

Date of Hearing: April 14, 2026  
Counsel: Kimberly Horiuchi

## ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2164 (Bauer-Kahan) – As Amended April 9, 2026

**SUMMARY:** Prohibits, except when required by federal law, the Governor from recognizing any demand for extradition of any person who receives, assists, or materially supports, as specified, any legally protected health care activity unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged crime, and that thereafter such accused fled from that state. Specifically, **this bill:**

- 1) Applies protections for legally protected healthcare activities, as specified, to any person who has previously undertaken one or more protected healthcare activities, as specified, in another state to aid or encourage any other person in the exercise and enjoyment of their legally protected healthcare activities that would have been protected by this state if they had been undertaken in this state, and if the activity was permissible under the laws of the state where the person providing the aid was located.
- 2) Provides that legally protected health care activity includes reproductive healthcare services, as defined, and gender affirming healthcare services, as defined.

**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, 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, those 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. (Pen. Code, § 1549.15, subd. (b)(1)(A)-(C).)

- 2) Provides that “gender-affirming health care” and “gender-affirming mental health care” shall have the same meaning as 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, interventions to suppress the development of endogenous secondary sex characteristics; interventions to align the patient’s appearance or physical body with the patient’s gender identity; and intervention to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. (Pen. Code, § 1549.15, subd. (a).)
- 3) States that “reproductive health care services” means and includes 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. (Pen. Code, § 1549.15, subd. (c).)
- 4) Defines “anti-reproductive-rights crime” to mean a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. (Pen. Code, § 13776, subd. (a).)
- 5) Requires the Department of Justice (DOJ) to direct local law enforcement agencies to report annually to the DOJ specified information related to anti-reproductive-rights crimes. (Pen. Code, § 13777, subd. (a)(2).)
- 6) Requires the DOJ to carry out certain functions relating to anti-reproductive-rights crimes in consultation with the Governor, the Commission on Peace Officer Standards and Training (POST), and other subject matter experts. (Pen. Code, § 13777, subd. (b).)
- 7) Requires POST to develop an interactive training course on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies through an online portal or platform. (Pen. Code, § 13778, subd. (a).)
- 8) Mandates that every law enforcement agency in this state develop, adopt, and implement written policies and standards for officers’ responses to anti-reproductive-rights calls by January 1, 2023. (Pen. Code, § 13778.1.)
- 9) 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 an abortion in this state, or obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (a).)
- 10) 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 an abortion that is lawful under the laws of this state and that is performed in this state. (Pen. Code, § 13778.2, subd. (b).)

- 11) Provides 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 an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state, is against the public policy of this state. (Pen. Code, § 13778.2, subd. (c)(1).)
- 12) Prohibits a state court, judicial officer, or 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 an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (c)(2).)
- 13) Provides that the investigation of any criminal activity in this state that may involve the performance of an abortion 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 abortion law. (Pen. Code, § 13778.2, subd. (d).)
- 14) Prohibits a person shall from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. (Gov. Code, § 6218.01, subd. (a)(1).)
- 15) Provides that the above is punishable by a fine of up to \$10,000 per violation, imprisonment of either up to one year in a county jail or by imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)
- 16) Provides that a violation of the above that leads to the bodily injury of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, is a felony punishable by a fine of up to \$50,000, imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)
- 17) Provides 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 & Safe. Code, § 123462, subd. (c); 123466.)
- 18) Prohibits under the Confidentiality of Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code § 56, et seq.)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "Despite California's strong protections, laws in states across the nation penalizing access to abortion pose a threat to our California

providers. Under other state's laws, anyone aiding or assisting someone in obtaining an abortion could face arrest. These bills are not empty threats; Louisiana has sued and sought extradition of California reproductive health care providers.

“The increase of restrictive laws passing around the country has resulted in more patients relying on California providers for reproductive and gender affirming care, and California has the unique opportunity to protect this right for the millions in need. The current laws that protect California doctors from extradition to other states with punitive health care laws allow the California Governor discretion over when an extradition request is denied or accepted. While the current Governor has been a strong ally in the fight to protect patients and providers in California, the individuals providing these lifesaving services should not be subject to potentially shifting political winds. One gubernatorial candidate has already stated that they would accept future extradition requests if elected. AB 2164 prohibits future Governors from recognizing a request for extradition of a person providing or aiding reproductive health care services or gender affirming care that is legal in California and further strengthens our shield laws in alignment with other states.”

- 2) **Attacks on Gender Affirming Care and Reproductive Rights:** In the past few years, numerous states have introduced legislation targeting transgender individuals in an attempt to prohibit or limit their ability to obtain gender-affirming care. More recently, on the first day of President Trump's second term, he issued an executive order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” which states that “the United States recognizes two sexes, male and female.”<sup>1</sup>

In 2025, the federal DOJ announced that it had sent more than 20 subpoenas to doctors and clinics providing gender-affirming health care to minors.<sup>2</sup> 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.<sup>3</sup> However, our DOJ's ability 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. Steve Hilton, a Republican running for Governor in 2026 stated that if he wins, he plans to extradite California medical providers for assisting women with reproductive care if it is illegal in states like Louisiana.<sup>4</sup>

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<sup>1</sup> Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025), available at <<https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal>.

<sup>2</sup> 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/departement-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical>.

<sup>3</sup> 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>.

<sup>4</sup> <https://www.kqed.org/news/12071206/gop-candidate-steve-hilton-would-extradite-california-abortion-doctor-to-louisiana> [last visited in April 7, 2026.]

Since then, the President has issued an executive order banning transgender girls and women from participating in women's sports, and another one banning the use of federal funding for youth gender affirming care, including funding for research on gender affirming care.<sup>5</sup> Although some of these orders are currently being challenged in court, the outcome of those cases is uncertain.

In response to these executive orders, the Trump Administration has taken several actions, including rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and directing federal prisons to deny medical treatment and house transgender people according to sex assigned at birth.<sup>6</sup>

Some California healthcare providers are beginning to scale back care for transgender youth, following efforts by the Trump administration to restrict access to such care. Stanford is the second provider in this state that has begun restricting gender-affirming health care because of the recent actions of the Trump administration. Stanford recently issued the following statement on the matter:

After careful review of the latest actions and directives from the federal government and following consultations with clinical leadership, including our multidisciplinary LGBTQ+ program and its providers, Stanford Medicine paused providing gender-related surgical procedures as part of our comprehensive range of medical services for LGBTQ+ patients under the age of 19, effective June 2, 2025.<sup>7</sup>

In 2022, the U.S. Supreme Court published its opinion in *Dobbs v. Jackson Women's Health* (2022) 597 U.S. 215.), overturning 50 years of precedent and revoking, for the first time, a constitutional right. Prior to *Dobbs*, the Supreme Court had continuously upheld the holding of *Roe v. Wade*, that found the implied constitutional right to privacy extended to a person's decision whether to terminate a pregnancy, while allowing some state regulation of abortion access as permissible. (*Roe v. Wade* (1973) 410 U.S. 113.)

In the wake of *Dobbs*, numerous states now have laws prohibiting or severely limiting abortion and have enacted laws attempting to punish those who seek safe and reliable reproductive healthcare in states where it is still legal to seek abortion care. According to the Guttmacher Institute, 16 states have effectively banned abortion and another 10 have become very restrictive or restrictive.

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<sup>5</sup> See Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025), available at <<http://www.federalregister.gov/documents/2025/02/11/2025-02513/keeping-men-out-of-womens-sports>>; Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025), available at <<https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation>>.

<sup>6</sup> Jennifer Levi, GLAD Law, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at <<https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/>>.

<sup>7</sup> See <<https://www.ktvu.com/news/stanford-no-longer-providing-gender-affirming-surgeries-children>>, June 26, 2025.

In 1969, the California Supreme Court held that the state constitution's implied right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.) This was the first time an individual's right to abortion was upheld in a court. In 1972 the California voters passed a constitutional amendment that explicitly provided for the right to privacy in the state constitution. (Prop. 11, Nov. 7, 1972 gen. elec.)

The Reproductive Privacy Act includes findings and declarations that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. (Health & Saf. Code, § 123462.)

In 2019, Governor Newsom issued a proclamation reaffirming California's commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation. In September 2021, more than 40 organizations came together to form the California Future Abortion Council (CA FAB) to identify barriers to accessing abortion services and to recommend policy proposals to support equitable and affordable access for not only Californians but all who seek care in the state.

In response to the *Dobbs* decision, California enacted a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions, for all Californians and people seeking such care in our state. One such law, SB 345 (Skinner, Ch. 260, Stats. 2023) provided safeguards for professional licenses of California healthcare providers from out-of-state statutes attempting to punish these professionals for providing care legal in the state. Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual's reproductive freedom in their most intimate decisions.

3) **Extradition Generally:** The right to extradition is established by the United States Constitution.

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. (U.S. Const. Art. IV, sec. 2, cl. 2.)

Extradition is designed to provide a summary executive process by which states may promptly aid one another in bringing to trial persons accused of crime who have sought asylum (fled to another state) against the processes of justice (*Biddinger v. Commissioner of Police* (1917) 245 U.S. 128, 132.) The constitutional provision for extradition is in the nature of a treaty stipulation entered into for the purpose of securing a prompt and efficient administration of the criminal laws of the states (*Appleyard v. Massachusetts* (1906) 203

U.S. 222, 227.) Under this constitutional provision, extradition is not a matter of mere comity, but an absolute right of the demanding state and duty of the asylum state. (*In re Russell, supra*, 12 Cal.3d at p. 234; *In re Morgan* (1966) 244 Cal.App.2d 903, 910. Therefore, an asylum state does not refrain from undertaking an examination of a fugitive's guilt merely to avoid procedural delays or complications in the rendition procedure. (*In re Golden* (1977) 65 Cal.App.3d 789, 795-796.)

**The legality of a fugitive's arrest under a governor's warrant for extradition may be tested by an application for a writ of habeas corpus in the appropriate superior court.** Although the extradition statutes specifically refer to habeas corpus relief only following an arrest under a governor's warrant, an earlier petition for a writ is not prohibited. (Pen. Code, § 1550.1.)

If the accused or their attorney informs the judge at the arraignment on the governor's warrant that they intend to challenge the arrest, the magistrate must designate a reasonable time period within which the accused may apply for a writ of habeas corpus. When an application is filed, a copy must be served on the district attorney of the county in which the accused is in custody and on the agent of the demanding state. (*Id.*) If the habeas corpus petition is denied or the accused is remanded to custody, and there appears to be probable cause for an application to another court, the order denying the writ or remanding the accused must designate a reasonable time period for the accused to file a second petition. If the writ is granted, the accused must be released. In such a case, he or she remains vulnerable to the institution of new extradition proceedings by the demanding state. (*Id.*)

The focus of a judicial inquiry in habeas corpus proceedings challenging extradition is on the fugitive status of the accused and not on the substantive crime charged. (*In re Golden* (1977) 65 Cal. App. 3d 789, 796.) Extradition is a summary procedure, and an asylum state court is limited to ascertaining whether or not the extradition requirements have been met.

The extradition inquiry, therefore, is limited to the sole consideration of whether or not: (a) the extradition documents are in order on their face; (b) the accused is charged with a crime, (c) the accused is the person named in the extradition request, and (d) the accused is a fugitive. (*California v. Superior Court (Smolin)* (1987) 482 U.S. 400, 408.) A judicial determination of probable cause on the issue of guilt is prohibited. (Penal Code, § 1553.2; *see also California v. Superior Court supra*, at 408; *Michigan v. Doran* (1978) 439 U.S. 282; *In re Golden, supra*, at 795, cert. denied, 434 U.S. 805.)

An accused's claim of denial of due process or other constitutional deprivation in the demanding state cannot be raised in habeas corpus proceedings in the asylum state. (*Pacileo v. Walker* (1980) 449 U.S. 86, 88 (whether conditions of confinement in demanding state would constitute cruel and unusual punishment in violation of Eighth Amendment cannot be raised as an issue in asylum state); *In re Backstrom* (1950) 98 Cal. App. 2d 500, 502; *see Ross v. Middlebrooks* (9th Cir. 1951) 188 F.2d 308, 309, cert. denied, 342 U.S. 862 (1951).)

The extradition clause of the United States Constitution creates a demanding state's constitutional right to extradition and the corresponding asylum state's duty to extradite the requested person without judicial inquiry into matters exceeding the asylum state's jurisdiction. (*In re Fabricate* (1981) 118 Cal. App. 3d 115, 119-120; *see U.S. Const. art. IV, § 2.*)

For example, the asylum state may not judicially inquire into whether the defendant is a refugee from injustice; rather, that type of query must be decided in the demanding state. Nor may the asylum state consider a circumstance such as whether a defendant's health and physical well-being will be endangered by being extradited to another state. Nor may the asylum state consider any waiver or estoppel assertion. (*New Mexico ex rel. Ortiz v. Reed* (1998) 524 U.S. 151.) However, if the accused has been denied due process in the asylum state, habeas corpus relief may be available. (See *Price v. Pitchess* (9th Cir. 1977) 556 F.2d 926, 929, cert. denied, 434 U.S. 965 (1978).

It is, as yet, untested whether another state may sue California for enforcement of an extradition warrant for providing abortion services or gender affirming care either from this state or in another state. As explained below, requesting states may also allege a violation of the Full Faith and Credit Clause.

4) **Full Faith and Credit Clause:** The Full Faith and Credit Clause of the United States Constitution states:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (U.S. Const. art. IV, sec. 1.)

Because this bill prohibits government actors in this state from cooperating with another state for the purpose of enforcing another state's laws on what we characterize as "legally protected healthcare activity," it potentially implicates the Full Faith and Credit Clause. Generally, the laws of the state regulate conduct that occurs within that state. However, situations may arise where more than one state's laws may apply such as collection of income taxes or child support obligations from another state.

The purpose of the Full Faith and Credit Clause "is to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation throughout which a remedy upon a just obligation might be demanded as of right, irrespective of the state of its origin." (*Baker v. General Motors Co.* (1998) 522 U.S. 222, 232 citing *Milwaukee County v. M. E. White Co.* (1935) 296 U.S. 268, 277.)

The Full Faith and Credit Clause may be implicated when there is a conflict between the laws of the different states. At least one court has held that any effort by a state to apply its criminal laws beyond state borders to criminalize activity that is otherwise lawful in the other state. (*Bigelow v. Virginia* (1975) 421 U.S. 809.) *Bigelow* involved a Virginia newspaper editor who was convicted in Virginia for printing an advertisement for an abortion referral service in New York. The Supreme Court overturned the conviction stating:

"The Virginia Legislature could not have regulated the advertiser's activity in New York, and obviously could not have proscribed the activity in that State. Neither could Virginia prevent its residents from traveling to New York to obtain those services, or as the state conceded, prosecute them for going

there. Virginia possessed no authority to regulate the services provided in New York . . .” (*Id.* at p. 822-824.)

However, other cases do not follow a strict prohibition on the application of one state’s laws on another state. The Supreme Court has also held that even when criminal conduct takes place outside of the state, extraterritorial jurisdiction may be property when the conduct was intended to produce or did produce harmful effects within the state. (*Strassheim v. Daily* (1911) 221 U.S. 280.)

The Supreme Court has also made a distinction between the strength of the Full Faith and Credit Clause’s applications to judgments versus state law.

“The Full Faith and Credit Clause does not compel "a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate. Regarding judgments, however, the full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land.” (*Baker v. General Motors Co.*, *supra*, 522 U.S. at 232-233.)

This concept is often referred to as the “public policy exception” meaning statutes in one state is given effect only if they do not contravene the public policy of the other state. If this bill were challenged based on the Full Faith and Credit Clause, California would argue that enforcing the anti-reproductive criminal statutes of other states is contrary to the public policy of the State which is supported by case law.

- 5) **Argument in Support:** According to *Equality California*, “While California has remained a national leader in protecting access to reproductive health care and gender-affirming care, states across the country have enacted laws that criminalize this care and penalize those who provide it. Under these laws, individuals may face investigation and arrest for engaging in care that is lawful in California. These threats are not theoretical—Louisiana has sued and sought extradition of California reproductive health care providers. Although such extradition requests have been denied by Governor Newsom, current protections rely on gubernatorial discretion.

“At the same time, the increase in restrictive laws nationwide has led more patients to rely on California providers for both abortion care and gender-affirming care. California has a unique and urgent responsibility to ensure that providers can continue delivering this care—and that patients can continue accessing it—without fear of legal retaliation from other states. AB 2164 addresses a critical gap in current law by removing that uncertainty. The bill prohibits future Governors from recognizing extradition requests related to legally protected health care provided in California. This ensures that patients and providers are not subject to the personal views of future administrations. At a time when access to abortion care and gender-affirming care is under coordinated attack nationwide, AB 2164 reinforces California’s role as a safe haven and provides the certainty patients and providers need.”

- 6) **Argument in Opposition:** According to *Californians United for Sex-Based in Policy and Law*, “What is ostensibly to be protected includes psychologically harmful, medically unnecessary, function destroying and irreversible psychiatric and medical interventions given to minors for the sole purpose of making them believe they can become the opposite sex via harm to their body. Shielding these providers would prevent California law enforcement from cooperating with other jurisdictions investigating such conduct.

“AB 2164 comes just as the human costs of those interventions are becoming undeniable; when people harmed by these interventions as children are filing lawsuits in growing numbers, within weeks of the first major jury award to a young woman in New York found to have been harmed by her psychologist and surgeon who gave her a cosmetic double mastectomy, and days after the publishing of a major longitudinal study from Finland that explodes the myth these interventions are helpful for promoting mental wellness. At such a moment, it is madness for the California legislature to cement into law an extension of legal cover to providers of physical and psychological health care who ignore the evidence and continue to cause irreversible harm to their patients.

“AB 2164 is an attempt to create a permanent extradition shield by sidelining the normal case by case extradition discretion of the Governor of California. This new law appears aimed at shielding individuals involved in what the bill calls “Legally protected activities”- a misleading term without adequate definition for such a serious step, which is best understood as a euphemism for treatments so potentially harmful or ethically questionable, other states have chosen to significantly limit their use. Sex-rejecting use of “affirm only” psychiatric intervention, puberty blockers, opposite sex hormone dosing and surgeries are already illegal or likely to become illegal in other states at least for minors, due to the distinct lack of evidence for their efficacy and safety. Rather than respecting those states’ rights to protect their own citizens, AB 2164 is an attempt to help those who break legitimate state law.

“But AB 2164 is so confusing with its written exceptions for when the state will or will not extradite, it is not at all clear from the initial and only draft as of today, April 8, 2026, what the bill will do in practice. States are obligated to honor one another's lawful legal processes. Selectively nullifying extradition based on ideological alignment sets a dangerous precedent for interstate legal disintegration.

“By eliminating legal accountability pathways for providers operating across state lines, AB 2164 removes the very mechanisms by which patients, including minors psychologically or physically harmed by irresponsible care, could seek legal recourse. Consumer protection, medical accountability, and informed consent standards exist to protect patients. This bill weakens all three. The medical and legal reckoning for irreversible interventions on gender-dysphoric or simply unhappy and confused minors has arrived. The informed consent failures that produced a generation of injured young people are being adjudicated. This Legislature should not, at this critical moment, extend retroactive legal cover to those who may bear responsibility for those injuries. Those harmed by ideologically based psychological and medical treatments deserve the functioning legal system that this bill would deny them.”

7) **Related Legislation:**

- a) AB 1854 (Krell) requires, inter alia, any person or entity headquartered, located, or incorporated in California and receives, is served with, or is subject to a civil, criminal, or

regulatory inquiry, investigation, subpoena, or summons, as specified, for information regarding legally protected health care activity not comply with or provide information in response to that inquiry, unless specific conditions are met, as specified. AB 1854 will be heard in this committee at the same time as this bill.

- b) AB 1930 (Zbur) limits when a person or entity may provide information regarding another's legally protected health care activities in response to various types of inquiries. AB 1930 is pending hearing in this committee.

#### 8) **Prior Legislation:**

- a) SB 497 (Weiner), Chapter 764, Statutes of 2025 enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.
- b) AB 82 (Ward), Chapter 679, Statutes of 2025, expanded safe haven protections against adverse action for aiding and assisting the access of legally protected health care activities in California, prohibits the reporting of testosterone and mifepristone to California's Prescription Drug Monitoring Program (PDMP), and required bail to be set at zero dollars for an individual who has been arrested in connection with a proceeding in another state regarding the individual performing, supporting, or aiding in the performance of "a legally protected health care activity."
- c) SB 107 (Wiener), Chapter 810, Statutes of 2022, enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.
- d) AB 2091 (Bonta), Chapter 628, statutes of 2022, prohibited providers, health care service plans, contractors, employers from releasing medical information related to abortion services or information related to a person allowing a minor to receive gender-affirming health care and gender-affirming mental health care in response to a subpoena/investigation-related request seeking to impose liability under another state's law for an abortion lawful in CA or for allowing minor to receive gender-affirming health care and gender-affirming mental health care, among other provisions.
- e) AB 1666 (Bauer-Kahan), Chapter 42, Statutes of 2022, prohibited California courts from applying another state's laws authorizing civil action for receiving, seeking, providing, and/or aiding abortion in deciding the cases before them or from enforcing civil judgments under those laws, and designating those laws as contrary to California public policy, among other provisions.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Access Reproductive Justice

American Association of University Women - California

American College of Obstetricians & Gynecologists - District IX

American Medical Women's Association

Aria Medical  
CA Commission on the Status of Women and Girls  
California Chapter of the American College of Emergency Physicians  
California Legislative Lgbtq Caucus  
California Nurse-midwives Association  
California Public Defenders Association  
California Women's Law Center  
Equality California  
Essential Access Health  
Health Access California  
National Health Law Program  
Nevada County Citizens for Choice  
Planned Parenthood Affiliates of California  
Reproductive Freedom for All California

**Opposition**

California Family Council  
Cause: Californians United for Sex-based Evidence in Policy and Law

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