

ASSEMBLY THIRD READING

AB 2164 (Bauer-Kahan)

As Amended April 23, 2026

Majority vote

SUMMARY

Prohibits, except where a fugitive has fled from justice in another state, 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.

Major Provisions

- 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 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.

COMMENTS**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."

Arguments 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."

Arguments 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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

ASM PUBLIC SAFETY: 7-1-1

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

NO: Lackey

ABS, ABST OR NV: Alanis

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

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

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