

ASSEMBLY THIRD READING  
AB 2593 (Elhawary)  
As Introduced February 20, 2026  
Majority vote

## SUMMARY

Prohibits the California Department of Corrections and Rehabilitation (CDCR) from denying medically necessary health care prescribed by a licensed health care provider.

### Major Provisions

- 1) Prohibits a supervisor, administrator, or employee of CDCR from knowingly interfering with or refusing to implement health care prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure that results in substantial emotional distress or serious bodily injury.
- 2) Defines "serious bodily injury" as a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

## COMMENTS

### According to the Author

"For far too long, the voices of our incarcerated patients and the medical professionals who care for them have been pushed aside. Doctors and providers inside our prisons are often prevented from exercising their professional judgment. We have seen where that leads. It's one of the reasons California's prison health care systems ended up in federal receivership in the first place—because medical decisions were being ignored and providers were forced to practice in ways that didn't serve their patients."

"AB 2593 is about fixing that. It's about making sure the people trained to provide care can actually do their jobs and make decisions based on current medical standards. When we incarcerate someone, we take the responsibility of their care. The least we can do is make sure the professionals responsible for that care are able to practice medicine the way it's meant to be practiced."

### Arguments in Support

According to *AFSCME*, a co-sponsor of this bill, "AB 2593 establishes an important safeguard by making clear that supervisors, administrators, or employees of CDCR may not knowingly interfere with or refuse to implement treatment that has been prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure when doing so results in serious harm. This protection reinforces a fundamental principle of health care: medical decisions should be made by qualified medical professionals based on clinical judgment and patient needs."

"In correctional settings, physicians and psychiatrists must often navigate institutional pressures, operational constraints, and administrative oversight while still upholding their professional and ethical obligations to provide appropriate care. When non-medical personnel interfere with treatment decisions, it can jeopardize patient safety, undermine the professional integrity of medical providers, and expose the state to significant legal and financial risk."

"By ensuring that licensed medical professionals retain authority over medically necessary care, AB 2593 helps strengthen the integrity of the correctional health care system and supports providers in fulfilling their duty to deliver appropriate treatment. This clarity in law will help protect both patients and the physicians and psychiatrists who care for them."

### **Arguments in Opposition**

According to *California Civil Liberties Advocacy*, "California law does not recognize "substantial emotional distress" as a defined legal term of art. Instead, courts and the Judicial Council have developed well-established definitions for related—but distinct—standards, including "severe emotional distress" and "serious emotional distress." For example, the Judicial Council's Civil Jury Instructions define "severe emotional distress" as distress that "is not mild or brief; it must be so substantial or long-lasting that no reasonable person in a civilized society should be expected to bear it."

"Similarly, California law defines "serious emotional distress" in negligence contexts as distress that an "ordinary, reasonable person would be unable to cope with."

"And longstanding California case law equates "severe emotional distress" with distress of such "substantial quality or enduring quality that no reasonable [person]... should be expected to endure it." (*Fletcher v. Western National Life Ins. Co.* (1970) 10 Cal. App.3d 376, 397; quoted in CACI No. 1600.).

"Against this backdrop, the bill's use of the phrase "substantial emotional distress" is both novel and undefined. This creates a fundamental ambiguity:

- i) It could be interpreted as less than "severe" or "serious" emotional distress, thereby expanding liability beyond existing tort standards; or
- ii) It could be interpreted as coextensive with or even greater than those standards, depending on judicial construction.

"Absent a statutory definition or clear legislative intent, courts will be forced to resolve this ambiguity on a case-by-case basis. California appellate courts have repeatedly cautioned against precisely this type of indeterminate standard, particularly in the emotional distress context, where unclear thresholds can lead to inconsistent results and "burdensome case-by-case analysis." (See *Thing v. La Chusa* (1989) 48 Cal. 3d 644, 663–664.).

"The result here would likely be a proliferation of litigation over the meaning of a single phrase—an outcome that undermines both judicial efficiency and legislative clarity.

"For these reasons, we respectfully request the following amendment:

1. Define "substantial emotional distress" explicitly in the statute, including objective criteria; or
2. Replace the phrase with an existing, well-defined legal standard, such as "severe emotional distress," and incorporate the Judicial Council definition by reference.

"Either approach would provide courts, correctional staff, and litigants with clear guidance and align the bill with established California law.

"Without such clarification, AB 2593 risks creating uncertainty in application, inconsistent judicial outcomes, and expanded litigation over definitional questions that the Legislature is better positioned to resolve."

## FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Unknown, but likely minor costs, to CDCR (General Fund) to comply with the requirements of this bill.
- 2) Possible unknown, significant costs to the Department of Justice (General Fund) to defend litigation over the scope of the bill, including the undefined term "substantial emotional distress."
- 3) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate any additional filings. 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 an annual General Fund backfill to the Trial Court Trust Fund to offset ongoing declining revenue. This backfill was \$37.3 million in 2024-25.

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: 8-0-1

**YES:** Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins  
**ABS, ABST OR NV:** Haney

### ASM APPROPRIATIONS: 15-0-0

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

## UPDATED

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