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AB-1666 Abortion: civil actions. (2021-2022)

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Date Published: 06/24/2022 09:00 PM

Assembly Bill No. 1666

CHAPTER 42

An act to add Section 123467.5 to the Health and Safety Code, relating to abortion, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 2022. Filed with Secretary of State June 24, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1666, Bauer-Kahan. Abortion: civil actions.

Existing law provides that every individual possesses a fundamental right of privacy with respect to their personal reproductive decisions. Existing law prohibits the state from denying or interfering with the right to choose or obtain an abortion before the fetus is viable, or when the abortion is necessary to protect the life or health of the pregnant person. Existing law requires an abortion to be performed by a specified licensed or certified health care provider and prohibits an abortion from being performed on a viable fetus if continuation of the pregnancy did not pose a risk to the life or health of the pregnant person.

The United States Constitution generally requires a state to give full faith and credit to the public acts, records, and judicial proceedings of every other state. Existing law sets forth procedures by which a person may enforce a judgment for the payment of money issued by the court of a state other than California.

This bill would declare another state's law authorizing a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, to be contrary to the public policy of this state. The bill would prohibit the application of that law to a case or controversy heard in state court, and would prohibit the enforcement or satisfaction of a civil judgment received under that law. The bill would declare these provisions to be severable.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 123467.5 is added to the Health and Safety Code, to read:

123467.5. (a) A law of another state that authorizes a person to bring a civil action against a person or entity that does any of the following is contrary to the public policy of this state:

- (1) Receives or seeks an abortion.

(2) Performs or induces an abortion.

(3) Knowingly engages in conduct that aids or abets the performance or inducement of an abortion.

(4) Attempts or intends to engage in the conduct described in paragraphs (1) to (3), inclusive.

(b) The state shall not do either of the following:

(1) Apply a law described in subdivision (a) to a case or controversy heard in state court.

(2) Enforce or satisfy a civil judgment received through an adjudication under a law described in subdivision (a).

(c) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the public from civil actions authorized under the law of another state that are contrary to the public policy of this state, it is necessary that this act take effect immediately.