

THIRD READING

Bill No: AB 2164
Author: Bauer-Kahan (D), et al.
Amended: 4/23/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/16/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NOES: Seyarto

SENATE JUDICIARY COMMITTEE: 11-2, 6/30/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 57-14, 5/21/26 - See last page for vote

SUBJECT: Legally protected activities

SOURCE: Abortion Coalition for Telemedicine Access

DIGEST: This bill 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 that the accused was physically present in the demanding state at the time of the commission of the alleged crime; and to extend existing California protections to any person who has previously undertaken any act in another state to aid or encourage another in the exercise of their rights to reproductive health care services or gender-affirming health care services.

ANALYSIS:

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. (Penal [Pen.] Code, § 1549.15, subd. (b)(1)(A)-(C).)
- 2) Provides that “gender-affirming health care” and “gender-affirming mental health care” means 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 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. (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.

Defines “reproductive health care services” to include 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) 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).)
- 8) 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).)
- 9) 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).)

- 10) 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).)
- 11) 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).)
- 12) 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 & Safety [Safe.] Code, § 123462, subd. (c), 123466.)
- 13) 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. Constitution [Const.], Article [art.] IV, sec. 2, cl. 2.)
- 14) States that 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. (Pen. Code, § 1548.1).
- 15) States 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 Executive [Exec.] Order N-12-22 [June 27, 2022].)

This bill:

- 1) 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.
- 2) Extends existing California protections for legally protected health care activities to any person who has previously undertaken any act in another state to aid or encourage another in the exercise and enjoyment of their rights to reproductive health care services or gender-affirming health care services. States that such protections would only apply if the act was permissible under the laws of the jurisdiction in which the person was located at the time.
- 3) States that legally protected health care activity includes reproductive healthcare services, as defined, and gender-affirming-healthcare services, as defined.

Background

The right to extradition is established by the U.S. Constitution which provides:

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.)

California's extradition statute provides that it is the duty of the Governor 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. (Pen. Code, § 1548.1).

This bill prohibits 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. The Governor would still be required to recognize a demand for extradition if required by federal law.

Notably, in 2022, Governor Newsom signed an executive order requiring the Governor's Office to 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).) This bill is intended to codify the 2022 executive order.

Furthermore, this bill extends existing California protections for legally protected health care activities to any person who has previously undertaken any act in another state to aid or encourage another in the exercise and enjoyment of their rights to reproductive health care services or gender-affirming health care services. Such protections would only apply if the act was permissible under the laws of the jurisdiction in which the person was located at the time. This provision is a "reciprocity statute," modelled after one recently enacted by Vermont. (Vermont Senate Bill No. 28 [2025-2026 Regular Session].) The goal of this provision is to protect people who practice legally protected health care activities in another state (such as Vermont), who then visit California, from being criminally prosecuted by another state (such as Texas) while in California.

This bill raises a number of constitutional issues. 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 a state regulate conduct that occurs within that state. Additionally, this bill attempts to address situations where another state might prosecute someone for conduct that occurred in California—or in another third state. The Supreme Court has held "a state does not acquire power or supervision over the internal affairs of another State merely because the welfare and health of its own citizens may be affected when they travel to that State." (*Bigelow v. Virginia* (1975) 421 U.S. 809, 824.)

For a more detailed analysis of the relevant constitutional issues, see the Senate Judiciary Committee Analysis.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/3/26)

Abortion Coalition for Telemedicine Access (source)
American Association of University Women - California
American College of Obstetricians & Gynecologists - District IX
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
Ella Baker Center for Human Rights
Health Access California
Los Angeles LGBTQ Chamber of Commerce
Planned Parenthood Affiliates of California
Reproductive Freedom for All California
Reproductive Futures
San Francisco Marin Medical Society
Western Center on Law & Poverty, INC.

OPPOSITION: (Verified 8/3/26)

California Family Council
Cause: Californians United for Sex-based Evidence in Policy and Law
Democrats for an Informed Approach to Gender

ARGUMENTS IN SUPPORT:

Planned Parenthood of California writes:

AB 2164 strengthens California's 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 protected by California's shield laws. 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 under our state's laws.

As states across the country continue to enact laws that restrict or criminalize reproductive health care, this legislation is urgently needed. Health care providers delivering care that is permitted under California law should not have to practice under the uncertainty of shifting political winds. AB 2164 provides the clarity and certainty needed to ensure that abortion care remains safe and accessible.

ARGUMENTS IN OPPOSITION:

Californians United for Sex-Based Evidence in Policy and Law writes:

AB 2164 seeks to protect providers of psychologically harmful, medically unnecessary, function destroying and irreversible psychiatric and medical interventions given to minors and vulnerable adults for the sole purpose of making them believe 1) they can become the opposite sex via harm to their body, and 2) that such interventions are needed to alleviate mental health disorders. Both claims are false.

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 currently being adjudicated. This Legislature should not, at this critical moment, extend legal cover to those who may bear direct responsibility for those injuries.

ASSEMBLY FLOOR: 57-14, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Johnson, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Arambula, Chen, Davies, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

Prepared by: Marshal Lawler / PUB. S. /
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**** **END** ****