

AMENDED IN SENATE APRIL 27, 2023

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE MARCH 16, 2023

SENATE BILL

No. 345

Introduced by Senator Skinner
(Coauthor: Assembly Member Aguiar-Curry)

February 7, 2023

An act to amend Section 2746.5 of, and to add Section 852 to, the Business and Professions Code, to add Title 1.81.49 (commencing with Section 1798.99.90) and Title 1.81.7 (commencing with Section 1798.300) to Part 4 of Division 3 of the Civil Code, to amend Sections 762.020, 872.520, and 1710.50 of the Code of Civil Procedure, to amend Section 22171 of the Education Code, to amend Section 1317.1 of, and to add Section 123468.5 to, the Health and Safety Code, to amend Section 187 of, and to add Sections 1549.15 and 13778.3 to, the Penal Code, and to amend Sections 1003, 10954, 15405, and 19507 of the Probate Code, relating to health care services.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Skinner. Health care services: legally protected health care activities.

(1) Existing law provides for the licensure and regulation of various categories of medical professionals by boards within the Department of Consumer Affairs, including, among others, the Medical Board of California and the Dental Board of California. Existing law makes specified actions by licensed health care providers unprofessional conduct and, in certain cases, a criminal offense.

This bill would prohibit a board from suspending or revoking the license of a person regulated under the above healing arts provisions solely because the person provided a legally protected health care activity. In this connection, the bill would define a “legally protected health care activity” to mean specified acts, including exercising rights related to reproductive health care services or gender-affirming health care services secured by the Constitution or the provision of insurance coverage for those services.

The bill would also prohibit a board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline on a licensed person because they were disciplined or convicted of an offense in another state, if that disciplinary action was for providing a legally protected health care activity. The bill would further provide that the performance, recommendation, or provision of a legally protected health care activity by a health care practitioner acting within their scope of practice for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health care activity is illegal, does not, by itself, constitute professional misconduct, upon which discipline or other penalty may be taken.

(2) Existing law, the Confidentiality of Medical Information Act, generally prohibits a health care provider, health care service plan, contractor, or corporation from sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient.

Existing law, as amended by the California Privacy Rights Act of 2020 (CPRA), an initiative approved by the voters at the November 3, 2020, statewide general election, imposes various obligations on businesses with respect to protecting consumer privacy and information, including requiring certain disclosures to consumers regarding a consumer’s rights under the act. The CPRA authorizes the Legislature to amend the act to further the purposes and intent of the act by a majority vote of both houses of the Legislature, as specified.

This bill would prohibit a *person or business* ~~that tracks, uses, collects, or stores geographic location data~~ from tracking, using, storing, or selling *geographic* data that contains the personally identifying information of a person physically located in or in close proximity to a family planning center, as defined. This bill would declare that its provisions further the purposes and intent of the CPRA.

(3) Existing law, the Reproductive Privacy Act, declares as contrary to the public policy of this state a law of another state that authorizes a

person to bring a civil action against a person or entity that engages in certain activities relating to obtaining or performing an abortion. Existing law prohibits the state from applying an out-of-state law described above to a case or controversy in state court or enforcing or satisfying a civil judgment under the out-of-state law.

This bill would state that California law governs in any action against a person who provides or receives by any means, including telehealth, reproductive health care services or gender-affirming health care services, as specified, if the care was legal in the state in which it was provided at the time of the challenged conduct.

The bill would state that interference with the right to reproductive ~~health care services and gender-affirming health care services,~~ *gender-affirming health care services, or gender-affirming mental health care services*, as those terms are defined, is against the public policy of California. The bill would declare as a violation of public policy a public act or record of a foreign jurisdiction that, among other things, authorizes a person to bring a civil action against a person, provider, or other entity in California for, among other acts, seeking or providing ~~reproductive or~~ *services, gender-affirming health care services, or gender-affirmative mental health care services*. The bill would authorize a person to institute and prosecute a civil action against a person who engages in abusive litigation, as defined, that infringes on or interferes with a legally protected health care activity, among other things. The bill would specify damages and costs authorized to be recovered and would specify circumstances under which a court may exercise jurisdiction over a person in such a civil action. The bill would authorize an aggrieved person, provider, or other ~~entity~~ *entity, as defined*, to move to modify or quash a subpoena issued in connection with abusive litigation. The bill would specify the laws of California govern in a case or controversy heard in California related to ~~reproductive or gender-affirming health care~~ *reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services*, except as required by federal law.

(4) Existing law permits a judgment creditor to apply for the entry of a judgment based on a sister state judgment by filing an application with a superior court and requires the court clerk to enter a judgment based on the application. Existing law also requires courts to grant a stay enforcement of such a judgment under specified circumstances.

This bill would additionally require a court to grant a stay of enforcement of a sister state judgment if a money judgment or lien on

real property was obtained for the exercise of a right guaranteed by the United States Constitution at the time the right was exercised, a right guaranteed by the California Constitution, or for aiding and abetting the exercise of those rights.

(5) Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law creates an exemption for a person who commits an act that results in the death of a fetus under specific circumstances, including if the act is solicited, aided, abetted, or consented to by the mother of the fetus.

This bill would expand that exemption to include a mother who committed the act that resulted in the death of the fetus.

(6) Existing law requires the Governor to recognize a demand for extradition of a person if the demand meets specified requirements. Existing law permits the Governor to recognize a demand for extradition of a person charged with committing an act in this state, or in a 3rd state, that results in a crime in the demanding state. Existing law requires a magistrate, upon the filing of a verified complaint, to issue a warrant directed to any peace officer commanding the officer to apprehend an individual in this state who is convicted, or has violated the terms of bail, probation, or parole, or who is charged with a crime, in another state and who is believed to be in this state.

This bill would, except as required by federal law, prohibit the Governor from recognizing a demand for the extradition of a person charged with legally protected health care activity, as defined, unless the demanding state alleges that the person was physically present in the demanding state at the time of the commission of the alleged crime and then fled.

(7) Existing law prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. Existing law prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion.

This bill would additionally prohibit a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected

health care activity that occurred in this state or that would be legal if it occurred in this state. The bill would require any out-of-state subpoena to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified. By requiring an individual seeking to discovery under these provisions to declare certain conditions are present under penalty of perjury, this bill would expand the crime of perjury and impose a state-mandated local program.

(8) Existing law refers to “unborn children” and “unborn persons” in various contexts, including, among others, defining low-risk pregnancy conditions for determining the scope of authorization of a certificate to practice nurse-midwifery, defining active labor for health facility licensing provisions, and defining spouse for California State Teachers’ Retirement System benefits.

This bill would replace “unborn child” and “unborn person” with “fetus” in those provisions.

(9) Existing law also refers to “unborn persons” in various contexts, including naming unknown defendants in real property actions, allowing a court to appoint a guardian ad litem to advocate for inadequately represented interests in probate proceedings, allowing a guardian ad litem to give consent on behalf of a beneficiary who lacks legal capacity, and providing an exception for requiring a personal representative to file an account of the distributions of a decedent’s estate.

This bill would replace “unborn person” with “unborn beneficiary” in those provisions.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 852 is added to the Business and
- 2 Professions Code, to read:
- 3 852. (a) Notwithstanding any other law, a board shall not
- 4 suspend or revoke the license of a person regulated under this

1 division solely because that person provided a legally protected
2 health care activity, as defined in Section 1798.300 of the Civil
3 Code.

4 (b) Notwithstanding any other law, a board shall not deny an
5 application for licensure under this division or suspend, revoke,
6 or otherwise impose discipline upon a person licensed pursuant to
7 this division because the person was disciplined for or convicted
8 of an offense in another state in which they were licensed if the
9 suspension, revocation, or other discipline was for providing a
10 legally protected health care activity, as defined in Section
11 1798.300 of the Civil Code.

12 (c) The performance, recommendation, or provision of any
13 legally protected health care activity, as defined in Section
14 1798.300 of the Civil Code, by a health care practitioner acting
15 within their scope of practice, for a patient who resides in a state
16 in which the performance, recommendation, or provision of that
17 legally protected health care activity is illegal, shall not, by itself,
18 constitute professional misconduct under this division or any
19 regulation governing the licensure, certification, or authorization
20 of such practitioner, nor shall any license, certification, or
21 authorization of a health care practitioner be revoked, suspended,
22 or annulled or otherwise subject to any other penalty or discipline
23 provided in this division solely on the basis that the health care
24 practitioner performed, recommended, or provided any legally
25 protected health care activity for a patient who resides in a state
26 in which the performance, recommendation, or provision of that
27 legally protected health service is illegal.

28 SEC. 2. Section 2746.5 of the Business and Professions Code
29 is amended to read:

30 2746.5. (a) The certificate to practice nurse-midwifery
31 authorizes the holder to attend cases of low-risk pregnancy and
32 childbirth and to provide prenatal, intrapartum, and postpartum
33 care, including interconception care, family planning care, and
34 immediate care for the newborn, consistent with the Core
35 Competencies for Basic Midwifery Practice adopted by the
36 American College of Nurse-Midwives, or its successor national
37 professional organization, as approved by the board. For purposes
38 of this subdivision, “low-risk pregnancy” means a pregnancy in
39 which all of the following conditions are met:

40 (1) There is a single fetus.

1 (2) There is a cephalic presentation at onset of labor.

2 (3) The gestational age of the fetus is greater than or equal to
3 37 weeks and zero days and less than or equal to 42 weeks and
4 zero days at the time of delivery.

5 (4) Labor is spontaneous or induced.

6 (5) The patient has no preexisting disease or condition, whether
7 arising out of the pregnancy or otherwise, that adversely affects
8 the pregnancy and that the certified nurse-midwife is not qualified
9 to independently address consistent with this section.

10 (b) (1) The certificate to practice nurse-midwifery authorizes
11 the holder to practice with a physician and surgeon under mutually
12 agreed-upon policies and protocols that delineate the parameters
13 for consultation, collaboration, referral, and transfer of a patient's
14 care, signed by both the certified nurse-midwife and a physician
15 and surgeon to do either of the following:

16 (A) Provide a patient with care that falls outside the scope of
17 services specified in subdivision (a).

18 (B) Provide intrapartum care to a patient who has had a prior
19 cesarean section or surgery that interrupts the myometrium.

20 (2) If a physician and surgeon assumes care of the patient, the
21 certified nurse-midwife may continue to attend the birth of the
22 newborn and participate in physical care, counseling, guidance,
23 teaching, and support, as indicated by the mutually agreed-upon
24 policies and protocols signed by both the certified nurse-midwife
25 and a physician and surgeon.

26 (3) After a certified nurse-midwife refers a patient to a physician
27 and surgeon, the certified nurse-midwife may continue care of the
28 patient during a reasonable interval between the referral and the
29 initial appointment with the physician and surgeon.

30 (c) (1) If a nurse-midwife does not have in place mutually
31 agreed-upon policies and protocols that delineate the parameters
32 for consultation, collaboration, referral, and transfer of a patient's
33 care, signed by both the certified nurse-midwife and a physician
34 and surgeon pursuant to paragraph (1) of subdivision (b), the
35 patient shall be transferred to the care of a physician and surgeon
36 to do either or both of the following:

37 (A) Provide a patient with care that falls outside the scope of
38 services specified in subdivision (a).

39 (B) Provide intrapartum care to a patient who has had a prior
40 cesarean section or surgery that interrupts the myometrium.

1 (2) After the certified nurse-midwife initiates the process of
2 transfer pursuant to paragraph (1), for a patient who otherwise
3 meets the definition of a low-risk pregnancy but no longer meets
4 the criteria specified in paragraph (3) of subdivision (a) because
5 the gestational age of the fetus is greater than 42 weeks and zero
6 days, if there is inadequate time to effect safe transfer to a hospital
7 prior to delivery or transfer may pose a threat to the health and
8 safety of the patient or the fetus, the certified nurse-midwife may
9 continue care of the patient consistent with the transfer plan
10 described in subdivision (a) of Section 2746.54.

11 (3) A patient who has been transferred from the care of a
12 certified nurse-midwife to that of a physician and surgeon may
13 return to the care of the certified nurse-midwife after the physician
14 and surgeon has determined that the condition or circumstance
15 that required, or would require, the transfer from the care of the
16 nurse-midwife pursuant to paragraph (1) is resolved.

17 (d) The certificate to practice nurse-midwifery authorizes the
18 holder to attend pregnancy and childbirth in an out-of-hospital
19 setting if consistent with subdivisions (a), (b), and (c).

20 (e) This section shall not be interpreted to deny a patient's right
21 to self-determination or informed decisionmaking with regard to
22 choice of provider or birth setting.

23 (f) The certificate to practice nurse-midwifery does not authorize
24 the holder of the certificate to assist childbirth by vacuum or
25 forceps extraction, or to perform any external cephalic version.

26 (g) A certified nurse-midwife shall document all consultations,
27 referrals, and transfers in the patient record.

28 (h) (1) A certified nurse-midwife shall refer all emergencies to
29 a physician and surgeon immediately.

30 (2) A certified nurse-midwife may provide emergency care until
31 the assistance of a physician and surgeon is obtained.

32 (i) This chapter does not authorize a nurse-midwife to practice
33 medicine or surgery.

34 (j) This section shall not be construed to require a physician and
35 surgeon to sign protocols and procedures for a nurse-midwife or
36 to permit any action that violates Section 2052 or 2400.

37 (k) This section shall not be construed to require a nurse-midwife
38 to have mutually agreed-upon, signed policies and protocols for
39 the provision of services described in subdivision (a).

1 SEC. 3. Title 1.81.49 (commencing with Section 1798.99.90)
2 is added to Part 4 of Division 3 of the Civil Code, to read:

3
4 TITLE 1.81.49. FAMILY PLANNING CENTER LOCATION
5 DATA
6

7 1798.99.90. (a) ~~A business that tracks, uses, collects, or stores~~
8 ~~geographic location data~~ *person or business* shall not track, use,
9 store, or sell *geographic* data that contains the personally
10 identifying information of a person physically located in or in close
11 proximity to a family planning center.

12 (b) For purposes of this section, “family planning center” means
13 a business categorized as a family planning center by the North
14 American Industry Classification System adopted by the United
15 States Census Bureau, including, but not limited to, ~~an abortion~~
16 ~~clinic, birth control clinic, pregnancy counseling center, or~~
17 ~~reproductive health services center.~~ *a clinic or center that provides*
18 *reproductive health care services as defined in Section 1798.300*
19 *of the Civil Code.*

20 (c) An aggrieved person or entity, including a family planning
21 center, may institute and prosecute a civil action against any person
22 or business who violates this section for injunctive and monetary
23 relief and attorney’s fees within three years of discovery of the
24 violation.

25 SEC. 4. Title 1.81.7 (commencing with Section 1798.300) is
26 added to Part 4 of Division 3 of the Civil Code, to read:

27
28 TITLE 1.81.7. REPRODUCTIVE AND
29 GENDER-AFFIRMING HEALTH CARE SERVICES
30

31 1798.300. As used in this title, the following definitions apply:

32 (a) “Abusive litigation” means litigation or other legal action
33 to deter, prevent, sanction, or punish a person engaging in legally
34 protected health care activity by either of the following:

35 (1) Filing or prosecuting an action in a state other than California
36 where liability, in whole or part, directly or indirectly, is based on
37 a legally protected health care activity that was legal in the state
38 in which it occurred, including an action in which liability is based
39 on a theory of vicarious, joint, or several liability.

1 (2) Attempting to enforce an order or judgment issued in
 2 connection with an action described in paragraph (1) by a party to
 3 ~~the that~~ action or a person acting on behalf of a party to ~~the that~~
 4 action. ~~A lawsuit~~ *An action* shall be considered to be based on
 5 conduct that was legal in the state in which it occurred if a part of
 6 an act or omission involved in the course of conduct that forms
 7 the basis for liability in the ~~lawsuit~~ *action* occurs or is initiated in
 8 a state in which the health care was legal, whether or not the act
 9 or omission is alleged or included in a pleading or other filing in
 10 the lawsuit.

11 (b) *“Aggrieved person, provider, or other entity” includes, but*
 12 *is not limited to, a person who resides in California, a business*
 13 *or entity doing business in the state or located in the state, a person*
 14 *or entity that provided a legally protected health care activity in*
 15 *California, a person who received a legally protected health care*
 16 *activity from a provider licensed in California, a person or entity*
 17 *that is licensed in California to provide a legally protected health*
 18 *care activity, including a provider, clinic, or insurance company,*
 19 *or a person who assisted a person or entity that received or*
 20 *provided a legally protected health care activity in California.*

21 ~~(b)~~
 22 (c) *“Gender-affirming health care services” and*
 23 *“gender-affirming mental health care services” have the same*
 24 *meaning as defined in paragraph (3) of subdivision (b) of Section*
 25 *16010.2 of the Welfare and Institutions Code.*

26 ~~(e)~~
 27 (d) (1) *“Legally protected health care activity” means any of*
 28 *the following:*

29 (A) *The exercise and enjoyment, or attempted exercise and*
 30 *enjoyment, by a person of rights to reproductive health care*
 31 *services, gender-affirming health care services, or gender-affirming*
 32 *mental health care services secured by the Constitution or laws of*
 33 *California or the provision of insurance coverage for such services.*

34 (B) *An act or omission undertaken to aid or encourage, or*
 35 *attempt to aid or encourage, a person in the exercise and enjoyment*
 36 *or attempted exercise and enjoyment of rights to reproductive*
 37 *health care services, gender-affirming health care services, or*
 38 *gender-affirming mental health care services secured by the*
 39 *Constitution or laws of California.*

1 (C) The provision of ~~the health care services~~ *reproductive health*
2 *care services, gender-affirming health care services, or*
3 *gender-affirming mental health care services* by a person duly
4 licensed under the laws of California and the provision of insurance
5 coverage for the services, if the service is permitted under the laws
6 of California, regardless of the patient’s location.

7 (2) “Legally protected health care activity” does not include a
8 service rendered below the applicable professional standard of
9 care or that would violate antidiscrimination laws of California.

10 ~~(d)~~

11 (e) “Reproductive health care services” means and includes all
12 services, care, or products of a medical, surgical, psychiatric,
13 therapeutic, diagnostic, mental health, behavioral health,
14 preventative, rehabilitative, supportive, consultative, referral,
15 prescribing, or dispensing nature relating to the human reproductive
16 system provided in accordance with the constitution and laws of
17 this state, whether provided in person or by means of telehealth
18 services which includes, but is not limited to, all services, care,
19 and products relating to pregnancy, assisted reproduction,
20 contraception, miscarriage management, the termination of a
21 pregnancy, or self-managed terminations.

22 1798.301. ~~Access to reproductive health care services and~~
23 ~~gender-affirming health care services is a right~~ *Reproductive health*
24 *care services, gender-affirming health care services, and*
25 *gender-affirming mental health care services are rights* secured
26 by the Constitution and laws of California. Interference with ~~this~~
27 ~~right, these rights~~, whether or not under the color of law, is against
28 the public policy of California.

29 1798.302. A public act or record of a foreign jurisdiction that
30 prohibits, criminalizes, sanctions, authorizes a person to bring a
31 civil action against, or otherwise interferes with a person, provider,
32 or other entity in California that seeks, receives, causes, aids in
33 access to, aids, abets, provides, or attempts or intends to seek,
34 receive, cause, aid in access to, aid, abet, or provide, reproductive
35 ~~health care services or gender-affirming health care services~~
36 *services, gender-affirming health care services, or gender-affirming*
37 *mental health care services* shall be an interference with the
38 exercise and enjoyment of the rights secured by the Constitution
39 and laws of California and shall be a violation of the public policy
40 of California.

1 1798.303. If a person, ~~including a plaintiff, prosecutor, attorney,~~
2 ~~or law firm,~~ whether or not acting under color of law, engages or
3 attempts to engage in abusive litigation that infringes on or
4 interferes with, or attempts to infringe on or interfere with, a legally
5 protected health care activity, then an aggrieved person, provider,
6 carrier, or other entity, including a defendant in the abusive
7 litigation, may institute ~~and prosecute~~ a civil action for injunctive,
8 monetary, or other appropriate relief within three years after the
9 cause of action accrues.

10 1798.304. An aggrieved person, provider, or other entity,
11 including a defendant in abusive litigation, may move to modify
12 or quash a subpoena issued in connection with abusive litigation
13 on the grounds that the subpoena is unreasonable, oppressive, or
14 inconsistent with the public policy of California.

15 1798.305. If the court finds for the petitioner in an action
16 authorized by Section 1798.303, recovery shall be in the amount
17 of three times the amount of actual damages, which shall include
18 damages for the amount of a judgment issued in connection with
19 an abusive litigation, and any other expenses, costs, or reasonable
20 attorney's fees incurred in connection with the abusive litigation.

21 1798.306. (a) A court may exercise jurisdiction over a person
22 in an action authorized by Section 1798.303 if any of the following
23 apply:

24 (1) Personal jurisdiction is found under Section 410.10 of the
25 Code of Civil Procedure.

26 (2) The person has commenced an action in a court in California
27 and, during the pendency of that action or an appeal therefrom, a
28 summons and complaint is served on the person or the attorney
29 appearing on the person's behalf in that action or as otherwise
30 permitted by law.

31 (3) The exercise of jurisdiction is permitted under the
32 Constitution of the United States.

33 (b) This section does not apply to a lawsuit or judgment entered
34 in another state that is based on conduct for which a cause of action
35 exists under the laws of California, including a contract, tort,
36 common law, or statutory claims.

37 1798.307. Notwithstanding any other law, the laws of
38 California shall govern in a case or controversy heard in California
39 related to reproductive health care ~~services or gender-affirming~~
40 ~~health care services, gender-affirming health care services, or~~

1 *gender-affirming mental health care* services, except as may be
2 required by federal law.

3 1798.308. This title shall not be construed to provide
4 jurisdiction over a California resident in an out-of-state forum
5 when the California resident has not availed themselves of that
6 forum.

7 SEC. 5. Section 762.020 of the Code of Civil Procedure is
8 amended to read:

9 762.020. (a) If the name of a person required to be named as
10 a defendant is not known to the plaintiff, the plaintiff shall so state
11 in the complaint and shall name as parties all persons unknown in
12 the manner provided in Section 762.060.

13 (b) If the claim or the share or quantity of the claim of a person
14 required to be named as a defendant is unknown, uncertain, or
15 contingent, the plaintiff shall so state in the complaint. If the lack
16 of knowledge, uncertainty, or contingency is caused by a transfer
17 to an unborn or unascertained beneficiary or class member, or by
18 a transfer in the form of a contingent remainder, vested remainder
19 subject to defeasance, executory interest, or similar disposition,
20 the plaintiff shall also state in the complaint, so far as is known to
21 the plaintiff, the name, age, and legal disability (if any) of the
22 person in being who would be entitled to the claim had the
23 contingency upon which the claim depends occurred prior to the
24 commencement of the action.

25 SEC. 6. Section 872.520 of the Code of Civil Procedure is
26 amended to read:

27 872.520. (a) If the name of a person described in Section
28 872.510 is not known to the plaintiff, the plaintiff shall so state in
29 the complaint and shall name as parties all persons unknown in
30 the manner provided in Section 872.550.

31 (b) If the ownership or the share or quantity of the interest of a
32 person described in Section 872.510 is unknown, uncertain, or
33 contingent, the plaintiff shall so state in the complaint. If the lack
34 of knowledge, uncertainty, or contingency is caused by a transfer
35 to an unborn or unascertained beneficiary or class member, or by
36 a transfer in the form of a contingent remainder, vested remainder
37 subject to defeasance, executory interest, or similar disposition,
38 the plaintiff shall also state in the complaint, so far as is known to
39 the plaintiff, the name, age, and legal disability (if any) of the
40 person in being who would be entitled to ownership of the interest

1 had the contingency upon which the right of such person depends
2 occurred prior to the commencement of the action.

3 (c) The court shall upon its own motion or upon motion of any
4 party make such orders for joinder of additional parties and for
5 appointment of guardians ad litem pursuant to Sections 372, 373,
6 and 373.5 as are necessary or proper.

7 SEC. 7. Section 1710.50 of the Code of Civil Procedure is
8 amended to read:

9 1710.50. (a) The court shall grant a stay of enforcement where:

10 (1) An appeal from the sister state judgment is pending or may
11 be taken in the state which originally rendered the judgment. Under
12 this paragraph, enforcement shall be stayed until the proceedings
13 on appeal have been concluded or the time for appeal has expired.

14 (2) A stay of enforcement of the sister state judgment has been
15 granted in the sister state. Under this paragraph, enforcement shall
16 be stayed until the sister state stay of enforcement expires or is
17 vacated.

18 (3) The judgment debtor has made a motion to vacate pursuant
19 to Section 1710.40. Under this paragraph, enforcement shall be
20 stayed until the judgment debtor's motion to vacate is determined.

21 (4) A money judgment or lien on real property was obtained
22 against a person or entity for exercising a right guaranteed under
23 the United States Constitution as interpreted by the United States
24 Supreme Court precedent at the time the right was exercised, or a
25 right guaranteed under the California Constitution, or against a
26 person or entity for aiding and abetting the exercise of said rights.

27 (5) Any other circumstance exists where the interests of justice
28 require a stay of enforcement.

29 (b) The court may grant a stay of enforcement under this section
30 on its own motion, on ex parte motion, or on noticed motion.

31 (c) The court shall grant a stay of enforcement under this section
32 on such terms and conditions as are just including but not limited
33 to the following:

34 (1) The court may require an undertaking in an amount it
35 determines to be just, but the amount of the undertaking shall not
36 exceed double the amount of the judgment creditor's claim.

37 (2) If a writ of execution has been issued, the court may order
38 that it remain in effect.

39 (3) If property of the judgment debtor has been levied upon
40 under a writ of execution, the court may order the levying officer

1 to retain possession of the property capable of physical possession
2 and to maintain the levy on other property.

3 SEC. 8. Section 22171 of the Education Code is amended to
4 read:

5 22171. (a) “Spouse” means a person who was continuously
6 married to the member for the period beginning at least 12 months
7 prior to the death of the member, unless a child is born to the
8 member and the member’s spouse within the 12-month period or
9 unless the spouse is carrying a fetus, conceived with the member.

10 (b) “Spouse” also means a person who was married to the
11 member for less than 12 months, if the member’s death was either
12 accidental, or due to an illness, and the marriage took place prior
13 to the occurrence of the injury or diagnosis of the illness that
14 resulted in death.

15 (1) A member’s death is defined as accidental only if the
16 member received bodily injuries through violent, external, or
17 accidental means and died as a direct result of the bodily injuries
18 and independent of all other causes.

19 (2) This subdivision does not apply if, at the time of the
20 marriage, the member could not have reasonably been expected
21 to live for 12 months.

22 (c) Except as excluded by Sections 22661 and 23812, a person
23 who is the registered domestic partner of a member, as established
24 pursuant to Section 297 or 299.2 of the Family Code, shall be
25 treated in the same manner as a spouse.

26 SEC. 9. Section 1317.1 of the Health and Safety Code is
27 amended to read:

28 1317.1. Unless the context otherwise requires, the following
29 definitions shall control the construction of this article and Section
30 1371.4:

31 (a) (1) “Emergency services and care” means medical screening,
32 examination, and evaluation by a physician and surgeon, or, to the
33 extent permitted by applicable law, by other appropriate licensed
34 persons under the supervision of a physician and surgeon, to
35 determine if an emergency medical condition or active labor exists
36 and, if it does, the care, treatment, and surgery, if within the scope
37 of that person’s license, necessary to relieve or eliminate the
38 emergency medical condition, within the capability of the facility.

39 (2) (A) “Emergency services and care” also means an additional
40 screening, examination, and evaluation by a physician, or other

1 personnel to the extent permitted by applicable law and within the
2 scope of their licensure and clinical privileges, to determine if a
3 psychiatric emergency medical condition exists, and the care and
4 treatment necessary to relieve or eliminate the psychiatric
5 emergency medical condition, within the capability of the facility.

6 (B) The care and treatment necessary to relieve or eliminate a
7 psychiatric emergency medical condition may include admission
8 or transfer to a psychiatric unit within a general acute care hospital,
9 as defined in subdivision (a) of Section 1250, or to an acute
10 psychiatric hospital, as defined in subdivision (b) of Section 1250,
11 pursuant to subdivision (k). Nothing in this subparagraph shall be
12 construed to permit a transfer that is in conflict with the
13 Lanterman-Petris-Short Act (Part 1 (commencing with Section
14 5000) of Division 5 of the Welfare and Institutions Code).

15 (C) For the purposes of Section 1371.4, emergency services and
16 care as defined in subparagraph (A) shall not apply to Medi-Cal
17 managed care plan contracts entered into with the State Department
18 of Health Care Services pursuant to Chapter 7 (commencing with
19 Section 14000), Chapter 8 (commencing with Section 14200), and
20 Chapter 8.75 (commencing with Section 14590) of Part 3 of
21 Division 9 of the Welfare and Institutions Code, to the extent that
22 those services are excluded from coverage under those contracts.

23 (D) This paragraph does not expand, restrict, or otherwise affect
24 the scope of licensure or clinical privileges for clinical
25 psychologists or other medical personnel.

26 (b) “Emergency medical condition” means a medical condition
27 manifesting itself by acute symptoms of sufficient severity
28 (including severe pain) such that the absence of immediate medical
29 attention could reasonably be expected to result in any of the
30 following:

- 31 (1) Placing the patient’s health in serious jeopardy.
- 32 (2) Serious impairment to bodily functions.
- 33 (3) Serious dysfunction of any bodily organ or part.

34 (c) “Active labor” means a labor at a time at which either of the
35 following would occur:

- 36 (1) There is inadequate time to effect safe transfer to another
37 hospital prior to delivery.
- 38 (2) A transfer may pose a threat to the health and safety of the
39 patient or the fetus.

1 (d) “Hospital” means all hospitals with an emergency department
2 licensed by the state department.

3 (e) “State department” means the State Department of Public
4 Health.

5 (f) “Medical hazard” means a material deterioration in medical
6 condition in, or jeopardy to, a patient’s medical condition or
7 expected chances for recovery.

8 (g) “Board” means the Medical Board of California.

9 (h) “Within the capability of the facility” means those
10 capabilities that the hospital is required to have as a condition of
11 its emergency medical services permit and services specified on
12 Services Inventory Form 7041 filed by the hospital with the
13 Department of Health Care Access and Information.

14 (i) “Consultation” means the rendering of an opinion or advice,
15 prescribing treatment, or the rendering of a decision regarding
16 hospitalization or transfer by telephone or other means of
17 communication. When determined to be medically necessary,
18 jointly by the treating physician and surgeon, or by other
19 appropriate licensed persons acting within their scope of licensure,
20 under the supervision of a physician and surgeon, and the
21 consulting physician and surgeon, “consultation” includes review
22 of the patient’s medical record, examination, and treatment of the
23 patient in person by a consulting physician and surgeon, or by
24 other appropriate licensed persons acting within their scope of
25 licensure under the supervision of a consulting physician and
26 surgeon, who is qualified to give an opinion or render the necessary
27 treatment in order to stabilize the patient. A request for consultation
28 shall be made by the treating physician and surgeon, or by other
29 appropriate licensed persons acting within their scope of licensure
30 under the supervision of a treating physician and surgeon, provided
31 the request is made with the contemporaneous approval of the
32 treating physician and surgeon. The treating physician and surgeon
33 may request to communicate directly with the consulting physician
34 and surgeon, and when determined to be medically necessary,
35 jointly by the treating physician and surgeon and the consulting
36 physician and surgeon, the consulting physician and surgeon shall
37 examine and treat the patient in person. The consulting physician
38 and surgeon is ultimately responsible for providing the necessary
39 consultation to the patient, regardless of who makes the in-person
40 appearance.

1 (j) A patient is “stabilized” or “stabilization” has occurred when,
 2 in the opinion of the treating physician and surgeon, or other
 3 appropriate licensed persons acting within their scope of licensure
 4 under the supervision of a treating physician and surgeon, the
 5 patient’s medical condition is such that, within reasonable medical
 6 probability, no material deterioration of the patient’s condition is
 7 likely to result from, or occur during, the release or transfer of the
 8 patient as provided for in Section 1317.2, Section 1317.2a, or other
 9 pertinent statute.

10 (k) (1) “Psychiatric emergency medical condition” means a
 11 mental disorder that manifests itself by acute symptoms of
 12 sufficient severity that it renders the patient as being either of the
 13 following:

- 14 (A) An immediate danger to themselves or to others.
- 15 (B) Immediately unable to provide for, or utilize, food, shelter,
 16 or clothing, due to the mental disorder.

17 (2) This subdivision does not expand, restrict, or otherwise
 18 affect the scope of licensure or clinical privileges for clinical
 19 psychologists or medical personnel.

20 (l) This section shall not be construed to expand the scope of
 21 licensure for licensed persons providing services pursuant to this
 22 section.

23 SEC. 10. Section 123468.5 is added to the Health and Safety
 24 Code, to read:

25 123468.5. (a) (1) California law governs in any action,
 26 whether civil, administrative, or criminal, against any person who
 27 provides, receives, aids or abets in providing or receiving, or
 28 attempts to provide or receive, by any means, including telehealth,
 29 the health care services described in paragraph (2) if the care was
 30 legal in the state in which it was provided at the time of the
 31 challenged conduct.

32 (2) Reproductive health care services and gender-affirming
 33 health care services, including gender-affirming mental health care
 34 services, are subject to paragraph (1).

35 (b) “Reproductive health” has the same meaning as set forth in
 36 Section 1798.300 of the Health and Safety Code.

37 (c) “Gender-affirming health care services” and
 38 “gender-affirming mental health care services” have the same
 39 meaning as defined in paragraph (3) of subdivision (b) of Section
 40 16010.2 of the Welfare and Institutions Code.

1 SEC. 11. Section 187 of the Penal Code is amended to read:

2 187. (a) Murder is the unlawful killing of a human being, or
3 a fetus, with malice aforethought.

4 (b) This section shall not apply to any person who commits an
5 act that results in the death of a fetus if any of the following apply:

6 (1) The act complied with the former Therapeutic Abortion Act
7 (Article 2 (commencing with Section 123400) of Chapter 2 of Part
8 2 of Division 106 of the Health and Safety Code) or the
9 Reproductive Privacy Act (Article 2.5 (commencing with Section
10 123460) of Chapter 2 of Part 2 of Division 106 of the Health and
11 Safety Code).

12 (2) The act was committed by a holder of a physician's and
13 surgeon's certificate, as defined in the Business and Professions
14 Code, in a case where, to a medical certainty, the result of
15 childbirth would be death of the mother of the fetus or where the
16 mother's death from childbirth, although not medically certain,
17 would be substantially certain or more likely than not.

18 (3) The act was committed, solicited, aided, abetted, or
19 consented to by the mother of the fetus.

20 (c) Subdivision (b) shall not be construed to prohibit the
21 prosecution of any person under any other provision of law.

22 SEC. 12. Section 1549.15 is added to the Penal Code, to read:

23 1549.15. (a) For purposes of this section, the following terms
24 have the following meanings:

25 (1) "Gender-affirming health care" and "gender-affirming mental
26 health care" have the same meaning as in paragraph (3) of
27 subdivision (b) of Section 16010.2 of the Welfare and Institutions
28 Code.

29 (2) "Legally protected health care activity" means and includes
30 both of the following acts and omissions by providers and
31 facilitators of reproductive health care services and
32 gender-affirming health care and gender-affirming mental health
33 care to the extent they are not in violation of the constitution or
34 the laws of this state:

35 (A) Any act or omission undertaken to aid or encourage, or
36 attempt to aid or encourage, a person in the exercise or attempted
37 exercise of laws of this state, or to provide insurance coverage for
38 such services or care.

39 (B) The provision of such reproductive health care services or
40 gender-affirming health care or gender-affirming mental health

1 care by a person duly licensed under the laws of this state and the
2 provision of insurance coverage for such services or care is
3 permitted under the laws of this state, regardless of the patient’s
4 location.

5 (3) “Reproductive health care services” means and includes all
6 services, care, or products of a medical, surgical, psychiatric,
7 therapeutic, diagnostic, mental health, behavioral health,
8 preventative, rehabilitative, supportive, consultative, referral,
9 prescribing, or dispensing nature relating to the human reproductive
10 system provided in accordance with the constitution and laws of
11 this state, whether provided in person or by means of telehealth
12 services which includes, but is not limited to, all services, care,
13 and products relating to pregnancy, assisted reproduction,
14 contraception, miscarriage management, the termination of a
15 pregnancy, or self-managed terminations.

16 (b) Notwithstanding Section 1549.1 or any other law, and except
17 as required by federal law, a demand for the extradition of a person
18 charged with any legally protected health care activity shall not
19 be recognized by the Governor unless in accordance with Section
20 1548.2.

21 SEC. 13. Section 13778.3 is added to the Penal Code, to read:

22 13778.3. (a) For purposes of this section, the following terms
23 shall have the following meaning:

24 (1) “Gender-affirming health care” and “gender-affirming mental
25 health care” have the same meaning as in paragraph (3) of
26 subdivision (b) of Section 16010.2 of the Welfare and Institutions
27 Code.

28 (2) “Legally protected health care activity” shall have the same
29 meaning as in Section 1549.15.

30 (3) “Reproductive health care services” shall have the same
31 meaning as in Section 1549.15.

32 (b) A state or local government employee, person or entity
33 contracted by a state or local government, or person or entity acting
34 on behalf of a local or state government shall not cooperate with
35 or provide information to any individual or out-of-state agency or
36 department regarding any legally protected health care activity or
37 otherwise expend or use time, moneys, facilities, property,
38 equipment, personnel, or other resources in furtherance of any
39 investigation or proceeding that seeks to impose civil or criminal
40 liability or professional sanctions upon a person or entity for any

1 legally protected health care activity that occurred in this state or
2 that would be legal if it occurred in this state.

3 (c) This section does not prohibit compliance with a valid,
4 court-issued subpoena or warrant which does not relate to a law
5 seeking to impose civil or criminal liability or professional
6 sanctions for a legally protected health care activity, or in response
7 to the written request of a person who is the subject of such an
8 investigation or proceeding, to the extent necessary, in each case,
9 to fulfill such request.

10 (d) Any out-of-state subpoena or warrant shall include an
11 affidavit or declaration under penalty of perjury that the discovery
12 is not in connection with an out-of-state proceeding relating to any
13 legally protected health care activity unless the out-of-state
14 proceeding meets all of the following requirements:

- 15 (1) Is based in tort, contract, or on statute.
- 16 (2) Is actionable, in an equivalent or similar manner, under the
17 laws of this state.
- 18 (3) Was brought by the patient who received legally protected
19 health care activity or the patient's legal representative.

20 SEC. 14. Section 1003 of the Probate Code is amended to read:

21 1003. (a) The court may, on its own motion or on request of
22 a personal representative, guardian, conservator, trustee, or other
23 interested person, appoint a guardian ad litem at any stage of a
24 proceeding under this code to represent the interest of any of the
25 following persons, if the court determines that representation of
26 the interest otherwise would be inadequate:

- 27 (1) A minor.
- 28 (2) A person who lacks legal capacity to make decisions.
- 29 (3) An unborn beneficiary.
- 30 (4) An unascertained person.
- 31 (5) A person whose identity or address is unknown.
- 32 (6) A designated class of persons who are not ascertained or are
33 not in being.

34 (b) If not precluded by a conflict of interest, a guardian ad litem
35 may be appointed to represent several persons or interests.

36 (c) The reasonable expenses of the guardian ad litem, including
37 compensation and attorney's fees, shall be determined by the court
38 and paid as the court orders, either out of the property of the estate
39 involved or by the petitioner or from any other source as the court
40 orders.

1 (d) Before a court appoints a guardian ad litem pursuant to this
2 chapter, a proposed guardian ad litem shall disclose both of the
3 following to the court and all parties to the action or proceeding:

4 (1) Any known actual or potential conflicts of interest that would
5 or might arise from the appointment.

6 (2) Any familial or affiliate relationship the proposed guardian
7 ad litem has with any of the parties.

8 (e) If a guardian ad litem becomes aware that a potential conflict
9 of interest has become an actual conflict of interest or that a new
10 potential or actual conflict of interest exists, the guardian ad litem
11 shall promptly disclose the conflict of interest to the court.

12 SEC. 15. Section 10954 of the Probate Code is amended to
13 read:

14 10954. (a) Notwithstanding any other provision of this part,
15 the personal representative is not required to file an account if any
16 of the following conditions is satisfied as to each person entitled
17 to distribution from the estate:

18 (1) The person has executed and filed a written waiver of
19 account or a written acknowledgment that the person’s interest
20 has been satisfied.

21 (2) Adequate provision has been made for satisfaction in full
22 of the person’s interest. This paragraph does not apply to a
23 residuary devisee or a devisee whose interest in the estate is subject
24 to abatement, payment of expenses, or accrual of interest or income.

25 (b) A waiver or acknowledgment under subdivision (a) shall be
26 executed as follows:

27 (1) If the person entitled to distribution is an adult and
28 competent, by that person.

29 (2) If the person entitled to distribution is a minor, by a person
30 authorized to receive money or property belonging to the minor.
31 If the waiver or acknowledgment is executed by a guardian of the
32 estate of the minor, the waiver or acknowledgment may be executed
33 without the need to obtain approval of the court in which the
34 guardianship proceeding is pending.

35 (3) If the person entitled to distribution is a conservatee, by the
36 conservator of the estate of the conservatee. The waiver or
37 acknowledgment may be executed without the need to obtain
38 approval of the court in which the conservatorship proceeding is
39 pending.

1 (4) If the person entitled to distribution is a trust, by the trustee,
2 but only if the named trustee's written acceptance of the trust is
3 filed with the court. In the case of a trust that is subject to the
4 continuing jurisdiction of the court pursuant to Chapter 4
5 (commencing with Section 17300) of Part 5 of Division 9, the
6 waiver or acknowledgment may be executed without the need to
7 obtain approval of the court.

8 (5) If the person entitled to distribution is an estate, by the
9 personal representative of the estate. The waiver or
10 acknowledgment may be executed without the need to obtain
11 approval of the court in which the estate is being administered.

12 (6) If the person entitled to distribution is incapacitated, is an
13 unborn beneficiary, is unascertained, or is a person whose identity
14 or address is unknown, or is a designated class of persons who are
15 not ascertained or are not in being, and there is a guardian ad litem
16 appointed to represent the person entitled to distribution, by the
17 guardian ad litem.

18 (7) If the person entitled to distribution has designated an
19 attorney in fact who has the power under the power of attorney to
20 execute the waiver or acknowledgment, by either of the following:

21 (A) The person entitled to distribution if an adult and competent.

22 (B) The attorney in fact.

23 (c) Notwithstanding subdivision (a):

24 (1) The personal representative shall file a final report of
25 administration at the time the final account would otherwise have
26 been required. The final report shall include the amount of
27 compensation paid or payable to the personal representative and
28 to the attorney for the personal representative and shall set forth
29 the basis for determining the amounts.

30 (2) A creditor whose interest has not been satisfied may petition
31 under Section 10950 for an account.

32 SEC. 16. Section 15405 of the Probate Code is amended to
33 read:

34 15405. For the purposes of Sections 15403 and 15404, the
35 consent of a beneficiary who lacks legal capacity, including a
36 minor, or who is an unascertained or unborn beneficiary may be
37 given in proceedings before the court by a guardian ad litem, if it
38 would be appropriate to do so. In determining whether to give
39 consent, the guardian ad litem may rely on general family benefit

1 accruing to living members of the beneficiary’s family as a basis
2 for approving a modification or termination of the trust.

3 SEC. 17. Section 19507 of the Probate Code is amended to
4 read:

5 19507. (a) In this section, a notice period begins on the day
6 notice is given under subdivision (c) and ends 59 days after the
7 day notice is given.

8 (b) An authorized fiduciary may exercise the decanting power
9 without the consent of any person and without court approval in
10 compliance with this part.

11 (c) Except as otherwise provided in subdivision (h), an
12 authorized fiduciary shall give notice of the intended exercise of
13 the decanting power not later than 60 days before the exercise to
14 all of the following:

- 15 (1) Each settlor of the first trust, if living or then in existence.
- 16 (2) Each qualified beneficiary of the first trust.
- 17 (3) Each holder of a presently exercisable power of appointment
18 over any part or all of the first trust.
- 19 (4) Each person that currently has the right to remove or replace
20 the authorized fiduciary.
- 21 (5) Each other fiduciary of the first trust.
- 22 (6) Each fiduciary of the second trust.
- 23 (7) The Attorney General, if subdivision (b) of Section 19514
24 applies.

25 (d) Unless the trust instrument provides otherwise, an authorized
26 fiduciary shall give notice under subdivision (c) to the guardian
27 ad litem for a qualified beneficiary who is a minor and has no
28 representative or who is an unascertained or unborn beneficiary.
29 If a guardian ad litem has not been appointed at the time of the
30 notice, the authorized fiduciary shall seek the appointment of one.
31 The court may appoint a guardian ad litem, for purposes of this
32 section, in instances where the only matter before the court is that
33 appointment.

34 (e) If an authorized fiduciary knows, or has reason to know,
35 that a person entitled to notice under subdivision (c) is substantially
36 unable to manage that person’s own financial resources or resist
37 fraud or undue influence, the authorized fiduciary shall give notice
38 under subdivision (c) to that person and to the individual appointed
39 to act on that person’s behalf, including, but not limited to, an
40 attorney-in-fact under a power of attorney. If no such individual

1 has been appointed at the time of the notice, the authorized
2 fiduciary shall seek the appointment of such an individual. The
3 court may appoint a guardian ad litem, for purposes of this section,
4 in instances where the only matter before the court is that
5 appointment.

6 (f) An authorized fiduciary is not required to give notice under
7 subdivision (c) to a person who is known to the fiduciary but cannot
8 be located by the fiduciary after reasonable diligence.

9 (g) A notice under subdivision (c) shall include all of the
10 following:

11 (1) A description of the manner in which the authorized fiduciary
12 intends to exercise the decanting power, which shall include a
13 statement as to the authorized fiduciary's reason for the proposed
14 decanting and an explanation as to the differences between the
15 first trust and the second trust or trusts.

16 (2) The proposed effective date for exercise of the power.

17 (3) A copy of the first trust instrument.

18 (4) A copy of all second trust instruments.

19 (5) A warning, set out in a separate paragraph in not less than
20 10-point bold type, or a reasonable equivalent thereof, that states
21 the following:

22

23 “If you do not bring a court action to contest the proposed trust
24 decanting (the proposed changes to the trust) within 59 days of
25 this notice, you will lose your right to contest the decanting.”

26

27 (h) The decanting power may be exercised before expiration of
28 the notice period under subdivision (a) if all persons entitled to
29 receive notice waive the period in a signed waiver.

30 (i) The receipt of notice, waiver of the notice period, or
31 expiration of the notice period does not affect the right of a person
32 to file an application under Section 19509 that asserts either of the
33 following:

34 (1) An attempted exercise of the decanting power is ineffective
35 because it did not comply with this part or was an abuse of
36 discretion or breach of fiduciary duty.

37 (2) Section 19522 applies to the exercise of the decanting power.

38 (j) The notice required by this section shall be served by mail
39 to the last known address, pursuant to Section 1215, or by personal
40 delivery.

1 SEC. 18. The provisions of this act are severable. If any
2 provision of this act or its application is held invalid, that invalidity
3 shall not affect other provisions or applications that can be given
4 effect without the invalid provision or application.

5 SEC. 19. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 SEC. 20. The Legislature finds and declares that the titles added
15 to the Civil Code by this act further the purpose and intent of the
16 California Privacy Rights Act of 2020, enacted by Proposition 24
17 at the November 3, 2020, statewide election, within the meaning
18 of Section 25 of Proposition 24.