

LEGISLATIVE ADVISORY

AB 82 (Ward) Chapter 679, Statutes of 2025 – Health care: legally protected health care activity

&

SB 497 (Wiener) Chapter 764, Statutes of 2025 – Legally protected health care activity

Legally Protected Healthcare Activity

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.

Operative Date of Legislation: January 1, 2026

Attention Board of Psychology (Board) stakeholders:

Assembly Bill (AB) 82 (Ward) and Senate Bill (SB) 497 (Wiener) were signed by Governor Newsom on October 13, 2025, and become operative on January 1, 2026. AB 82 and SB 497 expand existing protections from “reproductive-health care only” to also cover “gender-affirming health care and gender-affirming mental health care.”

Summary of Changes

Under AB 82 and SB 497, “legally protected health care activity” includes gender-affirming physical *and* mental-health care services. These bills prohibit state/local agencies, courts, or health-care providers from complying with subpoenas, civil or criminal investigations, or out-of-state demands seeking records or information about persons receiving or providing gender-affirming care — as long as the care is lawful under California law.

These bills expand protections against online disclosure of personal information: it becomes a crime to publicly post the personal data or image of a patient, provider, employee, volunteer, or assistant of gender-affirming care (or reproductive care) with intent to threaten or incite violence. They also expand eligibility for an “address-confidentiality program” to include gender-affirming health-care providers, employees, volunteers who fear harassment or threats due to their affiliation with a gender-affirming health-care facility.

Implementation

Effective January 1, 2026, licensees and registrants are prohibited from disclosing patient information related to legally protected health care activity, including gender-affirming health care and gender-affirming mental health care, in response to subpoenas or requests from out-of-state entities seeking to penalize care lawful in California. Licensees and registrants should update their confidentiality, record-handling, and subpoena-response procedures to ensure compliance.

The new laws also prohibit the “doxxing” of individuals—defined as publicly posting or sharing a person’s identifying information with the intent to intimidate, harass, or facilitate harm—when the doxxing targets patients, providers, or anyone seeking or supporting legally protected health care services.

Effective January 6, 2026, the Department of Consumer Affairs (DCA) will accept complaints through BreEZe for unlawful disclosure of protected information. Licensees and registrants will also be able to attest on initial and renewal applications submitted to the Board as to whether they provide gender-affirming care to support appropriate compliance and outreach.