

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 497 (Wiener) – As Amended May 23, 2025

Policy Committee:	Judiciary	Vote:	9 - 2
	Public Safety		7 - 1

Urgency: Yes State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill strengthens existing prohibitions against disclosure of gender-affirming health care and gender-affirming mental health care (collectively, “protected health care”) information.

Specifically, among other provisions, this bill:

- 1) Extends existing prohibitions against the disclosure of information related to protected health care by a provider of health care, health care service plan, or contractor in response to specified civil actions, inquiries, and investigations.
- 2) Prohibits an attorney licensed in California from issuing a California subpoena to validate an out-of-state subpoena based upon another state’s laws that interfere with a person’s right to obtain protected health care.
- 3) Creates two new criminal offenses for misusing data from the California Substances Utilization Review and Evaluations System (CURES) as follows:
 - a) Makes it a misdemeanor for a person to access CURES without authorization, with specified exceptions for a provider of health care.
 - b) Makes it a misdemeanor for a person who is authorized to access CURES to knowingly furnish information from CURES to a person who is not authorized to receive the information.
- 4) Prohibits a state or local agency or any person acting on behalf of a public agency from knowingly providing any CURES data or knowingly expending or using time or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil, criminal, or disciplinary liability for providing or receiving legally protected health care activity, with specified exceptions.
- 5) Prohibits an out-of-state authorized user who obtains CURES data through the interstate data sharing hub from providing any CURES data in furtherance of any investigation or proceeding seeking to impose civil, criminal, or disciplinary liability upon the provision or receipt of legally protected health care activity.
- 6) Prohibits the California Department of Justice (DOJ) from providing CURES data to out-of-state law enforcement absent a warrant, subpoena, or court order.

FISCAL EFFECT:

- 1) DOJ reports no significant fiscal impact. However, DOJ indicates there are numerous bills this session with similar impact; if an aggregate of these bills are enacted, DOJ would submit a workload budget change proposal for additional resources for the cumulative increase in DOJ's workload.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate violations of the alternate felony-misdemeanor created by this bill. A defendant charged with a misdemeanor or felony is entitled to a jury trial and, if the defendant is indigent, legal representation provided by the government. Actual court costs will depend on the number of violations, prosecutorial discretion, and the amount of court time needed to adjudicate each case. 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 fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 3) Costs (local funds, General Fund) to the counties to incarcerate people convicted of the misdemeanors created by this bill. Actual incarceration costs will depend on the number of convictions and the length of each sentence. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

COMMENTS:

- 1) **Background. CURES.** CURES is California's prescription drug monitoring program. It is a statewide database that tracks information about prescriptions of certain controlled substances. A health care provider must submit information to CURES about each prescription for a covered controlled substance the provider issues. Information in the database may be accessed by authorized users for a variety of purposes. For example, a doctor may check a patient's prescription history in CURES before issuing a prescription or a regulator may review a licensee's prescribing practices as part of a disciplinary investigation. Relevant to this bill, testosterone – which is commonly prescribed as part of gender-affirming care and for many other medical uses – is classified as a Schedule III controlled substance, so CURES contains information about prescriptions for testosterone.

Protected Health Care. In recent years, other states and the federal government have adopted laws and executive orders that target transgender youth, their parents, and their medical providers. Some of these laws and orders impose civil or criminal liability on transgender youth, the adults who assist them in obtaining gender-affirming care, and the doctors who provide such care. In 2022, the Legislature enacted SB 107 (Wiener), Chapter 810, Statutes of 2022, which, among other things, prohibits sharing certain medical information about a child's gender-affirming care and prohibits enforcement of out-of-state subpoenas seeking such information.

- 2) **Purpose.** With the goal of better protecting the sensitive information of transgender Californians, this bill expands SB 107's prohibitions on disclosure of information about people who provide and obtain protected health care, and adds criminal liability for sharing information from CURES in an unauthorized manner. According to the author:

California must strongly reject Trump's disgusting efforts to distract from his own incompetent failures by demonizing our transgender neighbors. The President is attempting to eliminate trans people's very existence in the eyes of the law, and he has made clear he is willing to violate laws and norms to target them. We must do all we can to prevent him, his lawless administration, and his cruel extremist allies from abusing Californians' sensitive medical information.

This bill is sponsored by Planned Parenthood, Equality California, and Legislative LGBTQ Caucus. It is supported by numerous organizations, including medical and LGBTQ+ advocates. The bill is opposed by several organizations that oppose the provision of gender-affirming health care, particularly for youth.

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