

June 7, 2023

The Honorable Thomas J. Umberg
Chair, Senate Judiciary
1021 O street, Room 3240
Sacramento, CA 95814

RE: AB 254(Bauer-Kahan)- Reproductive Health Data Privacy
Position: SUPPORT

Dear Senator Umberg:

The California Academy of Family Physicians, the largest primary care medical society in California, representing more than 11,000 Family Physicians, residents, and medical students, is pleased to support **Assembly Bill 254(Bauer-Kahan)**. If passed, this bill would set data privacy standards for sexual and reproductive health information collected by digital services, to protect medical providers and users.

The California Academy of Family Physicians (CAFP) supports women's access to comprehensive health services without fear of intimidation or violence. As an organization representing physicians that provide reproductive health services, we support every woman's right to access care and oppose policies that restrict access to comprehensive reproductive health care. It is pivotal that primary care providers are able to provide comprehensive health services to women in lieu of the overturning of Roe v. Wade which poses a threat to women's health everywhere.

Since the overturn of Roe v. Wade, 11 states have criminalized abortion, and many more are considering doing the same. With this cause comes the effect that app users could face criminal punishment for inputting their information on an app. Current privacy law does not adequately protect the sensitive information collected by reproductive or sexual health apps. The lax data security of apps that track menstrual cycles or pregnancy means this data could be easily acquired and used as evidence to criminalize pregnancy loss, abortion, or gender-affirming care. This privacy expansion is a vital and necessary component to protect consumer's personal health data, protect privacy, and reduce the potential of facing discrimination harms.

While it is empowering to have modern tools to get a better understanding of reproductive and sexual 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, and sexual 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.

CAFP believes pregnancy and reproductive health services are essential to general health care. AB 254 extends the safeguards of CMIA and HIPAA to the data gathered by digital services that offer sexual and reproductive healthcare. With AB 254, users can be assured that sensitive digital information about their reproductive and sexual health will have the same protections and privacy as their medical information. Thus, the bill will create continuous data protection across health platforms for abortion and gender affirming care.

For these reasons, CAFP is proud to support AB 254 and ask for your "AYE" vote.

For questions or further information regarding our support for the bill, please contact CAFP Legislative Advocates Bryce Docherty at (916) 769-0573 or bdocherty@tdgstrategies.com or Tiyesha Watts at (415) 231-2139 or trwatts@familydocs.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiyesha Watts', with a horizontal line extending to the left across the top of the signature.

Tiyesha Watts

Legislative and Policy Advocate
California Academy of Family Physicians

CC: The Honorable Rebecca Bauer-Kahan
Members of the Senate Judiciary Committee