

Date of Hearing: March 21, 2023

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Jesse Gabriel, Chair

AB 1194 (Wendy Carrillo) – As Introduced February 16, 2023

**SUBJECT:** California Privacy Rights Act of 2020: exemptions: abortion services

**SYNOPSIS**

*This is one of three bills being heard in the Committee today that directly seeks to further California's goal of protecting the intimate, reproductive privacy rights of California residents and those from other jurisdictions who may have come to California to seek abortion care.*

*This bill seeks to clarify that an existing exemption from compliance with the California Consumer Privacy Act (CCPA), for access to the personal information of persons at risk or danger of death or serious physical injury, does not include a consumer accessing, procuring, or searching for services regarding contraception, pregnancy care, and perinatal care, including abortion services. This bill ensures that consumer reproductive health information is subject to data privacy protections, without exception.*

*With the fall of Roe v. Wade, a number of states moved quickly to restrict abortions and punish those who are suspected of helping people obtain them. Oklahoma, for example, passed the nation's strictest abortion ban in order to immediately end the ability of people in the state to obtain the procedure. The state quickly followed the ban by making the providing of an abortion a felony punishable by a fine of up to \$100,000 and up to 10 years in prison.*

*Given the actions of so many states to not only ban abortion and gender affirming care within their borders, but to criminalize and punish people who assist someone in obtaining that care, whether within the state or in traveling to another state, taking additional steps to secure personal information related to a person's reproductive health that could conceivably be used as evidence that someone has received that care is of the utmost importance.*

*As the examples above demonstrate, it is becoming increasingly dangerous for people to seek abortion services in many parts of the country. This bill furthers California's goal, as a reproductive freedom state, of protecting women who are seeking abortion services by ensuring that businesses that are bound by the CCPA understand that accessing services or information related to reproductive health does not constitute a threat of serious injury or death to a natural person and therefore is not exempt from the privacy requirements in the CCPA.*

*This bill is author-sponsored. However, both the California Future of Abortion Council and the Legislative Women's Caucus have designated the bill as priority legislation, and it is supported by numerous organizations, including NARAL Pro-Choice California and the American College of Obstetricians and Gynecologists District IX. The bill is opposed by the Right to Life League.*

**SUMMARY:** Clarifies that if a consumer's personal information contains information related to reproductive health, including contraception, pregnancy, or abortion services, that a business is required to comply with the privacy rights of customers under the California Consumer Privacy Act (CCPA). Specifically, this bill states that a consumer accessing, procuring or searching for

reproductive health services does not constitute a natural person being at risk or danger of death or serious physical injury and therefore does not count as an exemption to the CCPA.

**EXISTING LAW:**

- 1) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, § 1.)
- 2) Provides that the state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives. (Cal. Const., art. I, § 1.1.)
- 3) Establishes the California Consumer Privacy Act (CCPA). (Civ. Code §§ 1798.100-1798.199.100.)
- 4) Provides that the CCPA applies to any for-profit entity that collects consumers' personal information, does business in California, and meets one or more of the following criteria:
  - a) It had gross annual revenue of over \$25 million in the previous calendar year.
  - b) It buys, receives, or sells the personal information of 100,000 or more California residents, households, or devices annually.
  - c) It derives 50% or more of its annual revenue from selling California residents' personal information. (Civ. Code § 1798.140(d).)
- 5) Defines "consumer" as a natural person who is a California resident. (Civ. Code § 1798.140(i).)
- 6) Provides a consumer, subject to exemptions and qualifications, various rights, including the following:
  - a) The right to know the business or commercial purpose for collecting, selling, or sharing personal information and the categories of persons to whom the business discloses personal information. (Civ. Code § 1798.110.)
  - b) The right to request that a business disclose the specific pieces of information the business has collected about the consumer, and the categories of third parties to whom the personal information was disclosed. (Civ. Code § 1798.110.)
  - c) The right to request deletion of personal information that a business has collected from the consumer. (Civ. Code § 1798.105.)
  - d) The right to opt-out of the sale of the consumer's personal information if the consumer is over 16 years of age. (Sale of the personal information of a consumer below the age of 16 is barred unless the minor opts-in to its sale.) (Civ. Code § 1798.120.)
  - e) The right to equal service and price, despite the consumer's exercise of any of these rights, unless the difference in price is reasonably related to the value of the customer's data. (Civ. Code § 1798.125.)

- 7) Provides exemptions to the consumers' privacy rights enumerated in the CCPA. (Civ. Code § 1798.145.)
- 8) States that the obligations imposed on businesses by CCPA shall not restrict a business' ability to:
  - a) Comply with federal, state, or local laws or comply with a court order or subpoena to provide information.
  - b) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities.
    - i) Law enforcement agencies, including police and sheriff's departments, may direct a business pursuant to a law enforcement agency-approved investigation with an active case number not to delete a consumer's personal information, and, upon receipt of that direction, a business shall not delete the personal information for 90 days in order to allow the law enforcement agency to obtain a court-issued subpoena, order, or warrant to obtain a consumer's personal information.
    - ii) For good cause and only to the extent necessary for investigatory purposes, a law enforcement agency may direct a business not to delete the consumer's personal information for additional 90-day periods.
    - iii) A business that has received direction from a law enforcement agency not to delete the personal information of a consumer who has requested deletion of the consumer's personal information shall not use the consumer's personal information for any purpose other than retaining it to produce to law enforcement in response to a court-issued subpoena, order, or warrant unless the consumer's deletion request is subject to an exemption from deletion under this title.
  - c) Cooperate with law enforcement agencies concerning conduct or activity that the business, service provider, or third party reasonably and in good faith believes may violate federal, state, or local law.
  - d) Cooperate with a government agency request for emergency access to a consumer's personal information if a natural person is at risk or danger of death or serious physical injury provided that:
    - i) The request is approved by a high-ranking agency officer for emergency access to a consumer's personal information.
    - ii) The request is based on the agency's good faith determination that it has a lawful basis to access the information on a nonemergency basis.
    - iii) The agency agrees to petition a court for an appropriate order within three days and to destroy the information if that order is not granted.
  - e) Exercise or defend legal claims.
  - f) Collect, use, retain, sell, share, or disclose consumers' personal information that is deidentified or aggregate consumer information.

- g) Collect, sell, or share a consumer's personal information if every aspect of that commercial conduct takes place wholly outside of California. For purposes of this title, commercial conduct takes place wholly outside of California if the business collected that information while the consumer was outside of California, no part of the sale of the consumer's personal information occurred in California, and no personal information collected while the consumer was in California is sold. This paragraph shall not prohibit a business from storing, including on a device, personal information about a consumer when the consumer is in California and then collecting that personal information when the consumer and stored personal information is outside of California. (Civ. Code § 1798.145(a).)
- 9) Defines "personal information" as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes such information as:
- a) Name, alias, postal address, unique personal identifier, online identifier, IP address, email address, account name, social security number, driver's license number, passport number, or other identifier.
  - b) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
  - c) Biometric information.
  - d) Internet activity information, including browsing history and search history.
  - e) Geolocation data.
  - f) Professional or employment-related information. (Civ. Code § 1798.140(v).)
- 10) Establishes the Reproductive Privacy Act, which provides that the Legislature 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, including prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care. Accordingly, it is the public policy of the State of California that:
- a) Every individual has the fundamental right to choose or refuse birth control;
  - b) Every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion, with specified limited exceptions; and,
  - c) The state shall not deny or interfere with a person's fundamental right to choose to bear a child or to choose to obtain an abortion, except as specifically permitted. (Health & Saf. Code § 123462.)

- 11) Provides that the state may not deny or interfere 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 person. (Health. & Saf. Code § 123466 (a).)
- 12) States that a person shall not be compelled in a state, county, city, or other local criminal, administrative, legislative, or other proceeding 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 under subdivision (a) or a foreign penal civil action. (Health & Saf. Code § 123466(b)).

**FISCAL EFFECT:** As currently in print, this bill is keyed fiscal.

**COMMENTS:**

1) **Purpose of this bill.** This bill specifically clarifies that an existing exemption from compliance with the California Consumer Privacy Act (CCPA), for access to the personal information of persons at risk or danger of death or serious physical injury, does not include a consumer accessing, procuring, or searching for services regarding contraception, pregnancy care, and perinatal care, including abortion services. This bill thereby ensures that consumer reproductive health information is subject to data privacy protections, without exception.

The author intends to rectify a potential loophole in the California Privacy Rights Act, as enacted by voters when they passed Proposition 24 (2020) that leaves it up to the discretion of businesses to determine whether or not accessing or searching for reproductive health services could be considered to be putting a natural person at risk of death or injury. Specifically, one of the exemptions from compliance with the CCPA allows a business to share abortion-related information if they deem it to place a person "at risk or (in) danger of death or serious physical injury." This language is similar to the Health Insurance Portability and Accountability Act (HIPAA) exemption for serious health threats.

The U.S. Department of Health & Human Services' guidance under HIPAA defines a covered entity as a health practitioner where disclosure would be "inconsistent with professional standards of ethical conduct to make such a disclosure of private health information."

The CCPA defines a covered entity to be a business. Hence, under this exemption a business can use its judgment on whether to bypass consent and share abortion-related information, as they are not bound by the healthcare practitioner's "standards of ethical conduct."

Given this provision operates at the discretion of the business, a company could declare itself exempt from complying with consumer requests to delete and not share contraception, pregnancy care, and perinatal care, including abortion service information. The clarification in this bill helps protect the right to privacy when making personal health care decisions, so it does not undergo unwanted scrutiny.

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

AB 1194 closes a loophole in the California Privacy Rights Act (CPRA) that ensures individuals searching for information related to contraception, pregnancy care, perinatal care, and abortion services will have their data protected under the CPRA, without exception.

Closing this loophole will ensure that the right to privacy when one is making personal health care decisions is never subject to unwanted scrutiny.

3) **What this bill does.** This bill specifically clarifies the CCPA exemption language at two points:

1. Clarifies that the CCPA exemption stating that a business does not restrict a business's ability to "cooperate with a government agency request for emergency access to a consumer's personal information if a natural person is at risk or danger of death or serious physical injury" does not apply in the case of a consumer accessing, procuring, or searching for services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services.
2. Clarifies that if the consumer's personal information contains information related to accessing, procuring, or searching for services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services, then the entire set of exemptions in Civil Code § 1798.145.(a) does not apply to that information. (See #8 in the **EXISTING LAW** section above.)

4) **The California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA).** In 2018, the Legislature enacted the California Consumer Privacy Act (AB 375 (Chau, Chap. 55, Stats. 2018)), which gives consumers certain rights regarding their personal information, such as: (1) the right to know what personal information that is collected and sold about them; (2) the right to request the categories and specific pieces of personal information the business collects about them; and (3) the right to opt-out of the sale of their personal information, or opt-in, in the case of minors under 16 years of age. The CCPA was the byproduct of compromises made between business interests on one side, and consumer and privacy interests on the other, to provide a legislative alternative to a ballot initiative on the same subject.

Subsequently, in 2020, California voters passed Proposition 24, the California Privacy Rights Act, which established additional privacy rights for Californians. With the passage of the CCPA and the CPRA, California now has the most comprehensive laws in the country when it comes to protecting consumers' rights to privacy.

5) **Post-Dobbs access to reproductive healthcare is being restricted across the nation.** *Roe v. Wade* (1973) 410 U.S. 113 was the landmark U.S. Supreme Court decision that held the implied constitutional right to privacy extended to a person's decision whether to terminate a pregnancy, while allowing that some state regulation of abortion access could be permissible. *Roe* has been one of the most debated of all U.S. Supreme Court decisions, and its application and validity have been challenged numerous times, but its fundamental holding had continuously been upheld by the Court until June 2022. On June 24, 2022 the Court published its official opinion in *Dobbs* and voted 6-3 to overturn the holding in *Roe*. (*Dobbs v. Jackson Women's Health* (2022) 597 U.S. \_\_\_ (142 S.Ct. 2228), available at [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf).)

The case involved a Mississippi law enacted in 2018 that banned most abortions after the first 15 weeks of pregnancy, which is before what is generally accepted as the period of viability. (See Miss. Code Ann. § 41-41-191.) The majority opinion in *Dobbs* upholds the Mississippi law, finding that, contrary to almost 50 years of precedent, there is no fundamental constitutional right

to have an abortion. The opinion further provides that states should be allowed to decide how to regulate abortion and that a strong presumption of validity should be afforded to those state laws.

The *Roe* decision was the foundation for allowing people the ability to control their reproductive lives because it established a federal constitutional right for anyone who could become pregnant in the United States to decide when, and if, to have children and prevented criminalization of the acts of having an abortion or providing an abortion. Prior to *Roe*, legal abortion did exist in some states, but the choices available to those seeking to terminate an unwanted pregnancy were limited. Restrictions disproportionately affected those who were younger, lower income, and members of communities of color. In the wake of the *Dobbs* decision, it is very probable that abortion will be banned or severely restricted in 24 states, with 12 states already having near total abortion bans in effect. (Elizabeth Nash and Isabel Guarnieri, *Six Months Post-Roe, 24 US States Have Banned Abortion or Are Likely to Do So: A Roundup*. Guttmacher Institute (Jan. 10, 2023), available at <https://www.guttmacher.org/2023/01/six-months-post-roe-24-us-states-have-banned-abortion-or-are-likely-to-do-so-roundup>.)

With the announcement of the *Dobbs* decision, a number of states moved quickly to restrict abortions and punish those who are suspected of helping people obtain them. Oklahoma, for example, passed the nation's strictest abortion ban in order to immediately end the ability of people in the state to obtain the procedure. The ban allows an abortion in the case of rape or incest, if the pregnant person reports the crime to law enforcement. In addition, the ban authorizes doctors to remove a "dead unborn child caused by spontaneous abortion," or miscarriage, or to remove an ectopic pregnancy, a potentially life-threatening emergency that occurs when a fertilized egg implants outside the uterus, often in a fallopian tube and early in pregnancy. A second Oklahoma bill went into effect in August 2022, which made performing an abortion a felony, with a punishment of up to 10 years in prison and a fine of up to \$100,000. [Associated Press, *Oklahoma governor signs the nation's strictest abortion ban*, NPR, (May 26, 2022), available at <https://www.npr.org/2022/05/26/1101428347/oklahoma-governor-signs-the-nations-strictest-abortion-ban>.)]

Most recently, Florida reduced its 15 week abortion ban to six weeks. In response, White House press secretary Karine Jean-Pierre noted:

This ban would prevent four million Florida women of reproductive age from accessing abortion care after six weeks — before many women even know they're pregnant. This ban would also impact the nearly 15 million women of reproductive age who live in abortion-banning states throughout the South, many of whom have previously relied on travel to Florida as an option to access care.

Along with the ban, the Florida legislation includes a particularly cruel provision requiring victims of incest or rape to provide written documentation of the crime in order to obtain an abortion between six and 15 weeks. (Associated Press, *Florida has a new abortion ban after 6 weeks, but it can't go into effect yet*, NPR, (April 14, 2023) available at <https://www.npr.org/2023/04/14/1169933395/florida-gov-desantis-signs-6-week-abortion-ban-bill>.)

Not to be outdone, along with an existing ban on abortions after six weeks, earlier this month, the Governor of Idaho signed a bill into law that makes it illegal for an adult to help a minor get an abortion without parental consent. This law is the first of its kind in the nation, creating the new crime of "abortion trafficking" by barring adults from obtaining abortion pills for a minor or

“recruiting, harboring or transporting the pregnant minor” without parental consent. Anyone convicted faces two to five years in prison and can be sued by the minor’s parent. However, parents who rape their child will not be able to sue, but the abortion trafficking criminal penalties will still apply. According to a recent Associated Press article, in order to sidestep violating a constitutional right to travel between states, the law makes illegal only the in-state portion of the trip to an out-of-state abortion provider. (Associated Press, *Idaho governor signs law banning adults from helping minors get abortions*. The Guardian (April 6, 2023), available at <https://www.theguardian.com/us-news/2023/apr/06/idaho-abortion-trafficking-law-governor>.)

6) **California is a reproductive freedom state.** The California Supreme Court held in 1969 that the state constitution’s implied right to privacy extends to an individual’s decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal. 2d 954.) This was the first time an individual’s right to abortion was upheld in a court and came before the *Roe* decision. In 1972, the California voters passed a constitutional amendment that explicitly provided for the right to privacy in the state constitution. (Prop. 11, Nov. 7, 1972 gen. elec.) California statutory law provides, under the Reproductive Privacy Act, that the Legislature finds and declares 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. (Health & Saf. Code § 123462.) In 2019, Governor Newsom issued a proclamation reaffirming California’s commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation. (California Proclamation on Reproductive Freedom (May 31, 2019), available at <https://www.gov.ca.gov/wp-content/uploads/2019/05/Proclamation-on-Reproductive-Freedom.pdf>.)

In September 2021, over 40 organizations came together to form the California Future Abortion Council (CA FAB) to identify barriers to accessing abortion services and to recommend policy proposals to support equitable and affordable access for not only Californians, but all who seek care in this state. CA FAB issued its first report in December 2021, which included 45 policy recommendations to protect, strengthen, and expand abortion access in California.

(*Recommendations to Protect, Strengthen, and Expand Abortion Care in California*, California Future of Abortion Council (Dec. 2021), available at

[https://www.cafabcouncil.org/files/ugd/ddc900\\_0beac0c75cb54445a230168863566b55.pdf](https://www.cafabcouncil.org/files/ugd/ddc900_0beac0c75cb54445a230168863566b55.pdf).)

In response to the *Dobbs* decision and the CA FAB report, California enacted a comprehensive package of legislation, described below, that protects the rights of patients seeking abortion in the state and those supporting them. Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual’s reproductive freedom in their most intimate decisions.

Last year, several bills were enacted to further protect reproductive rights in California, among them:

1. AB 1242 (Bauer-Kahan, Chap. 627, Stats. 2022) protects reproductive digital information handled by companies incorporated or headquartered in California and prevents the arrest of individuals or the disclosure by law enforcement of information in an investigation related to any abortion that is legal in California.



2. AB 1666 (Bauer-Kahan, Chap. 42, Stats. 2022) declares that a law of another state that authorizes a person to bring a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, is contrary to the public policy of this state.

3. AB 2091 (Bonta, Chap. 628, Stats. 2022) prohibits a provider of health care, health care service plan, or contractor from releasing medical information related to an individual seeking or obtaining an abortion in response to a subpoena or request if that subpoena or request is based on either another state's laws that interfere with a person's rights set forth in the Reproductive Privacy Act and prohibits the issuance of a subpoena, from the Superior Court or an attorney licensed in California, based on a civil action authorized by the law of a state other than this state in which the sole purpose is to punish an offense against the public justice of that state.

4. AB 2223 (Wicks, Chap. 629, Stats. 2022) prohibits a person from being criminally or civilly liable for miscarriage, stillbirth, abortion, or perinatal death due to causes that occurred in utero.

This bill furthers California's goal, as a reproductive freedom state, of protecting women who are seeking abortion services by ensuring that businesses that are bound by the CCPA understand that accessing services or information related to reproductive health does not constitute a threat of serious injury or death to a natural person and therefore is not exempt from the privacy requirements in the CCPA.

Specifically, absent this bill, a company covered by the CCPA could, for example, decide that it has the discretion, or is required, to retain information related to an internet search for abortion providers or on obtaining medications to induce an abortion. Such retention increases the risk that the information will be shared with a state that has criminalized abortion care and used as evidence in a criminal or civil prosecution. Lest it sound overly cautious to protect internet searches in this way, Republicans in South Carolina last month proposed a bill, the South Carolina Prenatal Equal Protection Act, which would allow women who have abortions to be subject to the state's homicide laws; penalties include the death penalty or a minimum of 30 years in prison. (Rebecca Shabad, *S.C. Republicans propose bill that could subject women who have abortions to the death penalty*, NBC News (March 15, 2023) available at <https://www.nbcnews.com/politics/politics-news/sc-republicans-propose-bill-subject-women-abortion-death-penalty-rcna75060>.)

7) **Related legislation.** In the current session, AB 254 (Bauer-Kahan) revises the Confidentiality of Medical Information Act (CMIA) to include reproductive health application information, as defined, in the statutory definition of "medical information." Deems a business that offers a reproductive or sexual health digital service to a consumer for the purpose of allowing the individual to manage the individual's information, or for the individual's diagnosis, treatment, or management of a medical condition, to be a provider of health care, as specified.

In the current session, AB 352 (Bauer-Kahan) would require specified businesses that electronically store or maintain medical information on the provision of sensitive services on behalf of a provider of health care, health care service plan, pharmaceutical company, contractor, or employer to develop capabilities, policies, and procedures, on or before July 1, 2024, to enable certain security features, including limiting user access privileges and segregating medical

information related to sensitive services, as specified. That bill is currently pending before this Committee.

In the current session, AB 793 (Bonta) prohibits a government entity from seeking or obtaining information from a reverse-location demand or a reverse-keyword demand, and prohibits any person or government entity from complying with a reverse-location demand or a reverse-keyword demand. That bill is currently pending before the Assembly Appropriations Committee.

**ARGUMENTS IN SUPPORT:** The California Legislative Women’s Caucus (LWC), in strong support of the bill, writes:

At a time when reproductive health care is under threat, this bill ensures that consumer reproductive health information is subject to the strongest data privacy protections in the nation.

Both the California Future of Abortion Council and the 50-member LWC have designated AB 1194 (Carrillo) as priority legislation. Consumers of tech services and apps expect sensitive personal health information to be secure.

Also in support, NARAL Pro-Choice California writes:

NARAL Pro-Choice California and our 371,400 members are proud to support AB 1194 (Wendy Carrillo). This bill would require businesses that collect personal information on people seeking contraception, pregnancy care, perinatal care, or abortion services to comply with California Privacy Rights Act (CPRA) requirements. AB 1194 is part of the California Future of Abortion Council 2023 bill package.

Finally, Oakland Privacy writes in support:

In June of 2022, the U.S. Supreme Court struck down Roe v. Wade which left states to set their own abortion rules and restrictions. The ripple effect of a post-Roe world is profound and has turned normal practices such as tracking periods and pregnancies into a precarious endeavor.

While it is empowering to have modern tools to get a better understanding of reproductive health, using these tools should not come at the expense of giving up privacy rights and being required to surrender sensitive health information. Furthermore, reproductive health digital products and service providers collect and share a lot of sensitive information and consumers don’t know and often can’t control who is accessing this data.

Research has identified concerning practices with the collection, storage, selling and sharing of this sensitive reproductive health data. In addition, some entities have been found to use misleading privacy claims and predatory advertising practices. Consumers are left with a false sense of security that their data is private, safe and secure. AB 1194 will give consumers an extra layer of protection and help with re-establishing trust in these digital services and products which is important now more than ever.

**ARGUMENTS IN OPPOSITION:** In opposition, the Right to Life League argues:

AB 1194 ignores the very real physical risk to women of surgical and chemical abortions. Surgical abortions can result in the death of women. According to the FDA, 28 women have died in association with taking the abortion pill.

[...]

California has no reporting requirements for abortions. This is intentional to prevent accurate reporting and data accumulation and risk assessment of the procedure. Denying reality and hiding data about abortion is a disservice to consumers.

Where the consumer is at risk of danger of death or serious physical injury, businesses must have the ability to disclose personal information of a consumer quickly to save lives. AB 1194 hampers health providers' ability to do so. To protect women's health, AB 1194 should be rejected.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Association of University Women - California  
American College of Obstetricians and Gynecologists District IX  
CA Legislative Women's Caucus  
California Nurse Midwives Association (CNMA)  
Electronic Frontier Foundation  
NARAL Pro-choice California  
Oakland Privacy  
Privacy Rights Clearinghouse

**Opposition**

Right to Life League

**Analysis Prepared by:** Julie Salley / P. & C.P. / (916) 319-2200