

CONCURRENCE IN SENATE AMENDMENTS

AB 2593 (Elhawary)

As Amended June 25, 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.

Senate Amendments

- 1) Add that CDCR also may not change or countermand medically necessary health care prescribed by a licensed health care provider.
- 2) Redefine "serious bodily injury," as defined under this bill, to mean a medically diagnosed serious impairment of physical condition, including, but not limited to, acute or protracted loss or impairment of function of any bodily member.
- 3) Define "substantial emotional distress" to mean medically or psychiatrically diagnosed mental or emotional suffering that is acute, chronic, or protracted, or a condition that requires inpatient psychiatric treatment.

COMMENTS

As Passed by the Assembly: Prohibited the California Department of Corrections and Rehabilitation (CDCR) from denying medically necessary health care prescribed by a licensed health care provider.

Major Provisions

- 1) Prohibited 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) Defined "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.

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 Senate Appropriations Committee, "Likely major annual costs to CDCR to comply with the requirements of the bill. (General Fund)

"Potentially significant annual costs to the Department of Justice for litigation when the CDCR is sued for failing to implement prescribed health care. (General Fund)

"Unknown, potentially significant costs to the courts to adjudicate new filings. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose. (Trial Court Trust Fund, General Fund)"

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

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Muratsuchi, Celeste Rodriguez

UPDATED

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