government, from cooperating with or providing information to any individual or out-of-state agency or department regarding any legally protected health care activity. (Pen. Code, § 13778.3, subd. (b).)

Additionally any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, legal process, or request from any law enforcement agent or entity shall include an affidavit or declaration under penalty of perjury that the discovery is not in connection with an out-of-state proceeding relating to any legally protected health care activity unless the out-of-state proceeding meets all of the following requirements:

- Is based in tort, contract, or on statute.
- Is actionable, in an equivalent or similar manner, under the laws of this state.
- Was brought by the patient who received a legally protected health care activity or the patient's legal representative. (Pen. Code, § 13778.3, subd. (d).)

Finally, a California corporation that provides electronic communication services or remote computing services to the general public may not comply 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 various records, unless the out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, other legal process, or request from law enforcement includes the affidavit or declaration as described above. A corporation subject to this subdivision is

entitled to rely on the representations made in the affidavit or declaration. (Pen. Code, § 13778.3, subd. (f).)

This bill prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person who the Governor has declined to surrender, on the demand of the executive authority of any other state, pursuant to the state's extradition statute.

Furthermore, this bill expands existing protections of Penal Code section 13778.3, described above, to cover patients not located in California. This bill also mandates an out-of-state warrant, subpoena, or wiretap order based on a declaration as described above be signed under penalty of perjury.

This bill additionally 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 the affidavit or declaration as described above. This bill defines "financial services" to mean services provided by an entity that receives deposits, extends credit, conducts fund transfers, or transports cash or financial instruments.

This bill authorizes DOJ to commence an action to enforce the provisions of Penal Code section 13778.3, described above, including but not limited to an application or motion for an order enjoining ongoing or future violations. The Attorney General may not commence that action unless the Attorney General 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. This bill mandates that any action brought by DOJ, as specified, be commenced within six years of the date on which DOJ received the notice of the inquiry, investigation, subpoena, or summons at issue.

This bill states that a court must 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 in violation of this section.

This bill raises several constitutional issues related to the Full Faith and Credit Clause of the U.S. Constitution. For an analysis, see the Senate Judiciary Committee Analysis.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

The Senate Appropriations Committee writes: “No to significant costs to the extent the Attorney General (AG) commences an action to enforce these provisions. (General Fund).”

SUPPORT: (Verified 8/12/26)

Attorney General Rob Bonta (source)
California Chapter of the American College of Emergency Physicians
Electronic Frontier Foundation
Los Angeles County
Los Angeles LGBT Center
Planned Parenthood Affiliates of California

OPPOSITION: (Verified 8/12/26)

California Chamber of Commerce
California Family Council
Cause: Californians United for Sex-based Evidence in Policy and Law
Democrats for an Informed Approach to Gender

ASSEMBLY FLOOR: 60-17, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Davies, Celeste Rodriguez

Prepared by: Marshal Lawler / PUB. S. /
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