ASSEMBLY THIRD READING
AB 1930 (Zbur)
As Amended March 19, 2026
Majority vote

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.

Major Provisions

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.

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 notice of an inquiry in the first instance and the authority to intervene before disclosure.

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 care activity; 2) that the inquiry is related to an investigation or proceeding regarding activity that is unlawful in California; and 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 to provide notice to the Attorney General and make 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 requires reasonable attempts to notify any individuals affected by the inquiry to be made at least 30 days before a person or entity can provide any responsive information. 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 civil penalties may be imposed on those found to be in violation. The bill prohibits the Attorney General from bringing such an action unless the 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. 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 is successful, a court must award attorney's fees and costs.

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.

While one aspect of this rule, requiring states to consider another state's judicial determinations of factual issues, 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. 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.* (1998) 522 U.S. 222, 232-233.) Further,

under a well-established exception, 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.

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.

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.

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.

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 seven 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).

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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

1) Costs (General Fund) to the Department of Justice (DOJ). DOJ reports no fiscal impact for this bill. To the extent the bill generates new workload — including receiving and reviewing notifications under the 7-day notice window, intervening in collateral proceedings on behalf of patients, providers, and California entities, and bringing civil enforcement actions against false affidavits and noncompliance — 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 JUDICIARY: 9-3-0
YES: Kalra, Lee, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur
NO: Macedo, Dixon, Sanchez

ASM PUBLIC SAFETY: 7-0-2
YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins
ABS, ABST OR NV: Alanis, Lackey

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

VERSION: March 19, 2026

CONSULTANT: Kristian Wright / JUD. / (916) 319-2334 FN: 0002644