

ASSEMBLY THIRD READING
AB 2448 (Berman and Bauer-Kahan)
As Introduced February 20, 2026
Majority vote

SUMMARY

Clarifies that a business that electronically stores or maintains medical information for the provision of sensitive services, including but not limited to an electronic health record (EHR) system, must enable security features, including limiting user access privileges and segregating medical information related to gender affirming care, abortion and abortion-related services, and contraception.

COMMENTS

The federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides consumers with important privacy rights and protections with respect to their health information, including important controls over how their health information is used and disclosed by health plans and health care providers. Ensuring strong privacy protections is critical to maintaining individuals' trust in their health care providers and willingness to obtain needed health care services, and these protections are especially important where very sensitive information is concerned, such as reproductive health information.

Federal law. According to the U.S. Department of Health and Human Services Agency (HHS), the HIPAA Privacy Rule protects the privacy and security of medical and other health information when it is transmitted or maintained by covered entities (health plans, most health care providers, health care clearinghouses) and business associates (people and companies that provide certain services for covered entities). This information is referred to as protected health information (PHI), and it includes individually identifying information, such as name, address, age, social security number, and location, as well as information about health history, any diagnoses or conditions, current health status, and more. The HIPAA Privacy Rule supports access to care by giving individuals confidence that their PHI, including information relating to abortion and other sexual and reproductive health care, will be kept private.

Existing EHR capability requirements. AB 352 (Bauer-Kahan), Chapter 255, Statutes of 2023, requires businesses to enable technological capabilities to protect the privacy and security of medical information related to abortion, contraception, and gender affirming care. The goal was to prevent information on sensitive services in health information exchanges from being automatically shared, especially outside of California, and to allow providers, plans, pharmaceutical companies, contractors, and employers to comply with laws prohibiting the sharing of medical information related to abortion and abortion related services from out-of-state requests absent patient authorization or applicable exceptions. However, according to the author and sponsors of this bill, covered entities that provide EHR services are at different points in the process of enabling the technology required under AB 352.

Data Exchange Framework (DxF) pressures. AB 133 (Committee on Budget), Chapter 143, Statutes of 2021, established the statewide DxF and required by July 1, 2022, in consultation with members of the Stakeholder Advisory Group, California Health and Human Services (CalHHS) to finalize a Data Sharing Agreement defining the parties that will be subject to these new data exchange rules and setting forth a common set of terms, conditions, and obligations to

support secure, real-time access to and exchange of health and social services information, in compliance with applicable federal, state, and local laws, regulations, and policies.

SB 660 (Menjivar), Chapter 325, Statutes of 2025 shifted responsibility of the DxF to the California Department of Health Care Access and Information (HCAI), expanded the universe of entities required to participate in the exchange, and required compliance with DxF as a condition for contracting with or providing services through state health care programs commencing July 1, 2026. SB 660 additionally exempted abortion, abortion related services, gender affirming care, immigration or citizenship statuses, and place of birth from being exchanged in the framework. However, without the technological capability to segment out sensitive services from their EHRs, providers won't be able to participate in the DxF, as required under state law, while protecting the privacy and security of their patients' sensitive medical information.

According to the Author

No patient should ever worry that their medical records will be used to criminalize or punish them – or their provider – for health care that is lawful in California. The author states this is why the Legislature passed, and the Governor signed AB 352, requiring businesses that electronically store or maintain medical information to enable technological capabilities to protect the privacy and security of medical records related to abortion, contraception, and gender affirming care. The author argues that in the three years since AB 352's enactment, attacks on reproductive and gender affirming care have only intensified. The author continues that to date, businesses are at different points in the process of enabling the technology necessary for providers to comply with existing law. The author concludes that this bill reinforces state law to fully protect the privacy and security of patients' sensitive medical information.

Arguments in Support

Planned Parenthood Affiliates of California (PPAC) is a sponsor of this bill, arguing that it clarifies existing law requiring EHR vendors to develop the technical capability to protect medical information related to abortion, contraception, and gender affirming care. PPAC continues that for their health centers in California, confidentiality is at the core of being a trusted health care provider, especially given that they are collectively one of the largest providers of sexual and reproductive health care in the state. PPAC believes that patients should be able to access reproductive and gender affirming care services safely, comfortably, and without fear of their private information being disclosed and used to harm them. However, without technological capabilities that are responsive to the needs of providers and the patients they serve, PPAC argues that providers cannot fully protect the privacy and security of their patients' sensitive medical information. PPAC continues that if an individual is uncertain about whether their medical information will be shared, they may feel forced to choose between accessing needed medical care and their privacy and safety. PPAC concludes that this bill reinforces existing state law to protect sensitive medical records by clarifying that AB 352 required businesses that electronically store medical information related to sensitive services must both develop and enable the technology needed to protect the privacy and security of sensitive medical records.

Attorney General Rob Bonta (AG Bonta), also a sponsor of this bill, states that across the country, increasing restrictions on reproductive health care have been accompanied by heightened concerns about the potential misuse of patient data. AG Bonta continues that existing law requires certain entities to maintain policies and procedures to protect medical information, the next step is to ensure entities are implementing these protections. AG Bonta states that that

this bill ensures these protections are implemented so that providers can segregate and protect reproductive health data when using electronic systems to input patient information. AG Bonta argues that in an era where information sharing through electronic systems keeps expanding, it's imperative to ensure sensitive information isn't unduly exposed.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, there are no state costs.

VOTES

ASM HEALTH: 12-3-1

YES: Bonta, Addis, Aguiar-Curry, Ahrens, Caloza, Carrillo, Mark González, Patel, Rogers, Schiavo, Sharp-Collins, Stefani

NO: Johnson, Patterson, Sanchez

ABS, ABST OR NV: Chen

ASM PRIVACY AND CONSUMER PROTECTION: 11-3-1

YES: Bauer-Kahan, Aguiar-Curry, Bryan, Irwin, Lowenthal, McKinnor, Ortega, Petrie-Norris, Ward, Wicks, Wilson

NO: Macedo, DeMaio, Patterson

ABS, ABST OR NV: Hoover

ASM APPROPRIATIONS: 10-2-3

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Solache

NO: Ta, Tangipa

ABS, ABST OR NV: Hoover, Dixon, Muratsuchi

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