



## AB 45 – Protecting Reproductive Health Data

### **Summary**

AB 45 protects personal privacy and reproductive rights in two important ways, preventing reproductive health information collected during research from disclosure to out of state law enforcement requests and by prohibiting the use of geofencing around health care facilities.

### **Background**

In our current political climate where reproductive freedoms are constantly under threat, personal data privacy has become a key mechanism for defending access to health care. While California has made significant progress towards creating strong protections for these rights, like AB 2091 (Bonta, 2022) that protects against the sharing of medical information related to obtaining an abortion in response to a subpoena based on a non-California law and SB 345 (Skinner, 2023) that expanded geolocation data protections, there are still important ways that we must shore up these protections.

Understanding the impact of the *Dobbs v. Jackson Supreme Court* decision has become a primary task for researchers across the country. In California, survey- and interview-based research projects include studies on self-managed abortions and the Turnaway Study that examines the effects of unwanted pregnancies on women's lives.<sup>1</sup> This data can include information about contraception, abortion care and other individual care information. Given the personal nature of this data and the incoming presidential administration, there are concerns regarding the privacy protections for this research data. Generally, both state and federal laws protect against the disclosure of any medical information

relating to seeking or obtaining an abortion that is collected in a clinical setting. However, when an individual discloses this information while participating in research, the same protections against disclosure do not exist. Without expanded protections, the risk of sharing such information may be too great for individuals and this important research on women's health may cease.

Regarding another aspect of personal privacy when it comes to accessing care, geofencing technology creates a virtual 'boundary' around a particular area, triggering a software response when a device enters or exits the designated location. Geolocation data has been used to spread misinformation through targeted ads at abortion clinics, harassing and scaring patients.<sup>2</sup> In one case in Massachusetts, anti-abortion groups targeted the areas around reproductive health clinics with pop-up ads promoting 'abortion alternatives'.<sup>3</sup> Like so many other forms of harassment, these actions create more stigma, fear, and barriers for people seeking fundamental reproductive health care.

### **Problem**

While federal regulations cover most health care data privacy issues, there are gaps in coverage when it comes to personal information collected through research and geolocation data.

### **What the Bill Does**

AB 45 protects research records from disclosure in response to a subpoena or other law enforcement request based on another state's laws that interfere with a person's right to obtain an abortion and prohibits geofencing an entity that provides in-person health care services.

<sup>1</sup> <https://www.ansirh.org/research/ongoing/turnaway-study>

<sup>2</sup> <https://apnews.com/general-news-33f18b834c104df9b2901ef1bf38ac08>

<sup>3</sup> <https://apnews.com/general-news-33f18b834c104df9b2901ef1bf38ac08>

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