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**AB-82 Health care: legally protected health care activity.** (2025-2026)

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Date Published: 10/14/2025 10:00 AM

**Assembly Bill No. 82**

**CHAPTER 679**

An act to amend Sections 6215, 6215.1, 6215.2, 6218, 6218.01, and 6218.05 of the Government Code, to amend Sections 11165 and 11190 of the Health and Safety Code, and to amend Sections 629.51, 1269b, 13778.2, and 13778.3 of the Penal Code, relating to health care.

[ Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 82, Ward. Health care: legally protected health care activity.

(1) Existing law authorizes reproductive health care service providers, employees, volunteers, and patients, and individuals who face threats of violence or violence or harassment from the public because of their affiliation with a reproductive health care services facility, to complete an application to be approved by the Secretary of State for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Under existing law, any person who makes a false statement in an application is guilty of a misdemeanor.

This bill would expand the address confidentiality program to a gender-affirming health care provider, employee, or volunteer, as defined, who faces threats of violence or harassment from the public because of their affiliation with a gender-affirming health care services facility. The bill would also make conforming changes. By imposing new duties on local agencies and expanding the scope of a crime, this bill would create a state-mandated local program.

(2) Existing law prohibits a person, business, or association from knowingly publicly posting or publicly displaying, disclosing, or distributing on internet websites or on 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, with the intent to incite a 3rd person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, as specified, or to threaten the person identified in the posting or display, or a coresident of that person, as specified. Existing law additionally prohibits a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a reproductive health care services patient, provider, or assistant with the intent described above. Existing law establishes a cause of action for injunctive or declarative relief for a violation of these prohibitions.

Existing law prohibits a person from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. Existing law makes a violation of this prohibition punishable by a fine of up to \$10,000 per violation, imprisonment, as specified, or by both that fine and imprisonment.

This bill would additionally prohibit a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a gender-affirming health care services provider, employee, volunteer, or patient with the intent described above. The bill would also prohibit a person from posting on the internet or social media, as described above, the personal information or image of a gender-affirming health care services provider, employee, volunteer, or patient, or other individuals residing at the same home address. The bill would define various terms for these purposes. By expanding the scope of a crime, this bill would create a state-mandated local program.

(3) Existing law, the California Uniform Controlled Substances Act (the act), classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. The act requires the Department of Justice to maintain the Controlled Substances Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of certain controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense those controlled substances. Existing law limits the entities to which data may be provided from CURES, as well as the type of data that may be released and the uses to which it may be put. Existing law makes a violation of the act a crime. Existing law defines the term "legally protected health care activity" to include the exercise of, or an act undertaken to aid a person to exercise, the provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services.

This bill would prohibit a prescription for or the dispensing of testosterone or mifepristone from being reported to the department, CURES, or a contractor, as specified. The bill would require the department, on or before January 1, 2027, to remove certain existing records that were created or maintained prior to January 1, 2026, and make other conforming changes. By creating a new crime, the bill would establish a state-mandated local program.

(4) Existing law authorizes a court to issue various orders relating to criminal investigations, including the interception of wire or electronic communications, the installation and use of a pen register or trap and trace device, or a search warrant upon specified grounds. Existing law prohibits the issuance of any orders or warrants for the purpose of investigating or recovering evidence of a prohibited violation. Existing law defines "prohibited violation" for this purpose as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining an abortion or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under the laws of this state.

This bill would instead define a prohibited violation as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining a legally protected health care activity or intending or attempting to provide, facilitate, or obtain a legally protected health care activity, as defined.

(5) Existing law requires superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable offenses, as specified. Existing law requires a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under California law.

This bill would instead require a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested 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, as specified.

(6) Existing law prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. Existing law prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion. Existing law prohibits specified persons, including a judicial officer, a court employee, or an authorized attorney, among others, from issuing a subpoena in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful in this state. Existing law does not prohibit the investigation of criminal activity that may involve an abortion, provided that no information relating to any medical procedure performed on a specific individual is shared with an agency or individual from another state for the purpose of enforcing another state's abortion law.

This bill would instead expand those above-described provisions to apply to legally protected health care activity, as defined.

(7) Existing law prohibits a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health care activity, as defined, that occurred in this state or that would be legal if it occurred in this state. Existing law requires any out-of-state subpoena, warrant, wiretap order,

pen register trap and trace order, or other legal process to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified.

This bill would authorize the Attorney General to bring a civil action against a person or entity that submitted a false affidavit under these provisions and would make submission of a false affidavit punishable by a civil penalty of \$15,000, in addition to any other penalties or remedies provided by law.

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(9) This bill would incorporate additional changes to Section 11165 of the Health and Safety Code proposed by SB 497 to be operative only if this bill and SB 497 are enacted and this bill is enacted last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Section 6215 of the Government Code is amended to read:

**6215.** The Legislature finds and declares the following:

(a) Persons working in the reproductive health care field, specifically the provision of terminating a pregnancy, are often subject to harassment, threats, and acts of violence by persons or groups.

(1) In 2000, 30 percent of respondents to a Senate Office of Research survey of 172 California reproductive health care providers reported they or their families had been targets of acts of violence by groups that oppose reproductive rights at locations away from their clinics or offices.

(2) Persons and groups that oppose reproductive rights attempt to stop the provision of legal reproductive health care services by threatening reproductive health care service providers, clinics, employees, volunteers, and patients. The names, photographs, spouses' names, and home addresses of these providers, employees, volunteers, and patients have been posted on Internet Web sites. From one website list that includes personal information of reproductive health care service providers, seven persons have been murdered and 14 have been injured. As of August 5, 2002, there are 78 Californians listed on this site. The threat of violence toward reproductive health care service providers and those who assist them has clearly extended beyond the clinic and into the home.

(3) Nationally, between 1992 and 1996, the number of reproductive health care service providers declined by 14 percent. Nearly one out of every four women must travel more than 50 miles to obtain reproductive health care services dealing with the termination of a pregnancy. There exists a fear on the part of physicians to enter the reproductive health care field and to provide reproductive health care services.

(4) Reproductive health care services are legal medical procedures. In order to prevent potential acts of violence from being committed against providers, employees, and volunteers who assist in the provision of reproductive health care services and the patients seeking those services, it is necessary for the Legislature to ensure that the home address information of these individuals is kept confidential.

(b) Other individuals are also subject to harassment, threats, and acts of violence from the public because of their work with the public, which have become more frequent and serious since the start of the COVID-19 pandemic. They include, but are not limited to, public health officers and public health workers, election workers, school board members, and code enforcement officers.

(1) For example, persons working in the elections field are often subject to harassment, threats, and acts of violence by persons or groups. Violent threats and harassment of election workers reached alarming levels in the 2020 general election and continued into 2021. A survey of election officials in 2021 found that one in three election officials feel unsafe because of their job, and nearly one in five listed threats to their lives as a job-related concern.

(2) The names, photographs, and home addresses of these public servants have been posted on internet websites. While performing election-related duties, election officials were subjected to explicit death threats, anger-laden language and demoralizing behavior, statements that threatened their own and their family's safety and well-being, and statements that interfered with their ability to do their job. The threat of violence toward election workers has extended beyond the polling place and into the home.

(3) Experts predict a massive departure from the profession of election administration if protective measures are not implemented. In California, 15 percent of election officials have retired since the 2020 election. Elections play a vital role in a free and fair society and are a cornerstone of American democracy, but those charged with administering elections are increasingly subjected to violent threats, harassment, and intimidation. In order to prevent acts of violence from being committed against employees who assist in the administration of elections, it is necessary for the Legislature to ensure that the home addresses of these individuals are kept confidential.

(4) While many of these individuals wish to protect the confidentiality of their home addresses by means of address confidentiality programs operated by the Secretary of State, they may not be eligible to do so under current law. It is the intent of the Legislature in this chapter to offer address protection services to persons whose work for a public entity exposes them to violent threats, harassment, and intimidation from the public that are equivalent to what is experienced by those now eligible for the address confidentiality program pursuant to this chapter.

(c) The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the residential location of a designated health care services provider, employee, volunteer, or patient, as defined in Section 6215.1, or other individual who faces threats of violence or violence from the public because of their work for a public entity, to enable interagency cooperation with the Secretary of State in providing address confidentiality for program participants, and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

**SEC. 2.** Section 6215.1 of the Government Code is amended to read:

**6215.1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(b) "Designated health care services" means gender-affirming health care services or reproductive health care services.

(c) "Designated health care services provider, employee, volunteer, or patient" means 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.

(d) "Designated health care services facility" means a gender-affirming health care services facility or a reproductive health care services facility.

(e) "Domicile" means a place of habitation as defined in Section 349 of the Elections Code.

(f) "Gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as provided in Section 16010.2 of the Welfare and Institutions Code.

(g) "Gender-affirming health care and gender-affirming mental health care provider, employee, volunteer, or patient" means 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.

(h) "Gender-affirming health care services facility" includes a hospital, an office operated by a licensed health care provider, a licensed clinic, or other licensed health care facility that provides gender-affirming health care services.

(i) "Reproductive health care services" means health care services relating to the termination of a pregnancy in a reproductive health care services facility.

(j) "Reproductive health care services provider, employee, volunteer, or patient" means a person who obtains, provides, or assists, at the request of another person, in obtaining or providing reproductive health care services, or a person who owns or operates a reproductive health care services facility.

(k) "Reproductive health care services facility" includes a hospital, an office operated by a licensed physician and surgeon, a licensed clinic, or other licensed health care facility that provides reproductive health care services and includes only the building or structure in which the reproductive health care services are actually provided.

**SEC. 3.** Section 6215.2 of the Government Code is amended to read:

**6215.2.** (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State to serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based assistance program designated by the Secretary of State. The application process shall include a requirement that the applicant shall meet with a counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a designated health care provider, employee, or volunteer, who is fearful for their safety or the safety of their family because of their affiliation with a designated health care services facility, the application shall be accompanied by all of the following:

(A) Documentation showing that the individual is to commence employment or is currently employed as a provider or employee at a designated health care services facility, or is volunteering at a designated health care services facility.

(B) One of the following:

(i) A certified statement signed by a person authorized by the designated health care services facility stating that the facility or any of its providers, employees, volunteers, or patients is or was the target of threats, harassment, or acts of violence or harassment within one year of the date of the application. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(ii) A certified statement signed by the employee or patient of, or volunteer for, the designated health care services facility stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their association with the designated health care services facility. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(iii) A workplace violence restraining order described in Section 527.8 of the Code of Civil Procedure, issued after a noticed hearing, or a civil restraining order described in Section 527.6 of the Code of Civil Procedure, issued after a noticed hearing, protecting the applicant or the minor or incapacitated person on whose behalf the application is made. The order must be based upon threats or acts of violence to the applicant or the minor or incapacitated person on whose behalf the application is made and connected with the designated health care services facility.

(C) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made due to their affiliation with the designated health care services facility authorized to provide the declaration described in subparagraph (B).

(2) If the applicant alleges that the basis for the application is that the applicant is a designated health care services facility volunteer, the application shall, in addition to the documents specified in paragraph (1), be accompanied by documentation by the designated health care services facility showing the length of time the volunteer has committed to working at the facility.

(3) If the applicant alleges that the basis of the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a person who is or has been the target of threats or acts of violence because the applicant is obtaining or seeking to obtain services at a designated health care services facility within one year of the date of the application, the application shall be accompanied by the following:

(A) A sworn statement that the applicant has good reason to fear for their safety or the safety of their family.

(B) Any police, court, or other governmental agency records or files that show any complaints of the alleged threats or acts of violence.

(4) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State two copies of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from any liability in any action brought by any person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(5) The mailing address where the applicant can be contacted by the Secretary of State, and the telephone number or numbers where the applicant can be called by the Secretary of State.

(6) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of threats or acts of violence or harassment toward the applicant.

(7) The signature of the applicant and of any individual or representative of any office designated in writing who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) An application may be submitted on the basis that a person is employed by or performs work pursuant to a contract with a public entity and faces threats of violence or violence or harassment from the public because of their work for the public entity. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State to serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based assistance program designated by the Secretary of State. The application process shall include a requirement that the applicant shall meet with a counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made is employed by a public entity or performs work pursuant to a contract with a public entity and faces threats of violence or violence or harassment from the public because of their work for the public entity and is fearful for their safety or the safety of their family because of their work for the public entity, the application shall be accompanied by all of the following:

(A) Documentation showing that the individual is to commence employment or is currently employed by a public entity or performs work pursuant to a contract with a public entity in an occupation where workers have faced threats of violence or violence or harassment from the public because of their work for the public entity.

(B) One of the following:

(i) A certified statement signed by a person affiliated with the applicant's place of work or employment who has personal knowledge of the circumstances at the place of work or employment, stating that workers or employees have been the target of threats or acts of violence or harassment within one year of the date of the application. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(ii) A certified statement signed by the worker or employee, stating that they have been the target of threats or acts of violence or harassment within one year of the date of the application because of their work for a public entity. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(iii) A workplace violence restraining order described in Section 527.8 of the Code of Civil Procedure, issued after a noticed hearing, or a civil restraining order described in Section 527.6 of the Code of Civil Procedure, issued after a noticed hearing, protecting the applicant or the minor or incapacitated person on whose behalf the application is made. The order must be based upon threats or acts of violence connected with the applicant's work for a public entity or the minor or incapacitated person on whose behalf the application is made.

(C) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made, due to their work for a public entity.

(2) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State two copies of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from any liability in any action brought by any person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(3) The mailing address where the applicant can be contacted by the Secretary of State, and the telephone number or numbers where the applicant can be called by the Secretary of State.

(4) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of acts of violence or harassment toward the applicant.

(5) The signature of the applicant and of any individual or representative of any office designated in writing who assisted in the preparation of the application, and the date on which the applicant signed the application.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Submitted applications shall be accompanied by payment of a fee to be determined by the Secretary of State. This fee shall not exceed the actual costs of enrolling in the program. In addition, annual fees may also be assessed by the Secretary of State to defray the actual costs of maintaining this program. Annual fees assessed by the Secretary of State shall also be used to reimburse the General Fund for any amounts expended from that fund for the purposes of this chapter. No applicant who is a patient of a designated health care services facility shall be required to pay an application fee or the annual fee under this program.

(e) The Address Confidentiality for Reproductive Health Care Services Fund is hereby created in the General Fund. Upon appropriation by the Legislature, moneys in the fund are available for the administration of the program established pursuant to this chapter.

(f) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants, with the exception of designated health care services facilities volunteers, shall be certified for four years following the date of filing unless the certification is withdrawn, or invalidated before that date. Designated health care services facility volunteers shall be certified until six months from the last date of volunteering with the facility. The Secretary of State shall by rule establish a renewal procedure. A minor program participant, who reaches 18 years of age, may renew as an adult following the renewal procedures established by the Secretary of State.

(g) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's family or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision.

(h) For purposes of this section:

(1) "Harassment" is repeated, unreasonable, and unwelcome conduct directed at a targeted individual that would cause a reasonable person to fear for their own safety or the safety of a household member. Harassing conduct may include, but is not limited to, following, stalking, phone calls, or written correspondence.

(2) "Public entity" means a federal, state, or local governmental agency.

(3) "Work for a public entity" means work performed by an employee of a public entity, or work performed for a public entity by a person pursuant to a contract with the public entity.

**SEC. 4.** Section 6218 of the Government Code is amended to read:

**6218.** (a) (1) A person, business, or association shall not knowingly publicly post or publicly display, disclose, or distribute on internet websites or social media, the personal information or image of any designated health care services provider, employee, volunteer, or patient, or other individuals residing at the same home address, with the intent to do either of the following:

(A) Incite a third person to cause imminent great bodily harm to the designated health care services provider, employee, volunteer, or patient identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

(B) Threaten the designated health care services provider, employee, volunteer, or patient, identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

(2) A designated health care services provider, employee, volunteer, or patient whose personal information or image is made public as a result of a violation of paragraph (1), or any individual entity or organization authorized to act on their behalf, may do either or both of the following:

(A) Bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

(B) Bring an action for money damages in any court of competent jurisdiction. In addition to any other legal rights or remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars (\$4,000).

(b) (1) A person, business, or association shall not publicly post or publicly display, disclose, or distribute, on internet websites or social media, the personal information or image of a designated health care services provider, employee, volunteer, or patient if that individual, or any individual, entity, or organization authorized to act on their behalf, has made a written demand of that person, business, or association to not disclose the personal information or image. A written demand made under this paragraph shall include a statement declaring that the individual is subject to the protection of this section and describing a reasonable fear for the safety of that individual or of any person residing at the individual's home address, based on a violation of subdivision (a). A demand made under this paragraph shall be effective for four years, regardless of whether or not the individual's affiliation with a designated health care services facility has expired prior to the end of the four-year period.

(2) A designated health care services provider, employee, volunteer, or patient whose personal information or image is made public as a result of a failure to honor a demand made pursuant to paragraph (1), or any individual, entity, or organization authorized to act on their behalf, may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

(3) This subdivision does not apply to a person or entity defined in Section 1070 of the Evidence Code.

(c) (1) A person, business, or association shall not solicit, sell, or trade on the internet or social media the personal information or image of a designated health care services provider, employee, volunteer, or patient with the intent to do either of the following:

(A) Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

(B) Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

(2) A designated health care services provider, employee, volunteer, or patient whose personal information or image is solicited, sold, or traded in violation of paragraph (1), or any individual, entity, or organization authorized to act on their behalf, may bring an action in any court of competent jurisdiction. In addition to any other legal rights and remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars (\$4,000).

(d) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause bodily harm that is likely to occur or threatens to cause bodily harm to a designated health care services patient, provider, or assistant, or any person residing at the same home address.

(e) This section does not preclude punishment under any other provision of law.

**SEC. 5.** Section 6218.01 of the Government Code is amended to read:



**6218.01.** (a) (1) A person shall not post on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a designated health care services provider, employee, volunteer, or patient, or other individuals residing at the same home address, the personal information or image of a designated health care services patient, provider, or assistant, or other individuals residing at the same home address.

(2) A violation of this subdivision is punishable by a fine of up to ten thousand dollars (\$10,000) per violation, imprisonment of either up to one year in a county jail or pursuant to subdivision (h) of Section 1170 of the Penal Code, or by both that fine and imprisonment.

(3) A violation of this subdivision that leads to the bodily injury of a designated health care services provider, employee, volunteer, or patient, or other individuals residing at the same home address, is a felony punishable by a fine of up to fifty thousand dollars (\$50,000), imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by both that fine and imprisonment.

(b) Nothing in this section shall preclude prosecution under any other provision of law.

**SEC. 6.** Section 6218.05 of the Government Code is amended to read:

**6218.05.** For purposes of this chapter, the following definitions apply:

(a) "Designated health care services" means gender-affirming health care services or reproductive health care services.

(b) "Designated health care services provider, employee, volunteer, or patient" means 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) "Designated health care services facility" means 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 provided in Section 16010.2 of the Welfare and Institutions Code.

(e) "Gender-affirming health care and gender-affirming mental health care provider, employee, volunteer, or patient" means 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" includes a hospital, an office operated by a licensed physician and surgeon, a licensed clinic, or other licensed health care facility that provides gender-affirming health care services and includes only the building or structure in which the gender-affirming health care services are actually provided.

(g) "Image" includes, but is not limited to, a photograph, video footage, sketch, or computer-generated image that provides a means to visually identify the person depicted.

(h) "Personal information" means information that identifies, relates to, describes, or is capable of being associated with a reproductive health care services patient, provider, or assistant, including, but not limited to, their name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, license plate number, employment, employment history, and financial information.

(i) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(j) "Reproductive health care services" means health care services relating to the termination of a pregnancy in a reproductive health care services facility.

(k) "Reproductive health care services patient, provider, or assistant" means a person or entity, including, but not limited to, employees, staff, volunteers, and third-party vendors, that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that person's request, to obtain or provide any services in a reproductive health care services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate a reproductive health care services facility.

(l) "Reproductive health care services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health care services and includes the building or structure in which the facility is located.

(m) "Social media" means an electronic service or account, or electronic content, including, but not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations.

**SEC. 7.** Section 11165 of the Health and Safety Code is amended to read:

**11165.** (a) To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, contingent upon the availability of adequate funds in the CURES Fund, maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of, and internet access to information regarding, the prescribing and dispensing of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances by all practitioners authorized to prescribe, order, administer, furnish, or dispense these controlled substances.

(b) The department may seek and use grant funds to pay the costs incurred by the operation and maintenance of CURES. The department shall annually report to the Legislature and make available to the public the amount and source of funds it receives for support of CURES.

(c) (1) The operation of CURES shall comply with all applicable federal and state privacy and security laws and regulations.

(2) (A) CURES shall operate under existing provisions of law to safeguard the privacy and confidentiality of patients. Data obtained from CURES shall only be provided to appropriate state, local, and federal public agencies for disciplinary, civil, or criminal purposes and to other agencies or entities, as determined by the department, for the purpose of educating practitioners and others in lieu of disciplinary, civil, or criminal actions. Data may be provided to public or private entities, as approved by the department, for educational, peer review, statistical, or research purposes, if patient information, including information that may identify the patient, is not compromised. The University of California shall be provided access to identifiable data for research purposes if the requirements of subdivision (t) of Section 1798.24 of the Civil Code are satisfied. Further, data disclosed to an individual or agency as described in this subdivision shall not be disclosed, sold, or transferred to a third party, unless authorized by, or pursuant to, state and federal privacy and security laws and regulations. The department shall establish policies, procedures, and regulations regarding the use, access, evaluation, management, implementation, operation, storage, disclosure, and security of the information within CURES, consistent with this subdivision.

(B) Notwithstanding subparagraph (A), a regulatory board whose licensees do not prescribe, order, administer, furnish, or dispense controlled substances shall not be provided data obtained from CURES.

(3) The department shall, no later than January 1, 2021, adopt regulations regarding the access and use of the information within CURES. The department shall consult with all stakeholders identified by the department during the rulemaking process. The regulations shall, at a minimum, address all of the following in a manner consistent with this chapter:

(A) The process for approving, denying, and disapproving individuals or entities seeking access to information in CURES.

(B) The purposes for which a health care practitioner may access information in CURES.

(C) The conditions under which a warrant, subpoena, or court order is required for a law enforcement agency to obtain information from CURES as part of a criminal investigation.

(D) The process by which information in CURES may be provided for educational, peer review, statistical, or research purposes.

(4) In accordance with federal and state privacy laws and regulations, a health care practitioner may provide a patient with a copy of the patient's CURES patient activity report as long as no additional CURES data are provided and the health care practitioner keeps a copy of the report in the patient's medical record in compliance with subdivision (d) of Section 11165.1.

(d) Except as provided in subdivision (k), for each prescription for a Schedule II, Schedule III, Schedule IV, or Schedule V controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the department or contracted prescription data processing vendor as soon as reasonably possible, but not more than one working day after the date a controlled substance is released to the patient or patient's representative, in a format specified by the department:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of a prescriber using the federal controlled

substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) The International Statistical Classification of Diseases (ICD) Code contained in the most current ICD revision, or any revision deemed sufficient by the State Board of Pharmacy, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Prescribing date of the prescription.

(10) Date of dispensing of the prescription.

(11) The serial number for the corresponding prescription form, if applicable.

(e) The department may invite stakeholders to assist, advise, and make recommendations on the establishment of rules and regulations necessary to ensure the proper administration and enforcement of the CURES database. A prescriber or dispenser invitee shall be licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, in active practice in California, and a regular user of CURES.

(f) The department shall, prior to upgrading CURES, consult with prescribers licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, one or more of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, and any other stakeholder identified by the department, for the purpose of identifying desirable capabilities and upgrades to the CURES Prescription Drug Monitoring Program (PDMP).

(g) The department may establish a process to educate authorized subscribers of the CURES PDMP on how to access and use the CURES PDMP.

(h) (1) The department may enter into an agreement with an entity operating an interstate data sharing hub, or an agency operating a prescription drug monitoring program in another state, for purposes of interstate data sharing of prescription drug monitoring program information.

(2) Data obtained from CURES may be provided to authorized users of another state's prescription drug monitoring program, as determined by the department pursuant to subdivision (c), if the entity operating the interstate data sharing hub, and the prescription drug monitoring program of that state, as applicable, have entered into an agreement with the department for interstate data sharing of prescription drug monitoring program information.

(3) An agreement entered into by the department for purposes of interstate data sharing of prescription drug monitoring program information shall ensure that all access to data obtained from CURES and the handling of data contained within CURES comply with California law, including regulations, and meet the same patient privacy, audit, and data security standards employed and required for direct access to CURES.

(4) For purposes of interstate data sharing of CURES information pursuant to this subdivision, an authorized user of another state's prescription drug monitoring program shall not be required to register with CURES, if the authorized user is registered and in good standing with that state's prescription drug monitoring program.

(5) The department shall not enter into an agreement pursuant to this subdivision until the department has issued final regulations regarding the access and use of the information within CURES as required by paragraph (3) of subdivision (c).

(i) Notwithstanding subdivision (d), a veterinarian shall report the information required by that subdivision to the department as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed.

(j) If the dispensing pharmacy, clinic, or other dispenser experiences a temporary technological or electrical failure, it shall, without undue delay, seek to correct any cause of the temporary technological or electrical failure that is reasonably within its control. The deadline for transmitting prescription information to the department or contracted prescription data processing vendor pursuant to subdivision (d) shall be extended until the failure is corrected. If the dispensing pharmacy, clinic, or other dispenser experiences technological limitations that are not reasonably within its control, or is impacted by a natural or manmade disaster,

the deadline for transmitting prescription information to the department or contracted prescription data processing vendor shall be extended until normal operations have resumed.

(k) (1) Notwithstanding subdivision (d), a prescription for or the dispensing of testosterone or mifepristone shall not be reported to the department, CURES, or a contracted prescription data processing vendor.

(2) On or before January 1, 2027, the department shall remove existing records of a prescription described in this subdivision created or maintained prior to January 1, 2026.

**SEC. 7.5.** Section 11165 of the Health and Safety Code is amended to read:

**11165.** (a) To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, contingent upon the availability of adequate funds in the CURES Fund, maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of, and internet access to information regarding, the prescribing and dispensing of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances by all practitioners authorized to prescribe, order, administer, furnish, or dispense these controlled substances.

(b) The department may seek and use grant funds to pay the costs incurred by the operation and maintenance of CURES. The department shall annually report to the Legislature and make available to the public the amount and source of funds it receives for support of CURES.

(c) (1) The operation of CURES shall comply with all applicable federal and state privacy and security laws and regulations.

(2) (A) CURES shall operate under existing provisions of law to safeguard the privacy and confidentiality of patients. Data obtained from CURES shall only be provided to appropriate state, local, and federal public agencies for disciplinary, civil, or criminal purposes and to other agencies or entities, as determined by the department, for the purpose of educating practitioners and others in lieu of disciplinary, civil, or criminal actions. Data may be provided to public or private entities, as approved by the department, for educational, peer review, statistical, or research purposes, if patient information, including information that may identify the patient, is not compromised. The University of California shall be provided access to identifiable data for research purposes if the requirements of subdivision (t) of Section 1798.24 of the Civil Code are satisfied. Further, data disclosed to an individual or agency as described in this subdivision shall not be disclosed, sold, or transferred to a third party, unless authorized by, or pursuant to, state and federal privacy and security laws and regulations. The department shall establish policies, procedures, and regulations regarding the use, access, evaluation, management, implementation, operation, storage, disclosure, and security of the information within CURES, consistent with this subdivision.

(B) Notwithstanding subparagraph (A), a regulatory board whose licensees do not prescribe, order, administer, furnish, or dispense controlled substances shall not be provided data obtained from CURES.

(C) (i) Notwithstanding subparagraph (A) or any other law, a state or local agency or employee, appointee, officer, contractor, or official or any other person acting on behalf of a public agency shall not knowingly provide any CURES data or knowingly expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil, criminal, or disciplinary liability based on another state's laws for the provision or receipt of legally protected health care activity, as defined in Section 1798.300 of the Civil Code.

(ii) This section does not prohibit the investigation of any activity that is punishable as a crime under the laws of this state so long as CURES data related to any legally protected health care activity, as defined in Section 1798.300 of the Civil Code, is not knowingly shared with any individual or entity from another state.

(iii) This section does not prohibit compliance with an audit or investigation of activity that is unlawful under the laws of this state or federal law, or with an audit, review, or investigation conducted for purposes of licensure, registration, accreditation, or certification under the laws of this state or federal law or pursuant to an accrediting organization recognized by the State Department of Public Health or the federal Centers for Medicare and Medicaid Services.

(3) The department may adopt regulations regarding the access and use of the information within CURES. The department shall consult with all stakeholders identified by the department during the rulemaking process. The regulations shall, at a minimum, address all of the following in a manner consistent with this chapter:

(A) The process for approving, denying, and disapproving individuals or entities seeking access to information in CURES.

(B) The purposes for which a health care practitioner may access information in CURES.

(C) The conditions under which a warrant, subpoena, or court order is required for a law enforcement agency to obtain information from CURES as part of a criminal investigation.

(D) The process by which information in CURES may be provided for educational, peer review, statistical, or research purposes.

(4) In accordance with federal and state privacy laws and regulations, a health care practitioner may provide a patient with a copy of the patient's CURES patient activity report as long as no additional CURES data are provided and the health care practitioner keeps a copy of the report in the patient's medical record in compliance with subdivision (d) of Section 11165.1.

(d) Except as provided in subdivision (k), for each prescription for a Schedule II, Schedule III, Schedule IV, or Schedule V controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the department or contracted prescription data processing vendor as soon as reasonably possible, but not more than one working day after the date a controlled substance is released to the patient or patient's representative, in a format specified by the department:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of a prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) The International Statistical Classification of Diseases (ICD) Code contained in the most current ICD revision, or any revision deemed sufficient by the State Board of Pharmacy, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Prescribing date of the prescription.

(10) Date of dispensing of the prescription.

(11) The serial number for the corresponding prescription form, if applicable.

(e) The department may invite stakeholders to assist, advise, and make recommendations on the establishment of rules and regulations necessary to ensure the proper administration and enforcement of the CURES database. A prescriber or dispenser invitee shall be licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, in active practice in California, and a regular user of CURES.

(f) The department shall, prior to upgrading CURES, consult with prescribers licensed by one of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, one or more of the boards or committees identified in subdivision (d) of Section 208 of the Business and Professions Code, and any other stakeholder identified by the department, for the purpose of identifying desirable capabilities and upgrades to the CURES Prescription Drug Monitoring Program (PDMP).

(g) The department may establish a process to educate authorized subscribers of the CURES PDMP on how to access and use the CURES PDMP.

(h) (1) The department may enter into an agreement with an entity operating an interstate data sharing hub, or an agency operating a prescription drug monitoring program in another state, for purposes of interstate data sharing of prescription drug monitoring program information. An out-of-state authorized user who obtains CURES data through the interstate data sharing hub shall not provide any CURES data in furtherance of any investigation or proceeding seeking to impose civil, criminal, or disciplinary liability based on another state's laws for the provision or receipt of legally protected health care activity, as defined in Section 1798.300 of the Civil Code.

(2) Data obtained from CURES may be provided to authorized users of another state's prescription drug monitoring program, as determined by the department pursuant to subdivision (c), if the entity operating the interstate data sharing hub, and the prescription drug monitoring program of that state, as applicable, have entered into an agreement with the department for interstate data sharing of prescription drug monitoring program information.

(3) An agreement entered into by the department for purposes of interstate data sharing of prescription drug monitoring program information shall ensure that all access to data obtained from CURES and the handling of data contained within CURES comply with California law, including regulations, and meet the same patient privacy, audit, and data security standards employed and required for direct access to CURES.

(4) For purposes of interstate data sharing of CURES information pursuant to this subdivision, an authorized user of another state's prescription drug monitoring program shall not be required to register with CURES, if the authorized user is registered and in good standing with that state's prescription drug monitoring program.

(5) The department shall not enter into an agreement pursuant to this subdivision until the department has issued final regulations regarding the access and use of the information within CURES as required by paragraph (3) of subdivision (c).

(6) Notwithstanding subdivision (c), the department shall not provide CURES data to out-of-state law enforcement absent a warrant, subpoena, or court order, issued pursuant to Section 2029.300 or 2029.350 of the Code of Civil Procedure, or Section 1326 of the Penal Code.

(i) Notwithstanding subdivision (d), a veterinarian shall report the information required by that subdivision to the department as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed.

(j) If the dispensing pharmacy, clinic, or other dispenser experiences a temporary technological or electrical failure, it shall, without undue delay, seek to correct any cause of the temporary technological or electrical failure that is reasonably within its control. The deadline for transmitting prescription information to the department or contracted prescription data processing vendor pursuant to subdivision (d) shall be extended until the failure is corrected. If the dispensing pharmacy, clinic, or other dispenser experiences technological limitations that are not reasonably within its control, or is impacted by a natural or manmade disaster, the deadline for transmitting prescription information to the department or contracted prescription data processing vendor shall be extended until normal operations have resumed.

(k) (1) Notwithstanding subdivision (d), a prescription for or the dispensing of testosterone or mifepristone shall not be reported to the department, CURES, or a contracted prescription data processing vendor.

(2) On or before January 1, 2027, the department shall remove existing records of a prescription described in this subdivision created or maintained prior to January 1, 2026.

(l) (1) Any person who accesses the CURES database and who is not authorized by law to do so is guilty of a misdemeanor.

(2) 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.

(3) This subdivision does not apply to a provider of health care as defined in Section 56.06 of the Civil Code that is subject to applicable state and federal medical privacy laws.

**SEC. 8.** Section 11190 of the Health and Safety Code is amended to read:

**11190.** (a) Every practitioner, other than a pharmacist, who prescribes or administers a controlled substance classified in Schedule II shall make a record that, as to the transaction, shows all of the following:

(1) The name and address of the patient.

(2) The date.

(3) The character, including the name and strength, and quantity of controlled substances involved.

(b) The prescriber's record shall show the pathology and purpose for which the controlled substance was administered or prescribed.

(c) (1) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance that is dispensed by a prescriber pursuant to Section 4170 of the Business and Professions Code, the prescriber shall record and maintain the following information:

(A) Full name, address, and the telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of

birth of the patient.

(B) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(C) NDC (National Drug Code) number of the controlled substance dispensed.

(D) Quantity of the controlled substance dispensed.

(E) ICD-9 (diagnosis code), if available.

(F) Number of refills ordered.

(G) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(H) Date of origin of the prescription.

(2) (A) Each prescriber that dispenses controlled substances shall provide the Department of Justice the information required by this subdivision on a weekly basis in a format set by the Department of Justice pursuant to regulation.

(B) The reporting requirement in this section shall not apply to the direct administration of a controlled substance to the body of an ultimate user or a prescription described in subdivision (k) of Section 11165.

(d) This section shall become operative on January 1, 2005.

(e) The reporting requirement in this section for Schedule IV controlled substances shall not apply to any of the following:

(1) The dispensing of a controlled substance in a quantity limited to an amount adequate to treat the ultimate user involved for 48 hours or less.

(2) The administration or dispensing of a controlled substance in accordance with any other exclusion identified by the United States Health and Human Service Secretary for the National All Schedules Prescription Electronic Reporting Act of 2005.

(f) Notwithstanding paragraph (2) of subdivision (c), the reporting requirement of the information required by this section for a Schedule II or Schedule III controlled substance, in a format set by the Department of Justice pursuant to regulation, shall be on a monthly basis for all of the following:

(1) The dispensing of a controlled substance in a quantity limited to an amount adequate to treat the ultimate user involved for 48 hours or less.

(2) The administration or dispensing of a controlled substance in accordance with any other exclusion identified by the United States Health and Human Service Secretary for the National All Schedules Prescription Electronic Reporting Act of 2005.

**SEC. 9.** Section 629.51 of the Penal Code is amended to read:

**629.51.** (a) For the purposes of this chapter, the following terms have the following meanings:

(1) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of a like connection in a switching station), furnished or operated by any person engaged in providing or operating these facilities for the transmission of communications.

(2) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system, but does not include any of the following:

(A) Any wire communication defined in paragraph (1).

(B) Any communication made through a tone-only paging device.

(C) Any communication from a tracking device.

(D) Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(3) "Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or object.

(4) "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

(5) (A) "Prohibited violation" means any violation of law that creates liability for, or arising out of, either of the following:

(i) Providing, facilitating, or obtaining a legally protected health care activity, as defined in Section 1549.15, that is lawful under California law.

(ii) Intending or attempting to provide, facilitate, or obtain a legally protected health care activity, as defined in Section 1549.15, that is lawful under California law.

(B) As used in this paragraph, "facilitating" or "facilitate" means assisting, directly or indirectly in any way, with the obtaining of a legally protected health care activity, as defined in Section 1549.15, that is lawful under California law.

(b) This chapter applies to the interceptions of wire and electronic communications. It does not apply to stored communications or stored content.

(c) The act that added this subdivision is not intended to change the law as to stored communications or stored content.

**SEC. 10.** Section 1269b of the Penal Code is amended to read:

**1269b.** (a) The officer in charge of a jail in which an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or is employed at a fixed police or sheriff's facility and is acting under an agreement with the agency that keeps the jail in which an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by the department to collect bail, the clerk of the superior court of the county in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending may approve and accept bail in the amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof.

(b) If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information, the bail shall be in the amount fixed by the judge at the time of the appearance. If that appearance has not been made, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to the uniform countywide schedule of bail for the county in which the defendant is required to appear, previously fixed and approved as provided in subdivisions (c) and (d).

(c) It is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

(d) A court may, by local rule, prescribe the procedure by which the uniform countywide schedule of bail is prepared, adopted, and annually revised by the judges. If a court does not adopt a local rule, the uniform countywide schedule of bail shall be prepared, adopted, and annually revised by a majority of the judges.

(e) In adopting a uniform countywide schedule of bail for all bailable felony offenses the judges shall consider the seriousness of the offense charged. In considering the seriousness of the offense charged the judges shall assign an additional amount of required bail for each aggravating or enhancing factor chargeable in the complaint, including, but not limited to, additional bail for charges alleging facts that would bring a person within any of the following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or Section 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.

In considering offenses in which a violation of Chapter 6 (commencing with Section 11350) of Division 10 of the Health and Safety Code is alleged, the judge shall assign an additional amount of required bail for offenses involving large quantities of controlled substances.

(f) (1) The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council.



(2) The countywide bail schedule shall set zero dollars (\$0) bail for an individual who has been arrested 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, as defined in Section 1549.15, in this state, or an individual obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state.

(g) Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court.

(h) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon their release from custody, Sections 1305 and 1306 apply.

**SEC. 11.** Section 13778.2 of the Penal Code is amended to read:

**13778.2.** (a) A state or local law enforcement agency or officer shall not knowingly arrest or knowingly participate in the arrest of any person for performing, supporting, or aiding in the performance of a legally protected health care activity, as defined in Section 1549.15, in this state, or obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state.

(b) A state or local public agency, or any employee thereof acting in their official capacity, shall not cooperate with or provide 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, as defined in Section 1549.15, that is lawful under the laws of this state and that is performed in this state.

(c) (1) 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, as defined in Section 1549.15, in this state, or an individual obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state, is against the public policy of this state.

(2) No state court, judicial officer, or court employee or clerk, or authorized attorney shall issue 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, as defined in Section 1549.15, in this state, or an individual obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state.

(d) This section does not prohibit the investigation of any criminal activity in this state that may involve the performance of a legally protected health care activity, as defined in Section 1549.15, 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.

**SEC. 12.** Section 13778.3 of the Penal Code is amended to read:

**13778.3.** (a) For purposes of this section, the following terms shall have the following meaning:

(1) "Gender-affirming health care" and "gender-affirming mental health care" have the same meaning as in paragraph (3) of subdivision (b) of Section 16010.2 of the Welfare and Institutions Code.

(2) "Legally protected health care activity" shall have the same meaning as in Section 1549.15.

(3) "Reproductive health care services" shall have the same meaning as in Section 1549.15.

(4) "California corporation" refers to any corporation or other entity that is subject to Section 102 of the Corporations Code, with the exception of foreign corporations.

(b) A state or local government employee, person or entity contracted by a state or local government, or person or entity acting on behalf of a local or state government shall not cooperate with or provide information to any individual, including a bondsman or person authorized, pursuant to subdivision (a) of Section 1299.02, to apprehend, detain, or arrest a fugitive admitted to bail in another state, or out-of-state agency or department regarding any legally protected health care activity or otherwise expend or use time, moneys, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for any legally protected health care activity that occurred in this state or that would be legal if it occurred in this state.

(c) This section does not prohibit compliance with a valid, court-issued subpoena, warrant, wiretap order, pen register trap and trace order, or other legal process which does not relate to a law seeking to impose civil or criminal liability or professional sanctions for a legally protected health care activity, or in response to the written request of a person who is the subject of such an investigation or proceeding, to the extent necessary, in each case, to fulfill such request.

(d) 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 shall include an affidavit or declaration under penalty of perjury that the discovery is not in connection with an out-of-state proceeding relating to any legally protected health care activity unless the out-of-state proceeding meets all of the following requirements:

(1) Is based in tort, contract, or on statute.

(2) Is actionable, in an equivalent or similar manner, under the laws of this state.

(3) Was brought by the patient who received a legally protected health care activity or the patient's legal representative.

(e) A state court, judicial officer, court employee or clerk, or authorized attorney shall not issue a subpoena pursuant to any other state's law unless it includes the affidavit or declaration defined in subdivision (d).

(f) A California corporation that provides electronic communication services or remote computing services to the general public shall not comply with an out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, other legal process, or request by a law enforcement agent or entity seeking records that would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer's usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications, unless the out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, other legal process, or request from law enforcement includes the affidavit or declaration defined in subdivision (d). A corporation subject to this subdivision is entitled to rely on the representations made in the affidavit or declaration.

(g) (1) The Attorney General may commence a civil action against a person or entity that submits a false affidavit in violation of subdivision (d). Any action brought by the Attorney General pursuant to this section 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.

(2) A person or entity that submits a false affidavit in violation of subdivision (d) shall be punished by a civil penalty of fifteen thousand dollars (\$15,000). This shall be in addition to any other penalties or remedies provided by law.

**SEC. 13.** The provisions of this act are severable. If any provision of this act 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. 14.** The Legislature finds and declares that this act imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Individuals, including, but not limited to, health care providers, employees, volunteers, patients, and their loved ones have become increasingly subjected to violent threats, harassment, and intimidation for simply accessing, providing, and assisting with legally protected health care activities, as defined in Section 1798.300 of the Civil Code. In order to prevent acts of violence from being committed against those individuals, it is necessary for the Legislature to ensure that the home addresses of these individuals are kept confidential.

**SEC. 15.** Section 7.5 of this bill incorporates amendments to Section 11165 of the Health and Safety Code proposed by this bill and Senate Bill 497. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2026, (2) each bill amends Section 11165 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 497, in which case Section 11165 of the Health and Safety Code, as amended by Senate Bill 497, shall remain operative only until the operative date of this bill, at which time Section 7.5 of this bill shall become operative, and Section 7 of this bill shall not become operative.

**SEC. 16.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.