



# AB 2091 (Bonta): Reproductive Privacy Protections Act

last updated 6.27.2022

## SUMMARY

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AB 2091 will protect the medical privacy of patients by ensuring out of state subpoenas, which seek information related to a patient who received reproductive health care here in California, are not granted. AB 2091 also ensures the Department of Insurance can enforce violations of the release of certain medical records related to sensitive services.

## BACKGROUND

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The U.S. Supreme Court's 1973 decision in *Roe v. Wade* protects the constitutional right to an abortion. This pivotal decision protected the right to an abortion in all 50 states and set a precedent for years to follow. Since that decision, states have passed legislation to either codify this right or, unfortunately, restrict abortion in attempts to ultimately overturn this life-saving court precedent. Certain hostile states have passed laws which serve as direct challenges to *Roe v. Wade* and subsequent case-law which further upheld this right. One of these laws, Mississippi's, which bans abortions at 15 weeks, is the subject of the U.S. Supreme Court case which recently overturned the holding in *Roe v. Wade*.

In the last year alone, 108 abortion restrictions were enacted in 19 states. This includes Texas's anti-abortion law, in effect today, which encourages people to act as bounty hunters to seek out and sue those who provided ANY form of support to people seeking an abortion. The Supreme Court's decision to overturn the protections granted under *Roe v. Wade* leaves the protection, or lack thereof, of abortion to individual states. People have been coming and will continue to come to California for reproductive healthcare. With multiple states enacting legislation that specifically targets the right to an abortion, it is crucial that California improves abortion access and strengthen privacy protections for those seeking reproductive health care in California.

## CURRENT LAW

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The California Constitution enshrines this inalienable right to privacy and provides that every individual possesses this right with respect to their personal reproductive health decisions. Additionally, current law protects the release of certain medical records related to sensitive services.

## PROBLEM

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Hostile state laws, which allow people to enforce the law and target patients who seek reproductive health care, have the potential to infringe on rights that are protected in California. Pursuant to these regressive laws, out-of-state private citizens will demand the medical records of those who seek care here, to punish them for exercising their fundamental right here in California. No one should be able to weaponize our state's legal system to target anyone who receives care here.

## SOLUTION

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AB 2091 protects patients who seek reproductive health care in California by providing that out of state subpoenas, seeking medical information related to a patient who received abortion care in California and intending to enforce other states regressive laws, are not granted. AB 2091 also protects those who seek reproductive health care by ensuring the Department of Insurance can enforce violations of the release of certain medical records related to sensitive services.

## SUPPORT

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- Equality California (Co-Sponsor)
- Planned Parenthood Affiliates of California (Co-Sponsor)
- American College of Obstetricians and Gynecologists District IX
- Attorney General Rob Bonta
- California Academy of Family Physicians
- California Department of Insurance
- California Legislative Women's Caucus

- California Pan-Ethnic Health Network
- California Nurse Midwives Association (CNMA)
- California Nurses Association
- City of Los Angeles
- Electronic Frontier Foundation
- NARAL Pro-Choice California
- National Association of Social Workers, California Chapter
- Oakland Privacy
- Lieutenant Governor Eleni Kounalakis
- Santa Barbara Women Lawyers
- Stronger Women United

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