Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 497
Author: Wiener (D), et al.
Amended: 9/5/25
Vote: 27- Urgency

SENATE JUDICIARY COMMITTEE: 11-2, 4/8/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener
NOES: Niello, Valladares

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/29/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto
NO VOTE RECORDED: Dahle

SENATE FLOOR: 28-10, 6/2/25
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR: 61-17, 9/9/25 - See last page for vote

SUBJECT: Legally protected health care activity

SOURCE: Equality California
Planned Parenthood Affiliates of California

DIGEST: This bill enacts various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

Assembly Amendments make clarifying changes regarding sharing information to comply with audits, investigations, accreditation standards or to provide treatment and direct medical care, and make chaptering out amendments.

ANALYSIS:

Existing law:

1) Provides that all people have inalienable rights, including the right to pursue and obtain safety, happiness, and privacy. (California Constitution, art. I, §1.)

2) Prohibits, under the California Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civil (Civ.) Code, div. 1, pt. 2.6, §§ 56 *et seq*.)

3) Requires, under CMIA, a provider of health care, health care service plan, or contractor to disclose medical information if the disclosure is compelled by any specified orders of subpoenas. (Civ. Code, § 56.10(b).)

4) Prohibits, under CMIA, a provider of health care, a health care service plan, or a contractor from releasing medical information relating to a person or entity allowing a child to receive gender-affirming health care or gender-affirming mental health care in response to any civil action based on another state's law that authorizes a person to bring a civil action against a person or entity that allows a child to receive gender-affirming health care or gender-affirming mental health care.

5) Provides that a court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States. (Code of Civil Procedure (Proc.), § 410.10.)

6) Enumerates, under the Interstate and International Depositions and Discovery Act, the procedure for obtaining discovery in California for a civil case pending in a jurisdiction outside of California. (Code Civ. Proc., pt. 4, tit. 4, ch. 12, art. 1, §§ 2029.100 *et seq*.)

7) Sets forth a subpoena process by which a witness may be required to appear before a court or magistrate in a criminal action, which may include a subpoena compelling the production of records or other documents. (Penal Code, § 1326.)

8) Establishes the Controlled Substance Utilization Review and Evaluation System (CURES), for the purposes of collecting records of dispensed Schedule II, III, IV, and V controlled substances. (Health & Safety Code § 11165.)

This bill:

1) Prohibits, under CMIA, a provider of health care, a health care service plan, or a contractor from releasing medical information relating to person seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to any subpoena or request, including a foreign subpoena, based on another state's law that interferes with an individual's right to seek or obtain gender-affirming health care or gender-affirming mental health care. Prohibits, under CMIA, a provider of health care, health care service plan, contractor, or an employer from cooperating with any inquiry or investigation by, or providing medical information to, any individual, agency, or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency that would identify an individual and that is related to an individual seeking or obtaining gender-affirming health care or gender-affirming mental health care that is lawful under the laws of this state. Specifies that these provisions do not prohibit compliance with the investigation of an activity that is punishable as a crime under the laws of this state.

2) Prohibits a subpoena from being issued if the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to seek or obtain gender-affirming health care or gender-affirming mental health care. Prohibits an authorized attorney from issuing a subpoena pursuant to a foreign subpoena if the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to seek or obtain gender-affirming health care or gender-affirming mental health care.

3) Prohibits a state or local agency or employee, appointee, officer, contractor, or official or any other person acting on behalf of a public agency from knowingly providing any CURES data or knowingly expending resources in furtherance of any interstate investigation or proceeding seeking to impose civil, criminal, or disciplinary liability upon the provision or receipt of legally protected health care activity. Specifies that this provision does not prohibit the investigation of any activity that is punishable as a crime under the laws of this state so long as

no CURES data related to any legally protected health care activity is not knowingly shared with any individual or entity from another state.

4) 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.

5) Prohibits the department from sharing data with out-of-state law enforcement without a warrant, subpoena, or court order, as specified.

6) Provides that any person who accesses the CURES database and who is not authorized by law to do so is guilty of a misdemeanor. Any person authorized by law to access the CURES database and who knowingly furnishes the information from the CURES database to a person who is not authorized by law to receive that information is guilty of a misdemeanor, except as specified.

7) Prohibits a provider of health care, health care service plan, or contractor from releasing medical information related to sensitive services in response to any foreign subpoena that is based on a violation of another state's laws authorizing a criminal action against a person or entity for the provision or receipt of legally protected health care activity.

8) Prohibits a provider of health care, a health care service plan, or a contractor from releasing medical information related to an individual seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to any foreign subpoena that is based on a violation of another state's laws authorizing a criminal action that interferes with an individual's rights to seek or obtain gender-affirming health care or gender-affirming mental health care.

9) Provides that this bill is an urgency statute and that its provisions are severable.

Comments

In the past few years, numerous states have introduced legislation targeting transgender individuals in an attempt to prohibit or limit their ability to obtain gender affirming care. Most recently, a slew of executive orders were issued by the Trump administration attacking the rights of transgender individuals. On January 20, 2025, a federal executive order was issued stating that the federal government

would only recognize two biological sexes,[1] even though this is biologically incorrect.[2] Additionally, an order was issued banning transgender girls and women from participating in women's sports.[3] Another executive order banned all federal funding for youth gender affirming care, including the removal of any funding from medical and educational institutions for research on gender affirming care,[4] while another banned transgender individuals from serving in the U.S. Military.[5] Some of these orders are currently being challenged in court; however, it is unclear what their ultimate fate will be. In response to these executive orders the Trump Administration has taken several actions, including: rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and ordering law enforcement to prosecute school officials who recognize transgender students.[6] These actions elucidate a general hostility towards the transgender community from the current federal administration. In response to recent federal action, this bill seeks to build upon existing state protections enacted in SB 107 (Wiener, Chapter 810, Statutes of 2022) by enacting various safeguards against the sharing of medical information in order to protect against the enforcement of other states' laws that interfere with an individual's rights to seek or obtain gender-affirming health care and reproductive health care services that are legal in California.

This bill implicates the Constitution's Full Faith and Credit Clause.[7] The primary function of the Clause, it is generally agreed, is to require states to recognize judgments from other state courts, so that "a cause of action merged in a judgment in one state is likewise merged in every other."[8] Less clear, however, is how the

---

[1] Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025).
[2] Claire Ainsworth & Nature Magazine, Scientific American, *Sex Redefined: The Idea of 2 Sexes Is Overly Simplistic* (Oct. 22,2018) available at https://www.scientificamerican.com/article/sex-redefined-the-idea-of-2-sexes-is-overly-simplistic1/#:~:text=According%20to%20the%20simple%20scenario,or%20sexual%20anatomy%20say%20another.
[3] Exec. Order No. 14168, 90 Fed. Reg. 9279 (January 20, 2025).
[4] Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025).
[5] Exec. Order No. 14004, 90 Fed. Reg. 8757 (Jan. 27, 2025).
[6] Jennifer Levi, GLADD, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/.
[7] U.S. Const., art. IV, § 1.
[8] *Magnolia Petroleum Co. v. Hunt* (1943) 340 U.S. 430, 439; *see Underwriters National Assurance Co. v. North Carolina Life and Accident and Health Insurance Guaranty Assn.* (1982) 455 U.S. 691, 703-704 ("Ours is a union of States, each having its own judicial system capable of adjudicating the rights and responsibilities of the parties brought before it. Given this structure, there is always a risk that two or more States will exercise their power over the same case or controversy, with the uncertainty, confusion, and delay that necessarily accompany relitigation of the same issue. [Citations.] Recognizing that this risk of relitigation inheres in

Clause's mandate that states recognize each other's "public acts" operates in cases like this one—when one state's public acts purport to penalize conduct taking place in another state which is legal in that other state. As evidenced by SB 107 and the Governor's signing statement, this state has a public policy of protecting people receiving health care they need, including gender affirming care. This bill may very well not run afoul of the Full Faith and Credit Clause as it would fall within the public policy exception for public acts. The Supreme Court upheld the application of California law to settle a dispute of conflicting workers compensation statutes holding "[a] rigid and literal enforcement of the Full Faith and Credit Clause, without regard to the statute of the forum, would lead to the absurd result that wherever a conflict arises, the statute of each state must be enforced in the courts of the other, but cannot be in its own."[9] The Court further stated: "Prima facie every state is entitled to enforce in its own courts its own statutes, lawfully enacted. One who challenges that right, because of the force given to a conflicting statute of another state by the full faith and credit clause, assumes the burden of showing, upon some rational basis, that of the conflicting interests involved those of the foreign state are superior to those of the forum."[10] A few years later, the Court noted that "the Full Faith and Credit Clause is not an inexorable and unqualified command. It leaves some scope for state control within its borders…"[11] These cases seem to indicate that states can uphold their public policies and apply their laws when a conflict of laws arises in a forum in that state and not run afoul of the Full Faith and Credit Clause. If California was compelled to enforce an out-of-state law denying a person the right to receive gender affirming care, it would require California to deny individuals their rights under state law. This would lead to an "absurd result" as described by the Court in Alaska Packers Association.

The Supreme Court has noted that a "rigid and literal enforcement of the Full Faith and Credit Clause, without regard to the statute of the forum, would lead to the absurd result that wherever a conflict arises, the statute of each state must be enforced in the courts of the other, but cannot be in its own."[12] Thus, the law now acknowledges a preference to uphold the public policy of the forum state when a conflict of laws arises, recognizing that, "the Full Faith and Credit Clause is not an inexorable and unqualified command. It leaves some scope for state control within

---

our federal system, the Framers provided that 'Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.' ").

[9] *Alaska Packers Association v. Industrial Accident Commission* (1935) 294 U.S. 532, 547.

[10] *Id*. at 547-48.

[11] *Pink v. AAA Highway Express, Inc.* (1941) 314 U.S. 201,210.

[12] *Alaska Packers*, supra, at 547.

its borders…"[13] As was also concluded in this Committee's analysis of SB 107, this bill's provisions appear to fall within California's right to set its own policies and procedures.

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

The Senate Appropriations Committee writes:

- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes created by this bill.

- Unknown, potentially significant cost to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the increased criminal penalties in this bill.

- The Department of Justice (DOJ) reports no significant impact.

SUPPORT: (Verified 9/9/25)

Equality California (co-source)
Planned Parenthood Affiliates of California (co-source)
Alice B. Toklas LGBTQ Democratic Club
Alliance for Transyouth Liberation
American Academy of Pediatrics, California
American College of Obstetricians & Gynecologists - District IX
Asian Americans Advancing Justice- Southern California
API Equality-LA
Board of Behavioral Sciences
California Academy of Family Physicians
California Association For Nurse Practitioners
California Chapter of the American College of Emergency Physicians
California Civil Liberties Advocacy
California Legislative LGBTQ Caucus
California LGBTQ Health and Human Services Network
California Medical Association
California Psychological Association
California Teachers Association
CalPride
CalPride Sierras
CalPride Valle Central

[13] *Pink*, supra, at 210.

CFT
Children Now
City of San Jose
Community Clinic Association of Los Angeles County
County Behavioral Health Directors Association
Courage California
Culver City Democratic Club
Disability Rights California
Easterseals Northern California
El/La Para TransLatinas
Electronic Frontier Foundation
Ella Baker Center for Human Rights
Family Violence Appellate Project
GUSD Parents
Health Access California
Hmong Innovating Politics
National Health Law Program
Oakland Privacy
Oasis Legal Services
Our Family Coalition
PFLAG Los Angeles
PFLAG Oakland-East Bay
PFLAG Sacramento
PFLAG San Jose/Penninsula
Pride at the Pier
Rainbow Families Action Bay Area
Ricardo Lara, Insurance Commissioner
Sacramento LGBT Community Center
San Francisco AIDS Foundation
San Francisco Marin Medical Society
Santa Monica Democratic Club
Secure Justice
Seneca Family of Agencies
The TransLatin@ Coalition
Transfamily Support Services
Viet Rainbow of Orange County
Western Center on Law & Poverty
1 individual

OPPOSITION: (Verified 9/9/25)

2 Individuals
California Baptist For Biblical Values
California Family Council
CAUSE: Californians United for Sex Based Evidence in Policy and Law
Concerned Women For America
Lighthouse Baptist Church
Our Duty

ARGUMENTS IN SUPPORT: The author writes:

> 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.
>
> Senate Bill 497 recognizes California's role in prioritizing the safety of those seeking gender affirming health care by: (1) requiring warrants for law enforcement requests through the state's healthcare database; (2) establishing that accessing and knowingly sharing health data from state database without a warrant to unauthorized parties is punishable as a misdemeanor; and (3) expanding California's transgender shield laws to prohibit health care providers from complying with subpoenas requiring the disclosure of medical information related to gender-affirming health care; and (4) stating intent to protect teachers affirming of trans youth.

Planned Parenthood Affiliates of California writes in support stating:

> Planned Parenthood affiliates across the state are proud to provide gender affirming care and provide gender-affirming hormone therapy to over ten thousand patients annually. Gender-affirming care encompasses social, psychological, behavioral, or medical interventions aimed to support and affirm an individual's gender identity. Access to these services is shown to reduce rates of depression and anxiety for transgender, gender non-conforming, and intersex (TGI) people.

In 2022, SB 107 (Wiener), prohibited the issuance of a state subpoena or the disclosure of information relating to gender-affirming care for a child in response to a civil action based on out-of-state laws that interfere with the right to gender-affirming care for minors. Similarly, AB 497 seeks to expand these protections to all TGI people who seek care in California without the repercussion of civil and criminal actions from anti-trans laws in other states. […]

Planned Parenthood Affiliates of California (PPAC) believes that reproductive justice includes the complete well-being of trans people. Access to gender-affirming care contributes to improved quality of life, increased self-esteem, and better health outcomes.

ASSEMBLY FLOOR: 61-17, 9/9/25
AYES: Addis, Aguiar-Curry, Ahrens, 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
NOES: Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa
NO VOTE RECORDED: Alanis, Flora

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
10/19/26 10:31:35

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