
THIRD READING

Bill No: AB 2448

Author: Berman (D) and Bauer-Kahan (D), et al.

Introduced: 2/20/26

Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-1, 6/8/26

AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener

NOES: Jones

NO VOTE RECORDED: Ochoa Bogh

SENATE HEALTH COMMITTEE: 8-1, 7/1/26

AYES: Weber Pierson, Caballero, Durazo, Gonzalez, Menjivar, Padilla, Pérez,
Smallwood-Cuevas

NOES: Grove

NO VOTE RECORDED: Valladares, Rubio

ASSEMBLY FLOOR: 55-16, 5/11/26 - See last page for vote

SUBJECT: Medical information: confidentiality

SOURCE: Attorney General Rob Bonta
Planned Parenthood Affiliates of California

DIGEST: This bill clarifies that a business that electronically stores or maintains medical information of sensitive services shall enable the capabilities, policies, and procedures they are required to develop under existing law.

ANALYSIS:

Existing law:

- 1) Establishes the Reproductive Privacy Act, which prohibits the state 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 (Saf.) Code § 123460, *et seq.*)

- 2) Establishes the Confidentiality of Medical Information Act (CMIA) to protect an individual's medical information from unauthorized disclosure by providers of health care. Provides an individual right of action for a patient whose information was disclosed in violation of CMIA's provisions. (Civil (Civ.) Code § 56 *et seq.*)
- 3) Defines "medical information," for the purposes of the CMIA, as any individually identifiable information, in electronic or physical form, that is in possession of or derived from a provider of health care, health care service plan, pharmaceutical company, or contractor regarding a patient's medical history, mental health application information, reproductive or sexual health application information, mental or physical condition, or treatment. Specifies that "individually identifiable" information means medical information that includes any element of personal identifying information sufficient to allow the individual to be identified. (Civ. Code § 56.05.)
- 4) Defines "sensitive services" to mean all health care services related to mental health, behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence. (Civ. Code § 56.05.)
- 5) Requires a business that electronically stores or maintains medical information on the provision of sensitive services, including, but not limited to, on an electronic health record system or electronic medical record system, on behalf of a provider of health care, health care service plan, pharmaceutical company, contractor, or employer, to develop capabilities, policies, and procedures, July 1, 2024, to enable all of the following:
 - a) Limit user access privileges to information systems that contain medical information related to gender affirming care, abortion and abortion-related services, and contraception only to those persons who are authorized to access specified medical information.
 - b) Prevent the disclosure, access, transfer, transmission, or processing of medical information related to gender affirming care, abortion and abortion-related services, and contraception to people and entities outside of this state.
 - c) Segregate medical information related to gender affirming care, abortion and abortion-related services, and contraception from the rest of the patient's record.
 - d) Provide the ability to automatically disable access to segregated medical information related to gender affirming care, abortion and abortion-related

services, and contraception by individuals and entities in another state. (Civ. Code § 56.101.)

- 6) Prohibits providers of health care, health care service plans, or contractors from disclosing medical information regarding a patient of the provider of health care or an enrollee or subscriber without first obtaining authorization, except as provided. Specifies that a provider of health care, health care service plan, or a contractor must disclose medical information if the disclosure is compelled by:
 - a) A court order.
 - b) A board, commission, or administrative agency for purposes of adjudication.
 - c) A party to a proceeding before a court or administrative agency pursuant to a subpoena, subpoena duces tecum, notice to appear, or any provision authorizing discovery in a proceeding before a court or administrative agency.
 - d) A board, commission, or administrative agency pursuant to an investigative subpoena.
 - e) An arbitrator or arbitration panel, when arbitration is lawfully requested by either party.
 - f) A search warrant lawfully issued to a governmental law enforcement agency.
 - g) A patient or patient's representative.
 - h) A medical examiner, forensic pathologist, or coroner when requested in the course of an investigation, as specified.
 - i) When otherwise specifically required by law. (Civ. Code § 56.10.)
- 7) Requires the California Health and Human Services Agency (CalHHS), on or before July 1, 2022, to establish the California Health and Human Services Data Exchange Framework (DxF) that is to include a single data-sharing agreement and common set of policies and procedures that will leverage and advance national standards for information exchange and data content, and that will govern and require health information exchange (HIE) among health care entities and government agencies in California. (Health & Saf. Code § 130290.)
- 8) Requires, by July 1, 2026, the following entities to execute the data-sharing agreement:
 - a) A medical foundation exempt from licensure.
 - b) Emergency medical services. (Health & Saf. Code § 130290.)

- 9) Requires, commencing July 1, 2026, compliance with DxF to be required as a condition of continuing, amending, or entering into a new or existing contract for the coverage of or provision of health care services with the Department of Health Care Services, the Public Employees' Retirement System, and the California Health Benefit Exchange. Exempts the exchange of health information related to abortion, abortion-related services, gender-affirming care, immigration or citizenship status, or place of birth from DxF requirements. (Health & Saf. Code § 130290.)

This bill clarifies that a business that electronically stores or maintains medical information on the provision of sensitive services, including, but not limited to, on an electronic health record system or electronic medical record system, on behalf of a provider of health care, health care service plan, pharmaceutical company, contractor, or employer, was required to enable its developed capabilities, policies, and procedures to safeguard patient information of sensitive services.

Background

Following the *Dobbs v. Jackson Women's Health Organization* decision, California enacted several laws to strengthen, protect, and affirm reproductive rights. One of these was AB 352 (Bauer-Kahan, Chapter 255, Statutes of 2023), which sought to prevent information on abortion care, gender affirming care, and other sensitive services in health information exchanges (HIEs) from being sent without a patient's permission. The bill required businesses involved in the electronic storage of medical information of sensitive services to develop capabilities, policies, and procedures by July 1, 2024, to achieve this objective. This included the capability of segregating information of sensitive services from the rest of a patient's record. However, AB 352's language leaves some ambiguity about whether these businesses were required to actually enable these capabilities, policies, and procedures by the July 1, 2024, deadline. This is particularly important in the context of the continued attacks on reproductive rights and recent updates to California's Data Exchange Framework (DxF), which requires secure, real-time data exchange across various healthcare entities.

This bill eliminates this ambiguity. It clarifies that businesses were supposed to enable the capabilities, policies, and procedures required by AB 352. This bill is co-sponsored by Attorney General Rob Bonta and Planned Parenthood Affiliates of California. It enjoys support from various groups such as the California Women's Law Center, SEIU California, and the Electronic Frontier Foundation. No timely opposition has been received. For a more thorough analysis, please see

the Senate Privacy, Digital Technologies, and Consumer Protection Committee analysis of the bill.

Comment

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. 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. In the three years since AB 352’s enactment, attacks on reproductive and gender affirming care have only intensified. As a result, it is critical that medical providers have access to technology to protect sensitive medical information. To date, businesses are at different points in the process of enabling the technology necessary for providers to comply with existing law. AB 2448 reinforces state law to fully protect the privacy and security of patients’ sensitive medical records

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

Senate Rule 28.8

SUPPORT: (Verified 8/4/26)

Attorney General Rob Bonta (Source)

Planned Parenthood Affiliates of California (Source)

Abortion Coalition for Telemedicine Access

Access Reproductive Health

ACLU California Action

American Academy of Pediatrics, California

American College of Obstetricians and Gynecologists – District IX

California Academy of Family Physicians

California Women's Law Center

Electronic Frontier Foundation

Equality California

Essential Access Health

Lieutenant Governor Eleni Kounalakis

Los Angeles County

National Center for Youth Law

Reproductive Freedom for All California

SEIU California

OPPOSITION: (Verified 8/4/26)

1 Individual

ARGUMENTS IN SUPPORT: Planned Parenthood Affiliates of California write as co-sponsors of the bill, “For Planned Parenthood health centers in California, confidentiality is at the core of being a trusted health care provider, especially given that Planned Parenthood health centers 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, providers cannot fully protect the privacy and security of their patients’ sensitive medical information. 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.

AB 2448 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.”

ASSEMBLY FLOOR: 55-16, 5/11/26

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

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

NO VOTE RECORDED: Arambula, Davies, Hoover, Lowenthal, Quirk-Silva, Celeste Rodriguez, Michelle Rodriguez, Solache, Soria

Prepared by: Benjamin Diaz / P., D.T., & C.P. / (916) 651-1548
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