
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 45 (Bauer-Kahan) - Privacy: health data: location and research

Version: April 9, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: JUD. 11 - 1

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 45 prohibits the collection, use, and disclosure of specified personal data relating to the provision of reproductive and other health services.

Fiscal Impact:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. By creating a new cause of action and authorizing a new civil penalty with statutory damages, this bill may lead to additional case filings that otherwise would not have been commenced and could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, 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. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. 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 and to increase the amount appropriated to backfill for trial court operations.
- The Department of Justice (DOJ) reports that while the impact of AB 45 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.

Background: A geofence is a virtually-designated space around a geographic feature or landmark. Geofencing technology uses a person's location data to determine when they enter and leave a particular geofence. This technology was originally developed by retailers to send targeted ads to consumers who visit their stores. However, especially since 2022, when the U.S. Supreme Court overturned the legal right to obtain an abortion, geofencing has been used to identify and target people who seek or use reproductive health care services. For example, a person's cell phone location data can be used to tell when they approached a Planned Parenthood, how long they stayed there, and when they left. This data could be used to identify and prosecute someone who came to California to have an abortion because doing so is illegal in their home state.

Proposed Law:

- Prohibits the collection, use, disclosure, sale, sharing, or retention of the personal information of a person who is physically located at or near a family planning center, as defined, except by a health care provider, health care service plan, or contractor.
- Allows collection and use of a person's data described above, as necessary to perform the services or provide the goods requested by the person.
- Allows an aggrieved person or entity, including a family planning center, to bring a civil action against any person who violates this prohibition within three years of discovery of the violation.
- Prohibits, except as specified, the geofencing of an entity that provides in-person health care services in California for specified purposes, including to identify or track a person seeking or receiving health care services, to collect such a person's personal information, or to send notifications or advertisements to a person, and prohibits any entity from selling or sharing personal information with a third party for such a purpose.
- Authorizes the Attorney General to bring a civil action to enforce a violation of, and specifies a person who violates the prohibition is subject to an injunction and civil penalty of \$25,000.
- Prohibits release of specified personally identifying research records in response to a subpoena or request, or to law enforcement, if the inquiry is based on another state's laws that interfere with a person's rights under the California Reproductive Privacy Act, or based on a foreign penal civil action

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