Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
SB 934 (Wiener) – As Amended June 3, 2026

Policy Committee: Judiciary Vote: 9 - 3

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

SUMMARY:

This bill extends the statute of limitations for civil actions arising from harm caused by sexual orientation or gender identity change efforts provided by a licensed mental health provider, revives certain time-barred claims, authorizes specified damages and attorney's fees, and adopts a latent-injury causation framework for such claims.

Specifically, this bill:

1) Sets the limitations period at the later of: 22 years after the plaintiff reaches the age of majority (if a minor at the time of the conduct); 10 years after the last treatment session (if an adult at the time of the conduct); or five years after the plaintiff discovers, or reasonably should have discovered, that the injury was caused by the conduct.

2) Revives claims arising from conduct in whole or in part on or after January 1, 2009, that have not been litigated to finality and that would otherwise be time-barred as of January 1, 2027, and allows those claims to be commenced within three years of January 1, 2027 (or within the limitations period above, whichever is later).

3) Applies to actions against the provider, against any person or entity that employed the provider, and against any person or entity for negligent hiring, supervision, or retention of the provider.

4) Establishes a causation framework permitting general causation to be shown by expert testimony or scientific literature, and permitting the trier of fact to infer specific causation unless the defendant shows by a preponderance of the evidence that the efforts were not a substantial factor in the injury.

5) Authorizes recovery of economic damages, noneconomic damages, punitive damages, and reasonable attorney's fees and costs, and provides for the admissibility of expert testimony on the general psychological effects of these efforts.

6) Revises the existing statutory definition of these efforts.

FISCAL EFFECT:

1) Ongoing cost pressures of an unknown, but potentially significant amount (Trial Court Trust Fund, General Fund) on the trial courts to adjudicate additional civil actions, arising both from the prospective extension of the limitations period and from the window to revive

claims reaching back to conduct on or after January 1, 2009. Although courts are not funded on a workload basis, increased workload creates pressure on the General Fund, which provides a backfill of $117.3 million in 2025-26 to support trial court operations.

2) Costs of up to $1 million annually (General Fund and Legal Services Revolving Fund (LSRF)) to the Department of Justice (DOJ) for four positions — one deputy attorney general and one legal secretary in each of the Health, Education and Welfare Section and the Tort and Condemnation Section of the Civil Law Division, beginning January 1, 2027, and ongoing, to represent state agencies in anticipated litigation. DOJ anticipates claims against state entities that employ, supervise, or regulate licensed mental health providers, arising from allegations related to hiring, training, supervision, or other oversight, as well as potential defense of constitutional challenges to the bill. LSRF costs are reimbursable through direct billings to client agencies. DOJ reports the department cannot absorb these costs within existing resources and that implementation is dependent upon an appropriation by the Legislature.

3) Potential liability exposure of an unknown, but potentially significant amount (General Fund) to state entities that employed, supervised, or retained licensed mental health providers, to the extent the revival window and extended limitations periods result in judgments or settlements against the state. Actual exposure will depend on claim volume, judicial construction of the causation provisions, and whether existing statutory damages limits are held to apply.

COMMENTS:

1) **Purpose**. According to the author:

> SB 934 takes the crucial step of extending the window in which survivors of conversion therapy may seek to redress the harms done to them and eases their burden in doing so… The law only applies to licensed medical providers and does not create a new right of action. Additionally, SB 934 clarifies the role scientific evidence and expert testimony may play in establishing harm when cases are brought forward.

2) **Background.** Existing law generally requires a professional-negligence action against a health care provider be brought within three years of the injury or one year of its discovery, whichever is first. California first prohibited licensed mental health providers from applying sexual orientation change efforts to minors in SB 1172 (Lieu), Chapter 835, Statutes of 2012. This bill retains that prohibition and revises the definition on which it operates, replacing a definition framed around efforts to change an individual's sexual orientation with one framed around efforts to direct a patient toward a predetermined sexual orientation or gender identity outcome regardless of the direction of the intended change. It separately creates a longer limitations scheme for civil claims, revives time-barred claims back to 2009, and adopts a specified causation framework. The bill's limitations and causation provisions borrow from the framework California law applies to latent injuries — harms, such as asbestos-related disease, that do not manifest or cannot be traced to their cause until years after the underlying conduct, so the limitations clock runs from discovery and causation may be shown through expert testimony and scientific literature. The limitations structure also tracks Code of Civil Procedure Section 340.1 as amended by AB 218 (Gonzalez), Chapter 861, Statutes of 2019, which set the period for childhood sexual assault claims at 22 years from the age of majority

or five years from discovery, whichever is later. The premise of this bill is that psychological injury from sexual orientation or gender identity change efforts follows a similar pattern: survivors, particularly those treated as minors, may not connect later psychological harm to the earlier conduct until conventional limitations periods have expired.

The bill's revised definition of sexual orientation or gender identity change efforts is direction-neutral. The Assembly Judiciary Committee analysis indicates this revision attempts to make the prohibition more viewpoint neutral in response to *Chiles v. Salazar* (2026) 146 S.Ct. 1010, in which the United States Supreme Court held, 8-1, that Colorado's conversion therapy prohibition, as applied to a licensed counselor engaged solely in talk therapy, regulates speech based on viewpoint and is subject to strict scrutiny. Whether the revised definition in this bill survives a constitutional challenge is a question the courts would resolve. To the extent the definition is challenged in court, defense costs would fall to the Department of Justice.

Retroactivity and Scope. The revival provision in this bill reaches conduct occurring "in whole or in part" on or after January 1, 2009, roughly four years before the prohibition as to minors became operative, and reaching adult treatment the prohibition has never covered. Revival extends to any claim not litigated to finality barred by "the applicable statute of limitations or any other time limit," language modeled on AB 218 (Gonzalez), Chapter 861, Statutes of 2019. AB 218's revival provision expressly referenced claim presentation deadlines; this bill's does not. It is unclear what effect, if any, that difference would have on claims brought against state or local public entities. Because the provider definition includes credentialed school psychologists and the bill authorizes employer and negligent-hiring claims, revived claims could reach public entities, including school districts and counties. A coalition of public employers and joint powers authority risk pools reports that most of these entities do not carry commercial liability insurance, so judgments and settlements are paid from the same funds that support school programs, county behavioral health, and social services, and seeks a prior-knowledge or institutional culpability requirement for revived claims.

Two features of the bill bear on the potential magnitude of this exposure. First, because the limitations period runs to the later of three periods, the oppose coalition and the Judiciary analysis both raise the concern that claims could be brought indefinitely once the 22-year and 10-year periods lapse, with no clear standard for when discovery occurs. Second, the definition of covered conduct contains no scienter element (a person's intentional or knowing awareness of wrongdoing); the coalition seeks one, contending public employers would otherwise face liability for conduct they had no means to identify or supervise against. Separately, because the bill places these claims outside the Medical Injury Compensation Reform Act (MICRA) and authorizes noneconomic damages, punitive damages, and attorney's fees without referencing the existing MICRA limits, whether those limits apply is unaddressed and would likely need to be resolved by the courts.

3) **Support and Opposition.** The bill is sponsored by a coalition of LGBTQ-rights organizations, including Equality California, the National Center for LGBTQ Rights, Lambda Legal, and the Trevor Project, and supported by mental health organizations including the California Psychological Association, who argue survivors often do not connect later psychological injury to the conduct until existing limitations periods have run. Opposition comes from three directions: groups objecting on religious-liberty or related

grounds, including the California Family Council; the Civil Justice Association of California, which objects to reviving stale claims and altering causation and burden-of-proof standards; and an "oppose unless amended" coalition of public employers and risk pools, including the California Association of Joint Powers Authorities, California Association of School Business Officials, Public Risk Innovation, Solutions, and Management, the Rural County Representatives of California, and Schools Excess Liability Fund, seeking to limit retroactive public-entity liability. Los Angeles County also opposes the bill, arguing, among other things, that the bill could "expose the County to liability beyond the author's stated intent…[to] include allegations of harm even in the context of appropriate, LGBTQ-affirming care that aligns with national medical standards." The author's office has indicated it intends to continue discussions with these stakeholders.

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