

## CONCURRENCE IN SENATE AMENDMENTS

AB 82 (Ward)

As Amended September 5, 2025

Majority vote

### SUMMARY

Expands existing protections for reproductive health care services to include gender-affirming health care services.

#### Senate Amendments

- 1) Authorizes the Attorney General (AG) to commence a civil action, to be commenced within six years of receipt by the AG, against a person or entity that submits a false affidavit in support of any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, legal process, or request from any law enforcement agent or entity, as specified.
- 2) Provides that a person or entity that submits a false affidavit as described above shall be punished by a civil penalty of \$15,000, in addition to any other penalties or remedies provided by law.
- 3) Extends the protections for covered health care services providers and patients to covered health care services volunteers and employees.
- 4) Remove the proposed authorization for the California Department of Justice (DOJ), in consultation with the California Health and Human Services Agency, health care providers, and clinicians, to add medications for legally protected health care activity, as defined, to the list of medications prohibited from being reported to DOJ, CURES, or a contracted prescription data processing vendor.
- 5) Double-joints this bill with SB 497 (Wiener) in order to avoid chaptering issues.

### COMMENTS

*As passed by the Assembly:* This bill expanded existing protections for reproductive health care services to include gender-affirming health care services.

#### Major Provisions

- 1) Prohibited a state or local law enforcement agency or officer from doing either of the following:
  - a) Arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or obtaining legally protected health care activity in this states, if the activity is lawful in this state; or,
  - b) Cooperating with or providing information to any individual or agency or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency regarding a legally protected health care activity that is lawful in this state and performed in this state.

- 2) Provided that a law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state, if lawful in this state, is against the public policy of this state.
- 3) Prohibited a state court, judicial officer, or court employee or clerk, or authorized attorney from issuing a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state, if lawful under the laws of this state.
- 4) Provided that an the investigation of any criminal activity in this state that may involve the performance of a legally protected health care activity is not prohibited, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's law involving a legally protected health care activity.
- 5) Expanded the requirement that a countywide bail schedule set \$0 bail for any person arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of abortion specifically to reproductive health care services, gender-affirming health care services, and gender-affirming mental health care services.
- 6) Made it a crime for a person to post on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or threat of violence against a gender-affirming health care or gender-affirming mental health care patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of the patient, provider, or assistant, or other individuals residing at the same home address.
- 7) Provided that the above crime is an alternate felony-misdemeanor is punishable by a fine of up to \$10,000 per violation, imprisonment in a county jail for up to one year or by imprisonment for 16 months, two years, or three years, or by both a fine and imprisonment.
- 8) Made the above crime a felony punishable by a fine of up to \$50,000, by imprisonment of 16 months, two years, or three years, or by both a fine and imprisonment, if the violation leads to bodily injury to a gender-affirming health care or gender-affirming mental health care patient, provider, or assistant, or other individuals residing at the same home address.
- 9) Provided that a prescription for or the dispensing of testosterone or mifepristone shall not be reported to the Department of Justice (DOJ), Controlled Substance Utilization Review and Evaluation System (CURES), or a contracted prescription data processing vendor.
- 10) Required DOJ, on or before January 1, 2027, to remove existing records of prescriptions for the dispensing of testosterone or mifepristone created or maintained prior to January 1, 2026.
- 11) Authorized DOJ, in consultation with the California Health and Human Services Agency, health care providers, and clinicians, to add medications for legally protected health care

activity, as defined, to the list of medications prohibited from being reported to DOJ, CURES, or a contracted prescription data processing vendor.

- 12) Expanded the authority of specified adults, domiciled in California, to apply to the Secretary of State to have an address designated by the Secretary as their address or the address of a minor or incapacitated person of who they are an acting guardian to include circumstances where the applicant, or person on whose behalf the application was made, is a gender-affirming health care provider or volunteer who is fearful of their safety.
- 13) Expanded the prohibition on a person or covered entity from knowingly publicly displaying, disclosing, or distributing on internet websites or social media, the personal information or image of any reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, to also apply to those people with regards to gender-affirming health care.
- 14) Authorized the Attorney General to commence a civil action against a person or entity that submits a false affidavit in support of any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, legal process, or request from any law enforcement agent or entity, as specified. Any action brought by the Attorney General shall be commenced within six years of the date on which the Attorney General received notice of the subpoena, warrant, wiretap order, pen register trap and trace order, legal process, or request from any law enforcement agent or entity that the false affidavit accompanied.
- 15) Provided that a person or entity that submits a false affidavit as described above shall be punished by a civil penalty of \$15,000, in addition to any other penalties or remedies provided by law.
- 16) Established the following definitions:
  - a) "Covered health care services" as gender-affirming health care services or reproductive health care services.
  - b) "Covered health care services provider, employee, volunteer, or patient" as a gender-affirming health care or a gender-affirming mental health care provider, employee, volunteer, or patient, or a reproductive health care services provider, employee, volunteer, or patient.
  - c) "Covered health care services facility" as a gender-affirming health care services facility or a reproductive health care services facility.
  - d) "Gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, interventions to suppress the development of endogenous secondary sex characteristics; interventions to align the patient's appearance or physical body with the patient's gender identity; and intervention to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.

- e) "Gender-affirming health care and gender-affirming mental health care provider, employee, volunteer, or patient" as a person who obtains, provides, or assists, at the request of another person, in obtaining or providing gender-affirming health care services, or a person who owns or operates a gender-affirming health care services facility.
  - f) "Gender-affirming health care services facility" to include a hospital, an office operated by a health care provider, a licensed clinic, or other licensed health care facility that provides gender-affirming health care services.
- 17) Extended the protections for covered health care services providers and patients to covered health care services volunteers and employees.
- 18) Contained a severability clause.
- 19) Made conforming changes.

### **According to the Author**

"It is imperative that we support the privacy and safety of patients and their families – whose basic obligation is to ensure the utmost health for themselves and loved ones – as well as the safety of health professionals – whose basic obligation is to provide necessary care for their patients as they were trained to do. Reports not only highlight hostile entities utilizing our data systems to target those who are accessing legal health care services, but also illuminate a rise in harassment and violence directed towards those who work in health care settings or seek necessary health services for themselves or their loved ones. As such, AB 82 shores up existing state law by protecting the privacy of Californians' health data and expanding existing protections to uphold the safety of patients, their families, and health professionals."

### **Arguments in Support**

According to *Equality California*, a cosponsor of the bill: "In recent years, we have witnessed an alarming rise in coordinated attacks on the rights of LGBTQ+ people, especially transgender individuals. More than 500 anti-LGBTQ+ bills have been introduced nationwide this year alone. Many of these harmful efforts specifically target access to healthcare for transgender people—including attempts to criminalize providers and restrict medically necessary, evidence-based care. At the federal level, the Trump administration has issued executive actions to restrict basic healthcare access for transgender youth and threaten healthcare providers who offer this care.

"California's Controlled Substance Utilization Review and Evaluation System (CURES)—our state's Prescription Drug Monitoring Program (PDMP)—contains sensitive data on prescriptions for controlled substances. While CURES plays an important role in safeguarding public health, current law allows for data sharing with out-of-state law enforcement agencies, which creates significant safety and privacy risks for patients and healthcare providers.

"Because testosterone, a medication commonly prescribed as part of gender-affirming care, is a controlled substance, there are mounting concerns that out-of-state actors hostile to transgender rights could misuse CURES data to identify and target transgender patients and their providers. Similarly, states that are criminalizing abortion care are using PDMP data to monitor prescriptions of mifepristone—posing a threat to reproductive healthcare access as well.

"Although California leads the nation in protecting access to reproductive and gender-affirming care, more must be done to ensure the privacy and safety of all who seek and provide these services. AB 82 provides essential safeguards by:

- 1) Prohibiting the reporting of testosterone and mifepristone prescriptions to the CURES database;
- 2) Expanding the Safe at Home Program to include gender-affirming care providers, shielding their personal information from public access;
- 3) Strengthening anti-doxing protections for both patients and providers of gender-affirming care; and
- 4) Expanding safe haven protections against adverse action for aiding and assisting the access of legally protected health services in California.

"By advancing these protections, AB 82 ensures that individuals accessing and providing essential healthcare in California can do so without fear of surveillance, retaliation, or harassment."

### **Arguments in Opposition**

According to *Our Duty*: "This bill is reprehensible. It reads like a wish-list for sex-traffickers and child abductors and an unscrupulous medical provider's dream. AB82 also violates the First Amendment, specifically the Establishment Clause, and freedom of speech—viewpoint and content—and freedom of the press. Further, it deceptively conceals the number of females placed on testosterone, a Schedule III drug, which intentionally erases the number of female patients being poisoned by any single medical provider or clinic...

"Pursuant to the bill's amendments to section 6218 of the Government Code, no person, business or association shall knowingly post or publicly display, disclose or distribute on internet sites personal information or an image of the provider, patient, or assistant who has received or provided gender interventions IF that individual, or anyone authorized to act on their behalf, has made a written demand of that person, business or association not to disclose the personal information or image, even if that person, business or association is not posting that information with any intent to incite harm to that individual... A prolific child genital mutilator who does not like the unfavorable attention he is getting from the press, can use this law to get any person to take down a story that he does not like...

"The entire purpose of the Controlled Substance Utilization Review and Evaluation System (CURES) is to monitor for the abuse of controlled substances. Testosterone is a Schedule III substance for both males and females, but is especially harmful for females who want to appear to others as if they are male. Should this bill pass, providers will prescribe this harmful synthetic hormone with abandon and without fear that any governmental agency will track their activities. Testosterone has both short-term and long-term deleterious effects on females, but providers, hospitals, and clinics will once again be shielded from liability for harming this ever-growing cohort of self-loathing females, mentally unwell females and lesbians who have shame about their sexed bodies...

"AB82 adds another shield of protection. Any medical provider or violator of the law who is performing abortions or gender interventions, whether legally or not, will be handed a "Get Out

of Jail Free" card. No need for any bail for this special group!... California will house and hide all the criminal violators of their home state laws, where they can continue to their practice of sterilizing, maiming and providing false promises to vulnerable adults and children.

"Finally, AB82 will hide from the public and press any public-records requests related to the sacred teams of providers, parents, and volunteers that are destroying human bodies to perpetuate an ideology that defies science, logic, and human compassion."

### **FISCAL COMMENTS**

According to the Senate Appropriations Committee, "The Secretary of State (SOS) estimates \$332,657 in Budget Year and \$255,038 in on-going fiscal impacts if this bill is enacted (General Fund)."

### **VOTES:**

#### **ASM PUBLIC SAFETY: 8-0-1**

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

#### **ASM JUDICIARY: 9-0-3**

**YES:** Kalra, Dixon, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur  
**ABS, ABST OR NV:** Bauer-Kahan, Macedo, Sanchez

#### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache  
**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

#### **ASSEMBLY FLOOR: 62-5-12**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, 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, 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  
**NO:** Castillo, DeMaio, Gallagher, Patterson, Sanchez  
**ABS, ABST OR NV:** Chen, Davies, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Ta, Tangipa

### **UPDATED**

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CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

FN: 0001954