

Date of Hearing: May 1, 2025

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 67 (Bauer-Kahan) – As Amended April 23, 2025

**SUBJECT:** Attorney General: Reproductive Privacy Act: enforcement

**SYNOPSIS**

*California is a reproductive freedom state that provides a safe haven for those seeking to exercise their fundamental right to make personal reproductive decisions, including obtaining abortion care. In 2002, California enacted the Reproductive Privacy Act (RPA), which prohibits the state and local governments from denying or interfering with this right. After the United States Supreme Court overruled Roe v. Wade in 2022, the Legislature took additional steps to bolster the RPA, including adding a private right of action against government entities that violate the RPA's provisions.*

*This bill, sponsored by Attorney General Rob Bonta would further strengthen enforcement of the RPA by authorizing the Attorney General to investigate and enforce the RPA and to seek monetary penalties against entities that interfere with the right to have an abortion in California. The bill is supported by, among others, Planned Parenthood, California Medical Association, California Nurses Association, League of Women Voters, Oakland Privacy, ACLU, and the County of Santa Clara. The Committee did not receive timely opposition. The Judiciary Committee passed the bill by a vote of 9-3.*

**THIS BILL:**

- 1) Provides that RPA cases are not subject to the Government Claims Act claims presentation procedure.
- 2) Provides that the Attorney General (AG) may bring an action to enforce the RPA, which may include injunctive relief, a restraining order, or writ of mandate, as well as ancillary relief, including restitution, disgorgement, or damages on behalf of persons injured as a result of a violation of the RPA.
- 3) Authorizes the AG to make public or private investigations relating to the RPA and to publish information concerning violations of the RPA.
- 4) Grants the AG the power in any investigation or proceeding pursuant to the RPA to administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence, and require reproduction of documents or records deemed necessary or material to the inquiry. If a person refuses to obey a subpoena, the AG may order them to appear and produce evidence; failure to do so is punishable as contempt of court.
- 5) Provides that a person who is compelled to testify or produce evidence and who validly claims their privilege against self-incrimination cannot be prosecuted or punished apart from perjury or contempt committed in testifying.

- 6) Makes a person or governmental entity that violates the RPA liable for costs and fees and a civil penalty of up to \$25,000 per violation that is assessed and recovered in a civil action brought by the AG, provided that the action is brought within four years of the violation. In assessing the amount of the civil penalty, the court must consider any relevant circumstances presented by the parties, including the nature and seriousness of the misconduct, number of violations, persistence of the misconduct, length of time over which the misconduct occurred, the willfulness of the misconduct, and the defendant's assets, liabilities, and net worth.
- 7) Requires that funds from civil penalties, costs, and fees are paid to the AG, available upon appropriation for exclusive use by the AG for enforcement of the RPA.
- 8) Clarifies that the bill does not limit the powers of the AG.

**EXISTING LAW:**

- 1) Establishes the RPA. (Hlth & Saf. Code § 123460 et seq.) Finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. (Hlth & Saf. Code § 123462.)
- 2) Prohibits the state from denying or interfering with a person's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of the woman or pregnant person. Prohibits government entities from compelling a person to identify or provide information that would identify or that is related to an individual who has sought or obtained an abortion if the information is being requested based on either another state's laws that interfere with a person's rights or a foreign penal civil action, as defined. (Hlth & Saf. Code § 123466.)
- 3) Prohibits subjecting a person, or any person who aids or assists that person, to civil or criminal liability or penalty or otherwise depriving them of their rights under the RPA, based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcomes, as provided. (Hlth & Saf. Code § 123467.)
- 4) Provides that laws of other states are contrary to this state's public policy if they authorize civil actions against a person or entity who receives or seeks, or performs, provides, or induces, an abortion, or aids and abets or attempts or intends to engage in, those acts. (Hlth & Saf. Code § 123467.5(a).)
- 5) Prohibits the state from applying a law described in 4) above or enforcing or satisfying a civil judgment received through an adjudication of such a law. (Hlth & Saf. Code § 123467.5(b).)
- 6) Enables a party whose reproductive rights are interfered with in violation of the RPA to bring a civil action against an offending state or local government act for actual damages, a civil penalty of \$25,000, preventative relief, and reasonable attorney's fees and costs. (Hlth & Saf. Code § 123469.)

- 7) Under the Government Claims Act, generally requires that all claims for money or damages against local public entities be presented in accordance with specified procedures, with certain exceptions. (Gov. Code § 905.)

**COMMENTS:**

1) **Author's statement.** According to the author:

Access to reproductive healthcare is a fundamental right which should not be contingent on an individual's ability to navigate complex legal challenges alone. Too often, individuals face unlawful barriers to care and lack the time, resources, or legal support to challenge them. Currently, the Attorney General's office does not have an explicit mechanism to enforce the Reproductive Privacy Act, a crucial law protecting reproductive rights, leaving individuals solely responsible to bring litigation. AB 67 ensures that the Attorney General has the authority to uphold these protections to hold violators accountable. No one should have to undergo a legal battle to exercise their rights.

2) **Reproductive Freedom Act.** California is a reproductive freedom state. California's Constitution and the RPA protect a person's fundamental right to make personal reproductive decisions.<sup>1</sup> Enacted in 2002, the RPA prohibits state and local government entities from denying or interfering with the right to obtain an abortion. In 2022, following the United States Supreme Court's opinion in *Dobbs v. Jackson Women's Health Org.*,<sup>2</sup> which overruled *Roe v. Wade*<sup>3</sup> and thus invalidated the right to abortion care, the Legislature bolstered the RPA with protections for the licenses of medical providers targeted by other states;<sup>4</sup> prohibitions on releasing to out-of-state law enforcement medical information related to reproductive services;<sup>5</sup> protections against other states' laws that authorize civil actions against individuals who seek or provide an abortion, or who assist those individuals;<sup>6</sup> and a private right of action to enforce rights under the PRA.<sup>7</sup>

3) **Express authority for the Attorney General to enforce the Reproductive Freedom Act.** This bill authorizes the AG to conduct investigations related to potential RPA violations and to subpoena witnesses or compel documentary evidence in connection with investigations or proceedings under the RPA. The bill would expressly enable the AG to bring an action to enforce the RPA and to seek various forms of relief, including restitution, disgorgement, or damages on behalf of persons injured by a violation of the RPA. The AG may also seek a civil penalty of up to \$25,000 per violation, plus litigation costs and fees.

The bill is sponsored by Attorney General Rob Bonta and supported by an array of groups and entities that advocate for reproductive freedom. Proponents argue that the private right of action under the RPA is insufficient to ensure that certain violators are held to account. The AG points to a recent example in the City of Beverly Hills, which interfered with an abortion provider's

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<sup>1</sup> *People v. Belous* (1969) 71 Cal. 2d 954; SCA 10 (Atkins, 2022) Reproductive Freedom (Proposition 1, 2022).

<sup>2</sup> (2022) 597 U.S. 215.

<sup>3</sup> (1973) 410 U.S. 113.

<sup>4</sup> AB 2626 (Calderon) Stats. 2022, Ch. 565.

<sup>5</sup> AB 2091 (Bonta) Stats. 2022, Ch. 628.

<sup>6</sup> AB 1666 (Bauer-Kahan), Stats. 2022, Ch. 42.

<sup>7</sup> AB 2223 (Wicks) Stats. 2022, Ch. 629.

ability to open in its jurisdiction, prompting the AG to take action.<sup>8</sup> Similar issues have occurred in Danville,<sup>9</sup> Visalia,<sup>10</sup> and Fontana.<sup>11</sup> Proponents argue that the AG is best equipped to take on cases such as these. As Planned Parenthood writes, “individuals typically do not have the time, resources, or expertise to bring litigation for an RPA violation. In contrast, the AG’s office has the necessary capacity to properly enforce the RPA on behalf of Californians.”

**ARGUMENTS IN SUPPORT:** This bill is sponsored by Attorney General Rob Bonta, whose office writes:

[. . .] In September 2022, the Legislature amended the RPA to allow private parties to bring a civil cause of action against state actors that violate the RPA’s protections.

Although an important change to the RPA, the private cause of action may prove to be ineffective because the onus to bring a lawsuit against the state is on people seeking to access abortion. Individual plaintiffs typically have limited resources to bring litigation for a violation, and they could experience stigma around abortion, even in California. The AG, in contrast, has the resources to enforce the RPA.

AB 67 addresses an issue that has occurred in multiple locations across California: local government entities interfering with the reproductive rights of Californians by using their power to block or obstruct abortion providers from opening in their regions. The most recent example was the City of Beverly Hills’ interference with an abortion provider’s ability to open within its borders. This prompted the AG to file a stipulated judgment with the City. However, there needs to be stronger penalties in the law to deter localities from such actions before they occur. A monetary penalty for violating the RPA sends a message that there are serious consequences for interfering with a person’s fundamental right to an abortion in California.

Reproductive Freedom For All writes:

AB 67 ensures that there are effective and serious consequences for local government entities that interfere with a person’s right to have an abortion under the RPA. The bill would establish civil penalties, not to exceed \$25,000 per violation, and would allow the AG to recover attorneys’ fees and costs. Protecting reproductive rights is fundamental to California values and plays an important role in enhancing equality across the state. AB 67 will bolster California’s ability to protect reproductive rights and further enshrine California as a safe haven for reproductive services.

The County of Santa Clara adds:

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<sup>8</sup> Alexei Koseff, “An abortion fight in Beverly Hills exposes the limits of California’s ‘reproductive freedom,’” *CalMatters* (2024), <https://calmatters.org/politics/2024/04/abortion-rights-california-beverly-hills-clinic/>.

<sup>9</sup> Diedre McPhillips, “An abortion clinic moved to a ‘safe haven’ state. It didn’t get a warm welcome” *CNN* (2025), <https://www.msn.com/en-us/politics/government/even-in-states-where-abortion-is-legal-providers-say-there-isn-t-always-a-welcome-mat/ar-AA1xEsWv>.

<sup>10</sup> Joshua Yeager, “Planned Parenthood’s proposed Visalia clinic quashed amid mounting controversy” *Visalia Times-Delta* (Mar. 7, 2022), <https://www.visaliatimesdelta.com/story/news/2022/03/07/proposed-planned-parenthood-mar-monte-clinic-visalia-shut-down-controversy-pro-life-residents/9382270002/>.

<sup>11</sup> Jeremy Childs, “Planned Parenthood sues Fontana over abortion access - Los Angeles Times,” *Los Angeles Times* (2023), <https://www.latimes.com/california/story/2023-12-06/fontana-planned-parenthood-complaint>.

As a pro-choice county, access to reproductive healthcare is a fundamental right. The County strongly supports the goal of increasing patient access to reproductive health care services, and strengthening patient privacy for those services, particularly where restrictive state laws and fear of disclosure can prevent patients from obtaining medically necessary care. Navigating complex legal processes can be challenging and litigation support from the Attorney General is welcome.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Attorney General Rob Bonta (Sponsor)  
ACLU California Action  
American College of Obstetricians & Gynecologists - District IX  
California Latinas for Reproductive Justice  
California Medical Association (CMA)  
California Nurse Midwives Association (CNMA)  
California Nurses Association  
California Pan - Ethnic Health Network  
County of Santa Clara  
Electronic Frontier Foundation  
Essential Access Health  
League of Women Voters of California  
Oakland Privacy  
Planned Parenthood Affiliates of California  
San Francisco Women's Political Committee

**Opposition**

None on file.

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