Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1930 (Zbur) – As Amended March 19, 2026

SUBJECT: LEGALLY PROTECTED HEALTH CARE ACTIVITY: INQUIRIES, INVESTIGATIONS, SUBPOENAS, OR SUMMONS

KEY ISSUE: SHOULD THE LEGISLATURE ENACT SAFEGUARDS TO PREVENT PEOPLE AND BUSINESSES FROM DISCLOSING INFORMATION REGARDING REPRODUCTIVE HEALTH CARE SERVICES AND GENDER-AFFIRMING HEALTH CARE?

SYNOPSIS

In the last few years, both federal and out-of-state government entities have begun the practice of demanding information from various businesses related to reproductive health care and gender-affirming health care services. The purpose of these inquiries has been to harass, intimidate, or otherwise discourage individuals from seeking those services. To combat these efforts, this bill requires any person or entity that receives a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activities, such as reproductive and gender-affirming health care, to refrain from responding to such requests until several conditions are met. First, the requesting entity must submit an affidavit to the entity from which they seek information. Second, the responding person or entity must provide notice to individuals implicated by the request, and the Attorney General's office. Third, the responding person or entity cannot respond until at least thirty days have passed since the Attorney General was notified of the inquiry. The bill authorizes the Attorney General to bring civil actions to enforce the provisions of the bill, and imposes civil penalties on those found in violation of the bill's provisions.

This bill is jointly sponsored by Attorney General Rob Bonta and Equality California. It also enjoys the support of a coalition of women's health advocates, health non-profits, civil rights organizations, and legal aid organizations. These organizations contend that the bill will help ensure patients and providers are not exposed to harassment or legal threats from out-of-state actors when they seek or provide lawful health care services. This measure is also opposed by a number of groups opposed to gender-affirming care. Generally, these groups contend that the bill is unconstitutional, and it prevents necessary investigation into the provision of gender-affirming care for minors. Other businesses and associations, primarily in the medical field, have opposed the bill because of the broadness of its definitions, and concerns with compliance with federal law. The author's office has suggested that it is working on solutions to some of the medical industry's more practical concerns surrounding the bill's implementation. Should this bill be approved by this Committee, it would be referred next to the Assembly Committee on Public Safety.

SUMMARY: Limits when a person or entity may provide information regarding another's legally protected health care activities in response to various types of inquiries. Specifically, **this bill**:

1) Provides that a person or entity that is located, headquartered, incorporated, or otherwise conducting business in California and receives, is served with, or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity shall not comply with or provide information in response to the inquiry, investigation, subpoena, or summons unless all of the following conditions are met:

    a) The inquiry, investigation, subpoena, or summons contains or is accompanied by an affidavit under penalty of perjury attesting any of the following:

        i. It is not related to, and that any information obtained shall not be used in, any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person or entity for engaging in any legally protected health care activity.

        ii. It is related to an investigation or proceeding regarding activity that is unlawful under California civil or criminal law, and it identifies the California law under which the activity is unlawful.

        iii. It is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California, and it identifies the grounds for professional discipline.

    b) The person or entity receiving or subject to the inquiry, investigation, subpoena, or summons regarding legally protected health care activity has done both of the following:

        i. Provided notice to the Attorney General within seven days of receiving the inquiry, investigation, subpoena, or summons indicating whether the person or entity intends to comply with or provide information in response to the inquiry, investigation, subpoena, or summons. The notice shall include a copy of the inquiry, investigation, subpoena, or summons, and any related materials.

        ii. Made reasonable attempts to notify the individual or individuals who provided, sought, received, facilitated, or otherwise engaged in the legally protected health care activity to which the inquiry, investigation, subpoena, or summons pertains at least 30 days prior to providing any responsive information, unless otherwise ordered by a court of competent jurisdiction.

    c) A minimum of 30 days has passed since the person or entity notified the Attorney General of the inquiry, investigation, subpoena, or summons.

2) Authorizes the Attorney General to commence a civil action against a person or entity that submits a false affidavit pursuant to this bill's provisions.

3) Provides that the submission of a false affidavit pursuant to this bill's provisions is punishable by a civil penalty up to fifteen thousand dollars ($15,000).

4) Authorizes the Attorney General to commence an action to enforce the provisions of this bill, including but not limited, to an application or motion for an order enjoining ongoing or subsequent violations of this bill. Specifies that the Attorney General cannot bring such an

action unless the Attorney General has reason to believe the defendant intends to comply or has complied with an inquiry, investigation, subpoena, or summons regarding legally protected health care activity.

5) Requires a court of this state to assess a statutory penalty of ten thousand dollars ($10,000) for the first violation and fifteen thousand dollars ($15,000) for each subsequent violation against any person or entity found to have intentionally, knowingly, willingly, or recklessly complied with an inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity in violation of the bill's provisions. Specifies that these statutory penalties can be assessed in addition to any other legal or equitable remedies at law.

6) Requires an action brought by the Attorney General pursuant to this bill's provisions to be commenced within six years of the date on which the Attorney General received the notice of the inquiry, investigation, subpoena, or summons at issue.

7) Requires a court to award court costs and attorney's fees to the Attorney General in any civil action in which the court imposes any penalty authorized by this section.

EXISTING LAW:

1) Defines the term "legally protected health care activity" to mean:

   a) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California or the provision by a health care service plan contract or a policy, or a certificate of health insurance, that provides for such 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, or gender-affirming mental health care services secured by the Constitution or laws of California.

   c) The provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, such services or care by a health care service plan or a health insurer, if the service or care is lawful under the laws of California, regardless of the patient's location. (Civil Code Section 1798.300 (d).)

2) Defines "gender-affirming health care services" to mean medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, the following:

   a) Interventions to suppress the development of endogenous secondary sex characteristics.

   b) Interventions to align the patient's appearance or physical body with the patient's gender identity.

c) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. (Welfare and Institutions Code Section 16010.2 (b)(3)(A).)

3) Defines "gender affirming mental health care" to mean mental health care or behavioral health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance. (Welfare and Institutions Code Section 16010.2 (b)(3)(B).)

4) Defines "reproductive health care services" to mean and include all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception. (Civil Code Section 1798.300 (e).)

5) Establishes the Reproductive Privacy Act. (Health & Safety Code Section 123461.)

6) Declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. (Health & Safety Code Section 123462.)

7) States the following as the public policy of the State of California:

   a) Every individual has the fundamental right to choose or refuse birth control;

   b) Every woman has the fundamental right to choose to bear a child or to choose and to obtain an abortion, except as specified; and

   c) The state will not deny or interfere with a woman's fundamental right to choose to bear a child or to choose to obtain an abortion, except as specified. (*Ibid.*)

8) Defines, for the purposes of the Reproductive Privacy Act, the following terms:

   a) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth;

   b) "Pregnancy" means the human reproductive process, beginning with the implantation of an embryo; and

   c) "Viability" means the point in a pregnancy when, in the good faith medical judgment of a physician, on the particular facts of the case before that physician, there is a reasonable likelihood of the fetus' sustained survival outside the uterus without the application of extraordinary medical measures. (Health & Safety Code Section 123464.)

9) Prohibits the State of California from denying or interfering with a woman'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 woman. (Health & Safety Code Section 123466.)

10) Provides various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California. (Civil Code Section 56.109, Code of Civil Procedure Section 2029.300 and 2029.350, Family Code Sections 3421, 3424, 3427, 3428, and 3453.5.)

11) 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.)

12) Provides that states outside of California may seek to obtain information and depose individuals in California by obtaining a subpoena issued in accordance with the Interstate and International Depositions and Discovery Act. (Code of Civil Procedure Section 2029.100 *et seq.*)

13) 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. Section 1738.)

14) Provides that the Constitution and Laws of the United States and treaties made, or which are made, under the authority of the United States are the supreme law of the land. (U.S. Const. art. VI, cl. 2.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Recent attempts by the federal government and other states to penalize individuals providing, receiving, or otherwise facilitating the provision of reproductive and gender-affirming health care services, have prompted states, including California, to enact various types of shield laws to protect their residents from exposure to harassment and potential litigation.

In 2025, the federal Department of Justice announced that it had sent more than 20 subpoenas to doctors and clinics providing gender-affirming health care to minors. (U.S. Department of Justice, *Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children*, (Jul. 9, 2025) available at: https://www.justice.gov/opa/pr/department-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical.) Along with other states, California's Attorney General has worked to prevent the federal government and out-of-state officials from obtaining these kinds of records. *(See* California Department of Justice, *Attorney General Bonta Joins Multistate Opposition to U.S. DOJ's Attempt to Subpoena Gender-Affirming Care Records*, (Oct. 22, 2025) available at: https://oag.ca.gov/news/press-releases/attorney-general-bonta-joins-multistate-

opposition-us-doj%E2%80%99s-attempt-subpoena.) However, the ability of the Attorney General to successfully prevent disclosure is directly tied to the Attorney General having the authority to intervene in disputes regarding the provision of this information, and having notice of an inquiry in the first instance. According to the author:

> Across the country, we are seeing increasing efforts to bully and intimidate patients and providers who deliver or need reproductive health care and gender-affirming care. Out-of-state subpoenas have raised serious concerns about privacy, and threaten not only the safety of patients, but also the safety of providers and their ability to continue practicing. In the case of Children's Hospital LA, a subpoena contributed to the closure of the hospital's Center for Trans Youth Health and Development and Gender-Affirming Care Program, devastating families and drastically reducing access to health care for transgender patients across the region.
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> AB 1930 will help the Attorney General defend health care access and enforce California's protected health activities laws for all who provide and receive care in California. Specifically, this bill will protect transgender patients and all patients receiving gender-affirming care, patients who receive reproductive health care services, and their health care providers by requiring business entities in California to notify the Attorney General before they respond to a subpoena or inquiry regarding legally protected health care activity. This bill will also authorize the Attorney General to intervene. Together, this will allow the Attorney General to know when protected healthcare is under attack and protect all those who seek and provide this kind of care in California.

This bill requires any person or entity that is located, headquartered, or otherwise conducting business in California to refrain from responding to an inquiry, investigation, subpoena or summons (inquiry) for information regarding legally protected health care activity unless and until three principal conditions are met.

First, a person or entity must receive an affidavit under penalty of perjury attesting any of the following:

1) That the inquiry is not related to any investigation that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person for engaging in any legally protected health cate activity.

2) That the inquiry is related to an investigation or proceeding regarding activity that is unlawful in California.

3) That the inquiry is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California, while identifying those specific grounds for discipline.

Second, a person or entity has provided notice to the Attorney General and made reasonable attempts to notify individuals who provided, sought, received, facilitated, or otherwise engaged in the legally protected health care activity to which the inquiry pertains. Specifically, the bill requires a person or entity to give the Attorney General notice within seven days of receiving any inquiry related to legally protected activity and that notice must include a copy of the actual notice the entity received. The bill also requires reasonable attempts to notify any individuals

affected by the inquiry must be made at least 30 days before a person or entity can provide any responsive information, unless ordered to do so by a court of competent jurisdiction. Finally, a minimum of thirty days must have passed since the person or entity notified the Attorney General of the inquiry.

Under the bill, the Attorney General is authorized to bring a civil action to enforce the bill's provisions and imposes civil penalties on those found to be in violation of its provisions. This bill also allows the Attorney General to bring a civil action against anyone who submits a false affidavit pursuant to this bill and imposes civil penalties for the filing of a false affidavit. However, the bill prohibits the Attorney General from bringing an action to enforce all of the bill's provisions unless Attorney General has reason to believe that a *defendant or respondent* intends to comply or has complied with an inquiry related to legally protected health care activity. By tying the Attorney General's ability to bring a case under the bill to the above-mentioned standard, the bill technically limits the Attorney General's ability to bring suits for false affidavits. *To that end, the author may wish to clarify that the Attorney General's ability to bring a lawsuit against an individual for a false affidavit is independent of any reasonable belief that a person or entity intends to or has complied with an inquiry regarding legally protected health care activity.*

The bill also provides that the Attorney General may intervene in an action if a person or entity is sued for complying with the provisions of this bill. If the Attorney General's office is successful in the action, the court must award the office attorney's fees and costs. Though Attorney General intervention may be helpful to any person or entity that is sued because of their compliance with this bill, the bill does not indemnify them from costs associated with any litigation. *The author may wish to consider providing defendants who are sued because of compliance with the bill's provisions with the ability to retain attorney's costs and fees to reduce their financial burden.*

The legal history of the Full Faith and Credit Clause of the United States Constitution. Article IV, Section 1 of the United States Constitution, generally referred to 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. By requiring individuals to potentially ignore a subpoena of another state, some opponents have argued that the bill potentially implicates the Full Faith and Credit Clause. Several legal scholars have suggested that the Full Faith and Credit Clause was originally intended to ensure that statutes, records, and judgments from one state were merely accepted as evidence in the proceedings of another state as to the proof of their existence, especially in light of how the phrase was used in English common law. (Whitten, *Full Faith and Credit for Dummies* (2005) 38 Creighton L. Rev. 465.) However, at least as it pertains to judicial proceedings, dating back to 1813, the United States Supreme Court has generally held that the Full Faith and Credit Clause requires that one state must recognize and enforce the judicial determinations of another state. (*Mills v. Duryee* (1813) 7 Cranch 481.) In *Mills,* for example, addressed the question of whether a judgment debt from the State of New York was enforceable in the District of Columbia. The Supreme Court ruled Full Faith and Credit Clause "declares that the record duly authenticated shall have such faith and credit as it taken. If in such court it has the faith and credit of evidence of the highest nature…it must have the same faith and credit in every other court[.]" (*Id.,* at pp. 484-485.) This strict application of res judicata generally applies to determinative judicial proceedings. As the Supreme Court has reiterated, "for claim and issue preclusion purposes … the judgement of the rendering state gains nationwide force." (*Baker v. General Motors Corp.* (1998) 522 U.S. 222, 233.)

While one aspect of this rule, requiring states to consider another state's judicial determinations of factual issues (such as liability for tax debts and child support obligations) has remained largely unchanged for more than 200 years, Full Faith and Credit jurisprudence has developed to give states additional flexibility about honoring another state's laws and orders within their boundaries in some instances. For example, there is a long history of case law supporting the authority of states to determine which records are valid in their state and what forms of evidence are admissible in their courts, holding that states are not compelled to honor the validity of records issued in other states. For example, in determining the applicability of an equity decree in Michigan that prevented a former General Motors employee from testifying against the company, in response to a subpoena for his testimony that was issued in Missouri, the Supreme Court held that, "we simply recognize that just as the mechanisms for enforcing a judgment do not travel with the judgment itself for the purposes of Full Faith and Credit … similarly the Michigan decree cannot determine the evidentiary issues in a lawsuit brought by parties who were not subject to the jurisdiction of the Michigan court." (*Baker v. General Motors, supra,* 522 U.S. 222 at p. 239.)

Likewise, case law has established as an exception to the Full Faith and Credit mandate that where "public acts" of a state are concerned, each state has broad authority to determine its own public policy priorities. The Supreme Court has held that the Full Faith and Credit Clause does not compel "a state to substitute the statutes of another state for its own statutes dealing with a subject matter concerning which it is competent to legislate." (*Baker v. General Motors Corp., supra,* 522 U.S. 222, at pp. 232-233.) "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 statue of each state must be enforced in the courts of the other, but cannot be in its own." (*Alaska Packers Association v. Industrial Accident Commission* (1935) 294 U.S. 532, 547.) In *Alaska Packers Association*, for example, the U.S. Supreme Court upheld the Industrial Accident Commission of California's application of California law to settle a dispute of conflicting workers compensation statutes, recognizing 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.) In 2011, the Fifth Circuit upheld a decision by the Louisiana Department of Vital Records and Statistics to refuse to amend the Louisiana birth certificate of a child who was legally adopted by a non-married gay couple in New York State in *Adar v. Smith*; forcing Louisiana to do so would have violated Louisiana's public policy priorities. (*Adar v. Smith* (5th Cir. 2011) 639 F.3d 146, 160.)

Building upon the notion that the manner of a judgment's enforcement does not travel with the judgment, the appellate court held, "obtaining a birth certificate falls in the heartland of enforcement, and therefore outside the Full Faith and Credit obligation of recognition." (*Ibid*.) Under a very well-established exception to the Full Faith and Credit Clause, states generally are not required to enforce another state's criminal laws within its boundaries, especially when those "foreign" laws conflict with the public policy of the state. According to the U.S. Supreme Court, "the courts of no country execute the penal laws of another." (*The Antelope* (1825) 23 U.S. (10 Wheat) 66, 123.) Whether or not a law is considered penal, and thus cannot 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* (1892) 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.) The Supreme Court also continues to apply the *Huntington* analysis of whether a statute is penal in nature to this day. (See *Kokesh v. Securities & Exchange Commission* (2017) 137 S. Ct. 1635, 1642.) The only exception to this Full Faith and Credit exception, according to the Supreme Court, is when the criminal conduct that takes place outside of the state is intended to produce or does produce harmful effects within the state. (*Strassheim v. Daily* (1911) 221 U.S. 280.)

Finally, under somewhat less well-established jurisprudence, but consistent with *Huntington's* test for distinguishing penal and civil statutes, the penal exception also applies to civil laws that do not afford a private remedy to a person injured by the wrongful act and are therefore punitive. (See *Huntington v Attrill, supra,* 146 U.S. at pp. 673-674.) When the true intent of a civil law is to punish an individual's conduct on behalf of the government, such laws are considered to be "civil penal" statutes; and a state is therefore not required to honor court orders to enforce such laws within its boundaries.

Whether delaying and potentially prohibiting individuals and businesses from complying with another state's subpoena violates the Full Faith and Credit Clause is unclear. First, the bill does not require that persons or entities ignore a subpoena from another state to the extent that the state submits the affidavit, as specified above, and the other requirements of the bill are met. In those cases, the relevant parties are just being asked to delay their response to states or other individuals, not ignore them altogether.

Conversely, in cases where another person, entity, or state cannot submit the affidavit as required because they are seeking to penalize legally protected health care activities, the bill essentially prohibits parties from complying with a subpoena and disclosing the requested information. However, as explained above, the Full Faith and Credit Clause gives California the ability to refuse to enforce both criminal acts and penal civil laws within its boundaries, and determine its own public policy priorities.

The Supremacy Clause of the United States Constitution. Article VI, Clause 2 of the United States Constitution, generally referred to as the Supremacy Clause, provides that the U.S. Constitution and federal law is the supreme law of the United States. In other words, "when federal and state law conflict, federal law prevails and state law is preempted." (*See Murphy v. NCAA* (2018) 584 U.S. 453, 471.) Similarly, states are generally forbidden from imposing state legal requirements on the federal government. The prohibition potentially implicates the affidavit required by this bill.

In any case, it is unlikely that the federal government will provide the relevant persons or entities affected by this bill with an affidavit. Without that affidavit, they will not be able to comply with or provide information to a federal inquiry, regardless of whether they receive a court order. To the extent that a federal court sanctions a person or business for noncompliance with a federal subpoena, those persons or entities will not necessarily be shielded from those sanctions. *The author may wish to consider removing the requirement for the affidavit as it relates to all federal inquiries, while leaving the notice requirements. In the alternative, the author may wish to consider allowing all persons or entities to respond to an inquiry without an affidavit if ordered to comply by a court of competent jurisdiction.*

Lastly, the bill also specifies that the above provisions do not apply to an inquiry from the Attorney General's office. *Because the language broadly captures all inquiries regarding legally*

protected health care activity, the author may wish to consider excluding inquiries from other state entities that may require such information as part their routine duties under California law. Given that the author and sponsor seem to be primarily concerned with inquiries from out-of-state officials and the federal government, explicitly exempting inquiries from state entities seems reasonable.

Additionally, *the author may wish to consider exempting other routine inquiries that business entities may receive as part of the line of business from the requirements of the bill. For instance, health plans that provide coverage for reproductive and gender-affirming care, may routinely send inquiries to hospitals about the provision of those services as a necessary part of their duties. Doing so would narrow the scope of the inquiries covered by this bill and reduce the workload of the Attorney General's office.*

ARGUMENTS IN SUPPORT*:* Attorney General Rob Bonta, one of the sponsors of the bill, submits:

> 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. This type of care is known under California law as "legally protected health care activity," and it includes abortion and gender-affirming care. California shield laws limit when and how California agencies and certain business entities share information relating to legally protected health care activity.
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> Recent actions by federal and out-of-state officials have raised concerns about attempts to obtain private medical information or prosecute individuals involved in legally protected health care. Without strong safeguards, subpoenas, investigations, and other legal demands may be used to circumvent California law and undermine the rights of patients and providers.
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> AB 1930 would address these issues by expanding shield law coverage to more California entities and individuals who receive demands for information and would establish a notification process so the Attorney General can intervene and stop improper disclosures.

Similarly, Equality California, the other sponsor writes:

> California law protects the right to access reproductive health care and gender-affirming care and includes safeguards for patients, their families, and health professionals against retaliation by hostile out-of-state actors. AB 1930 strengthens California's existing protections by establishing clear safeguards when a business entity receives a subpoena or inquiry seeking information related to legally protected health care activity. If a California entity plans to respond to such a request, AB 1930 would require them to: (1) notify the Attorney General within seven days of receiving the inquiry; (2) make reasonable attempts to notify any individuals to whom the inquiry pertains within 30 days; and (3) delay responding until at least 30 days after notifying the Attorney General. Additionally, AB 1930 explicitly authorizes the Attorney General to intervene and enforce the provisions of the bill, including through civil action and civil penalties.
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> By establishing these critical safeguards, AB 1930 helps ensure that patients and providers in California are not exposed to harassment or legal threats from out-of-state actors seeking to undermine access to lawful health care.

This bill also enjoys the support of a coalition of women's health advocates, health non-profits, civil rights organizations, and legal aid organizations. Generally, they contend that the bill ensures that patients and providers are not exposed to harassment or legal threats from out-of-state actors when they seek or provide lawful health care services.

***ARGUMENTS IN OPPOSITION**:* This measure is opposed by a group of anti-choice advocates. They contend that this bill is unconstitutional and represents overreach on the part of this state. Similarly, the bill is opposed by a number of opponents of gender-affirming care. They too contend the bill is unconstitutional, and claim that it will obstruct investigations into the provision of gender-affirming care to minors.

This measure is also opposed by the California Chamber of Commerce, which states:

> Functionally, AB 1930 contains two provisions governing subpoena responses for covered California businesses. First proposed subsection 1798.309(a)(1) provides that a federal subpoena or inquiry must include an affidavit attesting to certain facts ((a)(1)(A)-(C)), or else the businesses cannot comply. Second, proposed subsection 1798.309(a)(2) requires that the responding entity must provide notice to the Attorney General (within 7 days) and delay in responding to allow the Attorney General to have an opportunity to intervene in the action (at least 30 days subsequent to notice).
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> We are concerned that both of these provisions might generate liability for California businesses under federal law. Under the first provision, a business will be placed in the position of demanding federal law enforcement comply with a state law – or they will refuse to comply. We are legally uncertain as to whether a state law can shape the requirements of a federal subpoena, and are concerned that this conflict will force businesses into litigating a state vs federal law dispute in order to comply with AB 1930. Under the second provision, we are concerned that the minimum delay in response of 37 days for the covered entity may be longer than the timeline for response included in the federal subpoena (say, 30 days). As a result, we are concerned that the business will be compelled to delay past the deadline for the federal subpoena, forcing a violation of either federal law (if they comply with **AB 1930**) or state law (if they comply with the federal subpoena in a timely manner).

The California Hospital Association has an oppose unless amended position. In its letter, the Association expressed concern with the broadness of the definitions of legally protected health care services and an "inquiry," the bill's potential for conflict with federal law, and the potential for interference with mandatory inspections and oversight by various federal and state entities.

REGISTERED SUPPORT / OPPOSITION:

Support

Attorney General Rob Bonta (co-sponsor)
Equality California (co-sponsor)
Access Reproductive Justice
California Legislative LGBTQ Caucus
Casita Feliz Latine LGBTQ+ Center
Courage California
El/la Para Translatinas

Gender Affirming Professionals
Oakland Privacy
PFLAG Clayton-Concord
Rainbow Families Action Bay Area
Reproductive Freedom for All California
San Francisco Aids Foundation
Somos Familia Valle
The Translatin@ Coalition
Western Center on Law & Poverty, INC.

Opposition

California Chamber of Commerce
California Family Council
California Hospital Association (unless amended)
Cause: Californians United for Sex-based Evidence in Policy and Law
Democrats for an Informed Approach to Gender
LGB (Lesbian, Gay, and Bisexual) Alliance Foundation
Our Duty
Women are Real
Women's Liberation Front (unless amended)

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