
THIRD READING

Bill No: AB 45
Author: Bauer-Kahan (D), et al.
Amended: 4/9/25 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-1, 7/15/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello

NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 63-11, 6/3/25 - See last page for vote

SUBJECT: Privacy: health data: location and research

SOURCE: University of California

DIGEST: This bill strengthens existing law protecting health and location data privacy with regard to those seeking reproductive health services.

ANALYSIS:

Existing law:

- 1) Provides that all people are by nature free and independent and have inalienable rights including, among others, the right to privacy. (California Constitution (Cal. Const.), art. I, § 1.)
- 2) Prohibits the state from denying or interfering with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right

to choose to have an abortion and their fundamental right to choose or refuse contraceptives. (Cal. Const., art. I, § 1.1.)

- 3) Holds that the state constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.)
- 4) Provides that a person or business shall not collect, use, disclose, or retain the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, except only as necessary to perform the services or provide the goods requested by the person. A person or business shall not sell or share this personal information. (Civil Code (Civ. Code) § 1798.99.90.)
- 5) Authorizes an aggrieved person or entity, including a family planning center, to institute and prosecute a civil action against any person or business who violates the above provision for injunctive and monetary relief and attorney's fees within three years of discovery of the violation. If the court finds for the petitioner, recovery shall be in the amount of three times the amount of actual damages and any other expenses, costs, or reasonable attorney's fees incurred in connection with the litigation. (Civ. Code § 1798.99.90.)
- 6) Establishes the Reproductive Privacy Act and provides that the Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. (Health & Safety Code (Health & Saf. Code) § 123460 et. seq.)
- 7) Provides that the state may not deny or interfere with a person'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 person. (Health & Saf. Code § 123466.)
- 8) Provides that a law of another state that authorizes a person to bring a civil action against a person or entity who does any of the following is contrary to the public policy of this state:
 - a) Receives or seeks an abortion;
 - b) Performs or induces an abortion;
 - c) Knowingly engages in conduct that aids or abets the performance or inducement of an abortion; or

- d) Attempts or intends to engage in the conduct described above. (Health & Saf. Code § 123467.5(a).)
- 9) Provides various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California. (Civ. Code § 56.109, Code of Civil Procedure (Code Civ. Proc.) §§ 2029.300, 2029.350, Family Code (Fam. Code) §§ 3421, 3424, 3427, 3428, 3453.5.)
- 10) Establishes the California Consumer Privacy Act (CCPA), as amended by Proposition 24 (2020), which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)

This bill:

- 1) Prohibits a person from collecting, using, disclosing, selling, sharing, or retaining the personal information of a natural person who is physically located at, or within a precise geolocation of, a family planning center, except as specified.
- 2) Provides that it is permissible to collect or use the personal information of a natural person who is physically located at, or within a precise geolocation of, a family planning center, but only as necessary to perform the services or provide the goods requested by the natural person.
- 3) Establishes that an aggrieved person or entity, including a family planning center, may institute and prosecute a civil action against any person who violates this bill for injunctive and monetary relief and attorney's fees within three years of discovery of the violation.
- 4) Prohibits a person from geofencing an entity that provides in-person health care services in California for any of the following purposes:
 - a) To identify or track a person seeking, receiving, or providing health care services.
 - b) To collect personal information from a person seeking, receiving, or providing health care services.

- c) To send notifications to a person related to their personal information or health care services.
 - d) To send advertisements to a person related to the person's personal information or health care services.
- 5) Defines "geofence" as any technology that enables spatial or location detection to establish a virtual boundary around, and detect an individual's presence within, a "precise geolocation" as defined in subdivision (w) of Section 1798.140.
- 6) Prohibits the selling of personal information to, or sharing of personal information with, a third party for the use of such information to violate the above provision.
- 7) Establishes that any person that violates these geofencing provisions shall be subject to an injunction and liable for a civil penalty of \$25,000 for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General. The court may consider the good faith cooperation of the entity or person in determining the amount of the civil penalty.
- 8) Establishes that any civil penalty recovered and the proceeds of any settlement of any said action, shall be deposited in the California Reproductive Justice and Freedom Fund.
- 9) Permits any person that owns, operates, manages, or otherwise provides services to an in-person health care entity to geofence the entity's own location to provide necessary health care services, including the use of location-based alarm devices to monitor newborns and memory-impaired individuals.
- 10) Permits any person that provides reproductive health care services to utilize geofencing for the purpose of providing security services to protect patients.
- 11) Prohibits research records, in a personally identifying form, developed or acquired by a person in the course of conducting research relating to anyone seeking or obtaining health care services, or relating to personal information, from being released in response to a subpoena or request if that subpoena or request is based on another state's laws that interfere with a person's rights under the Reproductive Privacy Act.

- 12) Defines the relevant terms.
- 13) Prohibits research records, in a personally identifying form, developed or acquired by a person in the course of conducting research relating to anyone seeking or obtaining health care services, or relating to personal information, from being released to law enforcement for either of the following purposes, unless that release is pursuant to a subpoena not otherwise prohibited:
 - a) Enforcement of another state's law that interferes with a person's rights under the Reproductive Privacy Act (Article 2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code).
 - b) Enforcement of a foreign penal civil action, as defined in Section 2029.200 of the Code of Civil Procedure.

Background

Since the 1973 holding in *Roe v. Wade*, the U.S. Supreme Court has continuously held that it is a constitutional right to access abortion before fetal viability. However, on June 24, 2022, the Court voted 6-3 to overturn the holding in *Roe* and found that there is no federal constitutional right to an abortion. As a result of the *Dobbs* decision, people in roughly half the country may lose access to abortion services or have them severely restricted. A growing number of states have been passing laws putting residents who seek essential gender-affirming care at risk of being prosecuted. States are attempting to classify the provision and seeking of gender-affirming health care as a crime warranting prison time and are threatening parents with criminal penalties if they attempt to travel to another state in order to secure life-saving gender-affirming care for their child.

California has enacted numerous laws to protect the right to gender-affirming care and the fundamental right to reproductive freedom, including laws prohibiting a person or business from collecting, using, disclosing, or retaining the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, except as specified. Concerns have been raised about new insidious tactics to target individuals exercising these rights. This bill responds by restricting the use of geofencing technology around specified health facilities and adding protections for research records related to those seeking specified health care services.

This bill is sponsored by the University of California and is supported by various organizations, including Planned Parenthood and Attorney General Rob Bonta.

The Association of National Advertisers is opposed. For a more thorough discussion, please see the Senate Judiciary Committee analysis of this bill.

Comments

According to the author:

In our current political climate where reproductive freedoms are constantly under threat, personal data privacy has become a key mechanism for defending access to health care. We have all seen the unabashed threat posed by the federal administration regarding reproductive healthcare and the ever-evolving ways used to prosecute individuals accessing these basic rights. In the last few months, it has also become clear the ways in which research projects and data are under threat and can be weaponized against researchers and participants. While federal regulations cover most health care data privacy issues, there are gaps in coverage when it comes to personal information collected through research and geolocation data. AB 45 closes these gaps and protects research records from disclosure in response to a subpoena or other law enforcement request based on other states' laws interfering with abortion rights and prohibits geofencing an entity that provides in-person health care services.

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

According to the Senate Appropriations Committee:

The Contractors State License Board (CSLB) reports:

- 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.

SUPPORT: (Verified 8/29/25)

University of California (Source)
American College of Obstetricians & Gynecologists - District IX
Attorney General Rob Bonta
California Civil Liberties Advocacy
California Hospital Association
California Medical Association
California Pan-Ethnic Health Network
California Women's Law Center
Essential Access Health
Planned Parenthood Affiliates of California
Reproductive Freedom for All California

OPPOSITION: (Verified 8/29/25)

Association of National Advertisers

ARGUMENTS IN SUPPORT: Planned Parenthood Affiliates of California writes:

Existing law protects against the disclosure of medical information related to an abortion in a clinical setting. However, when an individual discloses this information while participating in research, the same protections against disclosure do not exist. Given the personal nature of this data and the current federal political atmosphere, worrying about privacy protections and risking confidentiality of one's personal information should not be a reason to cease research or participation in critical women's health studies.

Additionally, the same concerns extend to personal privacy through geofencing, which tracks and uses an individual's location data to trigger a response when in a specific place. Geolocation data has been used to target and spread misinformation about abortion, which can be harmful to patients. For example, in Massachusetts, anti-abortion groups targeted the area around reproductive health clinics with pop-up ads promoting "abortion alternatives."

AB 45 fills gaps in privacy protections for health research records and prohibits geofencing around health centers. These changes proactively address privacy concerns to protect personal health information from misuse or abuse.

ARGUMENTS IN OPPOSITION: The Association of National Advertisers writes:

On behalf of the advertising industry, we respectfully oppose AB 45, and we offer this letter to express our concerns about this legislation. We and the companies we represent, many of whom do substantial business in California, strongly believe consumers deserve meaningful privacy protections supported by reasonable laws and industry policies. However, as drafted, AB 45 would have an overbroad effect by impeding legitimate advertising to Californians if they are merely near a family planning center. The bill also raises First Amendment concerns by blocking advertising to medical professionals and others inside of entities that provide in-person health care services. Moreover, the bill would permit a private right of action for certain violations, creating the possibility of extensive monetary penalties for well-meaning companies who inadvertently violate the bill's terms.

ASSEMBLY FLOOR: 63-11, 6/3/25

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

NO VOTE RECORDED: Chen, Dixon, Jeff Gonzalez, Hoover, Patterson

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
8/29/25 20:24:11

**** **END** ****