

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2164 Bauer-Kahan – As Amended April 9, 2026

As Proposed to be Amended

**SUBJECT:** LEGALLY PROTECTED ACTIVITIES

**KEY ISSUES:**

- 1) SHOULD THE LEGISLATURE EXTEND CURRENT PROTECTIONS FOR PERSONS WHO ENGAGE IN LEGALLY PROTECTED HEALTH CARE ACTIVITY TO INDIVIDUALS WHO HAVE ENGAGED IN SUCH ACTIVITY IN ANOTHER JURISDICTION?
- 2) SHOULD THE STATE LIMIT THE GOVERNOR’S DISCRETIONARY AUTHORITY TO EXTRADITE INDIVIDUALS WHO HAVE ENGAGED IN LEGALLY PROTECTED HEALTH CARE ACTIVITY?

**SYNOPSIS**

*Over the past few years, interstate conflict regarding the provision of reproductive health care services and gender-affirming health care has increased, with more states seeking to bring civil and criminal actions against health care providers and others who assist in the provision of these services from across state lines. Just earlier this year, the sitting Governor received and rejected a request for extradition from the State of Louisiana, which attempted to criminalize the alleged provision of medication abortion through the mail. However, existing law provides Governors with the discretionary authority to extradite individuals in some cases. While the current Governor has been a strong ally in the fight to protect patients and providers in California, the author contends that individuals providing these lifesaving services should not be subject to potentially shifting political winds.*

*Accordingly, this bill adds to the series of measures heard by this Committee that seek to protect Californians from the overreach of other jurisdictions who seek to prohibit access to family planning services and gender affirming care. This measure does so in two ways. First, the bill extends existing protections applicable to persons who engage in legally protected health care activities to individuals who have aided or encouraged the provision of those services in another jurisdiction, if doing so was permissible under the laws of that jurisdiction at the time of occurrence. Second, existing law provides the sitting Governor with the discretion to accept extradition requests for individuals who were not in the state demanding extradition during the commission of the alleged crime, and this bill would limit that discretionary authority if the extradition demand is based in whole or in part of a theory that imposes liability for the provision of legally protected health care services.*

*This bill is sponsored by the Abortion Coalition for Telemedicine Access and enjoys the support of various advocacy organizations that support the provision of reproductive and gender-affirming health care services, among others. These organizations generally believe that this bill will further strengthen existing protection by limiting the discretionary authority to extradite*

*individuals for future Governors. By contrast, this bill is formally opposed by the California Family Council, Cause: Californians United for Sex-based Evidence in Policy and Law, and Our Duty. These groups contend that AB 2164 is potentially unconstitutional and encourages the provisions of services that they feel are harmful or unsupported by medical evidence. This bill previously passed the Committee on Public Safety on a 7-1 vote.*

**SUMMARY:** Extends the protections applicable to persons who engage in legally protected health care activities to a person who has assisted or encouraged individuals in attempting to engage in reproductive health care services or gender-affirming health care in another U.S. jurisdiction, if their actions were permissible under the laws of that jurisdiction at the time of the occurrence, and prohibits the Governor from recognizing an extradition demand that is based in whole or in part on a theory that imposes liability for any legally protected health care activity unless required by existing law. Specifically, **this bill:**

- 1) Specifies that the protections applicable to persons who engage in legally protected health care activity also apply to a person who has previously undertaken one or more acts or omissions while in another United States jurisdiction to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender affirming health care services, if the acts or omissions were permissible under the laws of the jurisdiction in which the person was located at the time of the acts or omissions.
- 2) Provides that no demand for the extradition of a person subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in the provision or receipt of, material support for, or any theory of vicarious, joint, several, or conspiracy liability for any legally protected health care activity, as defined, shall be recognized by the Governor, except as required by state law.
- 3) 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.
- 4) Defines “gender affirming health care” 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: (i) Interventions to suppress the development of endogenous secondary sex characteristics; (ii) Interventions to align the patient’s appearance or physical body with the patient’s gender identity; and (iii) 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.
- 5) 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.

**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) Establishes the Reproductive Privacy Act. (Health & Safety Code Section 123461 *et seq.*)
- 3) Declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. (Health & Safety Code Section 123462.)
- 4) 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.*)
- 5) 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.)

- 6) 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 (a).)
- 7) Prohibits a person from being compelled in a state, county, city, or other local criminal, administrative, legislative, or other proceeding to identify or provide information that would identify or that is related to an individual who has sought or obtained an abortion if the information is being requested based on either another state's laws that interfere with a person's rights or a foreign penal civil action. (Health & Safety Code Section 123466 (b).)
- 8) Prohibits a subpoena from being issued in any of the following circumstances:
  - a) If the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to seek or obtain gender-affirming health care or gender-affirming mental health care or to allow a child to receive gender-affirming health care or gender-affirming mental health care.
  - b) If the submitted foreign subpoena relates to a foreign penal civil action and would require disclosure of information related to sensitive services. (Code of Civil Procedure Section 2029.300 (e).)
- 9) Prohibits an authorized attorney from issuing a subpoena pursuant if the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to seek or obtain gender-affirming health care or gender-affirming mental health care or to allow a child to receive gender-affirming health care or gender-affirming mental health care. (Code of Civil Procedure Section 2029.350 (c).)
- 10) Prohibits a provider of health care, health care service plan, or contractor from releasing medical information related to a person seeking or obtaining gender-affirming health care or gender-affirming mental health care or a person or entity allowing a child to receive gender-affirming health care or gender-affirming mental health care in response to any subpoena or request, including a foreign subpoena, based on another state's law that interferes with an individual's right to seek or obtain gender-affirming health care or gender-affirming mental health care or authorizes a person to bring a civil or criminal action against a person or entity that allows a child to receive gender-affirming health care or gender-affirming mental health care. (Civil Code Section 56.109 (a).)
- 11) Prohibits a provider of health care, health care service plan, contractor, or employer from cooperating with any inquiry or investigation by, or providing medical information to, any individual, agency, or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency that would identify an individual and that is related to an individual seeking or obtaining gender-affirming health care or gender-affirming mental health care that is lawful under the laws of this state. (Civil Code Section 56.109 (c).)
- 12) Declares that it is the public policy of this state that an out-of-state arrest warrant for an individual based on violating another state's law against providing, receiving, or allowing their child to receive gender-affirming health care or gender-affirming mental health care is the lowest law enforcement priority. (Penal Code Section 819 (a).)

- 13) Prohibits California law enforcement agencies from knowingly making or participating in the arrest or participate in any extradition of an individual pursuant to an out-of-state arrest warrant for violation of another state's law against providing, receiving, or allowing a child to receive gender-affirming health care and gender-affirming mental health care in this state, if that care is lawful under the laws of this state, to the fullest extent permitted by federal law. (Penal Code Section 819 (b).)
- 14) Provides that a law of another state that authorizes a state agency to remove a child from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming health care or gender-affirming mental health care is against the public policy of this state and must not be enforced or applied in a case pending in a court in this state. (Family Code Section 3453.5 (a).)
- 15) Provides that, subject to specified state laws, the Constitution of the United States and the laws of the United States, it is the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other State any person charged in that State with treason, felony, or other crime, who has fled from justice and is found in this State. (Penal Code Section 1548.1.)
- 16) Provides that no demand for the extradition of a person charged with crime in another State shall be recognized by the Governor unless it meets specified requirements, including that the demand is in writing and alleges that the accused was present in the demanding State at the time of the commission of the alleged crime, and that thereafter he fled from that State. (Penal Code Section 1548.2.)
- 17) Provides that the Governor may also surrender, on demand of the executive authority of another state any person in this state with committing an act in this state, or in a third state, that results in a crime in the demanding state though the accused was not in the demanding state at the time of the commission of the crime, and has not fled therefrom. (Penal Code Section 1549.1.)
- 18) Provides that, notwithstanding specified state laws, the Governor's Office must decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision, receipt, or assistance with reproductive health care services, unless required by the U.S. Constitution or the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of California. (Governor's Exec. Order N-12-22 (June 27, 2022).)
- 19) Provides that a person charged in any state with treason, felony, or other crime, who flees from justice and is found in another state, must, on the 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., cl. 2.)
- 20) Provides that whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate charging the person demanded with having committed treason, felony, or

other crime from where the person has fled, must arrest and secure that person, and notify the executive authority making such demand, or the authority's agent. (18 U.S.C. Section 3182.)

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

**COMMENTS:** In the last few years, dozens of states have moved to limit or prohibit access to abortion care and gender affirming healthcare, especially for minors. Beyond simply banning certain procedures, some states have enacted draconian laws seeking to punish well-meaning friends and family of persons seeking reproductive or gender-affirming care, as well as providers of those services. Indeed, statutes have authorized civil lawsuits for any person who "aides and abets" a person in getting an abortion and have deemed providing one's own child with gender affirming medical care to be tantamount to child abuse.

In response to the enactment of such laws, California has stepped up and become a national haven for persons seeking access to safe and effective medical treatment. Nonetheless, other states continue to look for innovative legal tools to punish California-based health care providers, and residents who aid out-of-state residents in engaging in these services. This bill seeks to build upon the substantial efforts of the state to shield California medical professionals, patients, and their family and friends who assist out-of-state residents seeking care from unnecessary legal harm at the hands of another state's laws for. In support of the bill, the author states:

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.

To effectuate the author's goals, this bill takes two approaches. First, it extends the protections applicable to persons who engage in legally protected health care activities to a person who has assisted or encouraged individuals in attempting to engage in reproductive health care services or gender-affirming health care in another U.S. jurisdiction, if their actions were permissible under the laws of that jurisdiction at the time of the occurrence. Second, the bill limits the Governor's discretionary authority to extradite individuals, if the extradition demand is based in whole or in part of a theory imposing liability for any legally protected health care activity.

***Existing protections for persons who engage in legally protected health care activity.*** Under existing law, there is a whole host of protections that apply to individuals who engage in legally protected health care activity. As defined, legally protected health care activities include the lawful provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services. Among others, existing law provides the following safeguards and protections to those who engage in legally protected health care activity:

- Protection from the denial or interference with the 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 by the State of California. (Health & Safety Code Section 123466 (a).)
- Protection from being compelled in a state, county, city, or other local criminal, administrative, legislative, or other proceeding to identify or provide information that would identify or that is related to an individual who has sought or obtained an abortion if the information is being requested based on either another state's laws that interfere with a person's rights or a foreign penal civil action. (See Health & Safety Code Section 123466 (b).)
- Protection from enforcement of another state's laws, which authorize a state agency to remove a child from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming health care or gender-affirming mental health care. (See Family Code Section 3453.5 (a).)
- Protection from the releasing medical information related to a person seeking or obtaining gender-affirming health care or gender-affirming mental health care or a person or entity allowing a child to receive gender-affirming health care or gender-affirming mental health care in response to any subpoena or request, including a foreign subpoena, based on another state's law that interferes with an individual's right to seek or obtain gender-affirming health care or gender-affirming mental health care or authorizes a person to bring a civil or criminal action against a person or entity that allows a child to receive gender-affirming health care or gender-affirming mental health care. (Civil Code Section 56.109 (a).)

***This bill*** would simply extend these protections, and numerous others, to a person who has previously, while in another United States jurisdiction, aided or encouraged, or attempted to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender affirming health care services, if the persons actions were permissible under the laws of the jurisdiction in which the person was located at the time of the acts or omissions.

***Extradition & Shield Laws.*** Extradition generally refers to the legal process of returning fugitives back to the state in which they allegedly committed a crime to allow the state requesting extradition to bring the fugitives to justice. Extradition between states is mandatory under the Extradition Clause of the U.S. Constitution, which states that "A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime." (U.S. Const. art. IV, Section 2, cl. 2.; 18 U.S.C. Section 3182.)

The Extradition Clause “refers only to persons ‘who shall *flee* from justice’ and provides for their surrender to the state from which they ‘*fled*,’” (*In re Morgan* (1948) 86 Cal. App. 2d 217, 223). However, it does not address those who were not physically present in the state demanding extradition during the commission of an alleged crime. Though legal practitioners have made arguments that the Constitution requires extradition in cases under a “constructive presence” theory, courts have repeatedly held that the Constitution requires physical presence in the demanding state at the commission of the crime. (*Hyatt v. New York*, (1903) 188 U.S. 691, 708 (finding that the “words, ‘who shall flee’ do not include a person who never was in the country from which he is said to have fled.”); see also *In re Application of Shoemaker* (1914) 25 Cal. App. 551, 567 (holding that the accused was required to be discharged from custody because there was insufficient evidence to demonstrate that the accused was in the demanding state during the commission of the alleged crime).) Accordingly, a state could not lawfully refuse to extradite a provider who travels to another state to provide “unlawful” abortion services under that state’s laws and then returns to their home state, but they could refuse to do so in cases where a person is accused of providing such services if they were not present in the state demanding extradition during the commission of a crime and thus have never “fled” from the state.

To that end, some states, including California, provide their Governor’s with the discretion to extradite individuals in these cases. (See, e.g., Cal. Penal Code Section 1549.1; N.J. Stat. Ann. Section 2A:160-14). Under Penal Code Section 1549.1, the Governor currently has discretion to extradite any person in the state charged with a crime in a state demanding extradition “even though the accused was not in the demanding state at the time of the commission of the crime, and has not fled therefrom.”

***Governor Newsom’s executive order & extradition requests from other states.*** Governor Newsom has consistently committed to protecting the rights of all Californians to receive and provide necessary reproductive health care and gender-affirming health care services. Shortly after the U.S. Supreme Court’s decision in (*Dobbs v. Jackson’s Health Org.* (2022) 141 S. Ct. 2619), which held that there was no substantive due process right to abortion, Governor Newsom issued Executive Order N-12-22, which among other things, states:

Notwithstanding section 1549.1 of the Penal Code, my Office shall decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision, receipt, or assistance with reproductive health care services, unless required by the U.S. Constitution or the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of California.

In accordance with this order, the Governor rejected Louisiana’s request to extradite a California physician, who was accused of providing medication abortion to a Louisiana resident through the mail, citing his executive order. (Governor Gavin Newsom, *Governor Newsom rejects Louisiana’s attempt to extradite California doctor for providing abortion care*, (Jan. 14, 2026), available at: <https://www.gov.ca.gov/2026/01/14/governor-newsom-rejects-louisianas-attempt-to-extradite-california-doctor-for-providing-abortion-care/>.) As of the date of this publication, a lawsuit has not been filed by Louisiana to enforce the extradition demand, but it is anticipated that the state will sue on constitutional grounds. (Athina Morris, *Louisiana plans to sue California and New York over abortion pill cases*, 4WWL, (Feb. 5, 2026) available at:

<https://www.wvlv.com/article/news/state/louisiana-plans-to-sue-california-and-new-york-over-abortion-pill-cases/289-565dad80-8f2d-47fc-8afc-cf622a220d29>.)

While Governor Newsom has taken steps like these to protect reproductive rights, California will have a new Governor shortly and as previously noted by the author, at least one gubernatorial candidate has indicated that they would use their discretionary authority to accept extradition requests related to the provision of reproductive health care services. (Marisa Lagos, *GOP Candidate Steve Hilton Would Extradite California Abortion Doctor to Louisiana*, KQED (Jan. 27, 2026) available at: <https://www.kqed.org/news/12071206/gop-candidate-steve-hilton-would-extradite-california-abortion-doctor-to-louisiana>.) Furthermore, existing law does nothing to curb that discretionary authority as it relates to the provision of gender-affirming health care services.

***This bill*** removes that discretion and prohibits the Governor from recognizing a demand for extradition that is based in whole or in part on a theory related to the provision, receipt, or assistance for any legally protected health care activity, when the accused was not in the demanding state at the time of the commission of the crime. The intent of this provision is to protect against extradition requests from other states criminalizing an act committed by a health care provider, an individual receiving care, or an individual assisting in the provision of reproductive or gender-affirming health care services that results in a crime in that state. Under this bill, the Governor would still be required to extradite accused individuals as specified under the U.S. Constitution and California law, and states are still required to submit their extradition requests by, among other things, alleging in writing that the accused was present in the demanding State at the time of the commission of the alleged crime. This bill would only eliminate the Governor’s discretion to recognize extradition in cases involving the provision or receipt of services that this state has deemed essential.

***Proposed Amendments.*** The author has proposed the following technical amendments to eliminate redundancies and further streamline the statutory language. First, because the bill refers to “legally protected healthcare activity,” which is already defined in statute to exclude conduct that is a crime or otherwise unlawful under state law, the author proposed amendments to remove duplicative language which reiterates that this bill only seeks to protect individuals who engage in the provisions of services in accordance with state law.

SECTION 1. Section 123469.5 is added to the Health and Safety Code, to read:

123469.5. (a) The protections applicable to persons who engage in legally protected health care activity, as defined in Section 1798.300 of the Civil Code, shall also apply to a person who has previously undertaken one or more acts or omissions while in another United States jurisdiction to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender affirming health care services ~~that would have been protected by this state if they had been undertaken in this state~~, if the acts or omissions were permissible under the laws of the jurisdiction in which the person was located at the time of the acts or omissions.

Lastly, the author proposes the amendments below to further streamline the language, while preserving its substance. The amendments below remove the bill’s reference to “federal law” and instead reference Sections 1548.1 and 1548.2 of California’s Penal Code. Section 1548.1 simply states that subject to the state law and the U.S. Constitution, the Governor has the duty to extradite a person who has fled from another state upon request. By contrast, Section 1548.2

specifies the manner in which an extradition must be made. Among other things, Section 1548.2 requires a state to demand extradition by alleging in writing that the accused was present in the demanding State at the time of the commission of the alleged crime. To that end, these amendments prohibit the Governor from recognizing a request for extradition pursuant to this bill, *unless* required by above provisions of the Penal Code, which explicitly require compliance with the U.S. Constitution. Accordingly, the author also proposes to remove the bill's reference to a state's requirement to allege that the accused was in the demanding state during the commission of the crime before the Governor can recognize the extradition because the provisions of the bill do not apply in such cases, and in any case, extradition would be required by the U.S. Constitution under those circumstances.

SEC. 2. Section 1549.13 is added to the Penal Code, to read:

1549.13. Except as required by ~~federal law~~, *Sections 1548.1 and Section 1548.2*, no demand for the extradition of a person subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in the provision or receipt of, material support for, or any theory of vicarious, joint, several, or conspiracy liability for any legally protected health care activity, as defined in Section 1549.15, shall be recognized by the Governor ~~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.~~

***ARGUMENTS IN SUPPORT:*** This bill enjoys the support of numerous organizations that advocate for access to reproductive health care services, and gender-affirming care, among other things. Generally, these groups contend that this measure builds on existing protections and further ensures that the individuals who seek to provide or engage in legally protected health care activity are not unduly harassed or subject to criminal liability. The bill's sponsor, the Abortion Coalition for Telemedicine, states the following in support:

AB 2164, the Care Without Fear Act, strengthens California's existing shield laws by prohibiting future governors from honoring extradition requests for individuals who provide or assist with reproductive health care services or gender-affirming care that are legal in California. By removing discretionary authority in these circumstances, the bill ensures that California health care providers cannot be arrested or extradited to states seeking to criminalize care that is lawful within our state.

This legislation is urgently needed as states across the country enact laws that criminalize abortion and threaten providers who assist patients seeking care. Health care providers in California should not have to practice under the uncertainty of shifting political winds. AB 2164 provides the stability and certainty necessary to ensure that

Similarly, Health Access California submits:

This measure builds on existing protections for legally protected health care activity by clarifying that individuals who have aided or received reproductive or gender-affirming care in other jurisdictions, where those actions were lawful, are afforded the same protections as if those actions had occurred in California. This is critical for safeguarding patients, providers, and support networks from out-of-state legal actions that seek to criminalize care that is both lawful and medically necessary.

Additionally, AB 2164 provides important protections against the misuse of extradition requests related to legally protected health care activities. By limiting extradition in cases where individuals are being targeted for actions tied to reproductive or gender-affirming care, California reinforces its commitment to preventing the criminalization of essential, reproductive health care.

***ARGUMENTS IN OPPOSITION:*** This bill is opposed by groups that do not support the provision of abortion or gender-affirming health care services. They generally argue that this bill is potentially unconstitutional, and supports the provision of services, which they believe are harmful.

For example, California Family Council, notes the following in opposition to the bill:

The bill's protections also extend to those facilitating sterilizing hormone therapies and sex change surgeries on minors, procedures that public health authorities in countries such as Sweden, Finland, and the United Kingdom have restricted following systematic evidence reviews raising concerns about long-term risks and uncertain benefits. California law shielding out-of-state providers of these procedures from accountability in their home states places vulnerable children at measurable risk and disregards a growing international trend toward caution. Numerous states have enacted laws affirming that parents—not clinicians operating across state lines—hold primary authority over their minor children's medical decisions. AB 2164 enables providers and third parties to circumvent those parental authority protections by routing care through California's legal shield. Courts have long recognized parental rights as a fundamental liberty interest under the Fourteenth Amendment. This bill undermines that principle for families far beyond California's borders.

Legal scholars have noted that sanctuary-style extradition shields are constitutionally vulnerable and likely to provoke reciprocal responses. Indeed, the current wave of litigation between states over abortion pill distribution demonstrates how quickly such conflicts escalate. Rather than protecting Californians, AB 2164 risks exposing them to increasing legal uncertainty as other states adopt countermeasures, potentially limiting cooperation on unrelated legal matters. The *Dobbs v. Jackson Women's Health Organization* decision explicitly returned abortion regulation to the states. AB 2164 does not operate within that framework—it attempts to override it by insulating conduct that other states have chosen to regulate differently.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Abortion Coalition for Telemedicine Access (ACT) (sponsor)  
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  
Western Center on Law & Poverty, INC.  
One Individual

**Opposition**

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

**Analysis Prepared by:** Kristian Wright / JUD. / (916) 319-2334