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(626) 398-6100

August 2, 2023

Senator Anthony J. Portantino (Chair)
Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

Re: Letter in Opposition to AB 352

Dear Chair and Members of the Senate Appropriations Committees,

On behalf of the Right to Life League, we urge you to reject **AB 352**, an unconstitutional, virtue-signaling carve-out to pander to abortionists and those who profit from human and child sex trafficking. This bill is unconstitutional on its face. Consequently, passage of this bill is fiscally irresponsible because it will subject taxpayers to a lengthy, judicial battle which the state will ultimately lose.

AB 352 is patently designed to frustrate enforcement of foreign states' laws against abortionists, abusers and human traffickers who may flee to California to escape prosecution in other states, endangering those who are sex-trafficked to California and denying justice to their victims. AB 352's proposed revisions to the California Civil code clearly violate the Full Faith and Credit Clause of the U.S. Constitution which states: *"Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State."*

AB 352 will amend the California Civil Code as follows (emphasis added):

56.108. (a) Notwithstanding subdivisions (b) and (c) of Section 56.10 or subdivision (c) of Section 56.20, a provider of health care, health care service plan, contractor, or employer **shall not release 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 under the Reproductive Privacy Act (Article 2.5 (commencing with Section 123460) of

Chapter 2 of Part 2 of Division 106 of the Health and Safety Code) **or a foreign penal civil action**, as defined in Section 2029.200 of the Code of Civil Procedure.

(b) A provider of health care, health care service plan, contractor, or employer **shall not release medical information** that would identify an individual or that is related to an individual seeking or obtaining an abortion **to law enforcement for either of the following purposes, unless that release is pursuant to a subpoena not otherwise prohibited by subdivision (a):**

(1) **Enforcement of another state’s law** that would interfere with a person’s rights under the Reproductive Privacy Act (Article 2.5 (commencing with Section 123460) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code).

(2) **Enforcement of a foreign penal civil action**, as defined in Section 2029.200 of the Code of Civil Procedure.

(c) Notwithstanding subdivisions (b) and (c) of Section 56.10 or subdivision (c) of Section 56.20, a provider of health care, health care service plan, contractor, or employer **shall not cooperate with any inquiry or investigation by, or provide medical information to, any individual, agency, or department from another state** or, to the extent permitted by federal law, to a federal law enforcement agency that would identify an individual and that is related to an individual seeking or obtaining an abortion or abortion-related services that are lawful under the laws of this state, unless the request for medical information is authorized under Section 56.110.

On its face, AB 352 blatantly violates the Full Faith and Credit Clause in Article 4 of the U.S. Constitution by instructing healthcare providers, contractors and employers not to comply with valid information requests from other states. Subsection 56.108 impermissibly forbids health care providers, contractors and employers from complying with valid court orders, such as subpoenas, issued in foreign states.

The U.S. Constitution is the supreme law of our land. Thanks to the recent U.S. Supreme Court decision in *Dobbs*, states regulate abortion. *Dobbs* did not change the applicability of the Full Faith and Credit Clause in Article 4. California may proclaim itself an “Abortion Sanctuary”; however, California may not thwart the laws of other states to suit its radical pro-abortion agenda.



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Passage of AB 352 will subject taxpayers to a lengthy and expensive judicial battle which California will ultimately lose. California's budget could be better spent on providing meaningful aid to low-income women who want to keep their unborn babies.

Please reject AB 352.

Very Truly Yours,



Susan Swift, Esq.
Vice President of Legal Affairs
Right to Life League

