

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2164 (Bauer-Kahan) – As Amended April 23, 2026

Policy Committee:	Public Safety	Vote:	7 - 1
	Judiciary		9 - 3

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

The bill extends California’s existing shield law protections to persons who previously assisted or encouraged reproductive or gender-affirming health care while located in another U.S. jurisdiction, where those acts were permissible where performed, and prohibits the Governor from recognizing any extradition demand based in whole or in part on a theory of liability for legally protected health care activity, except as provided.

FISCAL EFFECT:

- 1) Unknown work costs to the Office of the Governor (General Fund). Unknown, likely minor, for ongoing workload to evaluate extradition demands. Existing law already vests the Governor with discretionary extradition authority, and Executive Order N-12-22 (June 27, 2022) already directs the Governor’s Office to decline extradition requests involving the provision, receipt, or assistance with reproductive health care services. The bill codifies and extends that approach.
- 2) While the Department of Justice (DOJ) did not have a cost estimate available at the time of the writing of this analysis, the committee anticipates workload costs of a likely minor amount, for DOJ to advise the Governor on Section 1549.13 application.
- 3) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but likely absorbable amount to trial courts for habeas corpus proceedings under Penal Code Section 1550.1 challenging arrests on extradition demands. 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.

COMMENTS:

- 1) **Purpose.** According to the author:

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) **Background.** Following the U.S. Supreme Court’s 2022 decision in *Dobbs v. Jackson Women’s Health Organization*, California has enacted a series of “shield laws” to prevent California actors from cooperating with out-of-state efforts to penalize lawful reproductive and gender-affirming health care, including AB 1242 (Bauer-Kahan, Chapter 627, Statutes of 2022), AB 2091 (Bonta, Chapter 628, Statutes of 2022), SB 107 (Wiener, Chapter 810, Statutes of 2022), SB 345 (Skinner, Chapter 260, Statutes of 2023), AB 82 (Ward, Chapter 679, Statutes of 2025), and SB 497 (Wiener, Chapter 764, Statutes of 2025).

Two recent events have prompted further legislative attention. In 2025, the federal Department of Justice issued a subpoena to Children’s Hospital Los Angeles seeking information identifying transgender youth receiving gender-affirming care, and the hospital subsequently closed its Center for Trans Youth Health and Development. In January 2026, the Governor rejected Louisiana’s request to extradite a California physician for allegedly providing medication abortion to a Louisiana resident through the mail, citing Executive Order N-12-22 (June 27, 2022). Louisiana has indicated an intent to sue to enforce the extradition demand. AB 2164 codifies and extends the executive order’s approach by removing the Governor’s discretion to recognize extradition demands based on theories of liability for legally protected health care activity, while preserving the constitutional fugitive-from-justice extradition path.

The bill takes two distinct approaches. First, Section 123469.5 extends the existing legally protected health care activity framework to acts previously performed in another U.S. jurisdiction where those acts were permissible at the time and where the same acts would have been protected if performed in California. This protects, for example, a provider who lawfully assisted a patient in a sister state and later relocates to California. Second, Section 1549.13 removes the Governor’s discretionary authority under Penal Code Section 1549.1 to recognize extradition demands based on a theory of liability for legally protected health care activity, while preserving the constitutionally-required extradition path under Sections 1548.1 and 1548.2 for individuals who were physically present in the demanding state at the time of the alleged crime and who thereafter fled. The Judiciary Committee analysis includes a comprehensive analysis of the Extradition Clause issues raised by this bill. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

- 3) **Related Legislation.** AB 1854 (Krell), among other things, prohibits state and local law enforcement from arresting any person whose extradition the Governor has declined. The bill is pending in this committee.

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