

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-12-22

WHEREAS for fifty years, the United States recognized the right to reproductive freedom as critical to guaranteeing that women have control over their own bodies and privacy regarding their most intimate reproductive choices; and

WHEREAS the U.S. Supreme Court's decision in *Dobbs v. Jackson Whole Women's Health* has overturned half a century of settled precedent and stripped away the Constitutional right to reproductive freedom, jeopardizing safe access to reproductive health care across the United States; and

WHEREAS reproductive freedom and access – including the choice of when and whether to have children – are foundational to personal autonomy, dignity, and ability to participate fully in economic, social, and civic life; and

WHEREAS California has recognized and supported reproductive freedom and access for over half a century and continues to enact laws to make reproductive health care more affordable and accessible; and

WHEREAS Governor Newsom issued a proclamation in 2019 to educate women of their reproductive rights, as recognized in the Constitution and law of California, announced a multi-state commitment to reproductive freedom the day the U.S. Supreme Court overturned *Roe v. Wade*, and continues to work closely with the Legislature to enact additional measures to protect women, providers, and supporters of reproductive freedom; and

WHEREAS over half the states in this country, propelled by the U.S. Supreme Court's decision rolling back fundamental reproductive rights, now outright ban or severely restrict access to abortion, and in many states, patients, doctors, and other health care providers face criminal prosecution for receiving or providing abortion health care, with health care providers also facing civil liability or the loss of their professional licenses; and

WHEREAS anti-abortion states are already considering ways to track and monitor potentially pregnant women and the providers and others who may assist and support them; and

WHEREAS anti-abortion laws place women in jeopardy of being wrongly prosecuted for miscarrying a child, a situation that can be medically indistinguishable from having an abortion; and

WHEREAS anti-abortion states are considering bans on contraception, including IUDs, morning-after pills, and certain kinds of fertility treatment, and other kinds of crackdowns targeting patients, their providers, and their supporters are certain to follow; and

WHEREAS anti-abortion states are now considering legislation to improperly attempt to extend the effect of their laws outside their own territorial borders, including by seeking to criminalize and extend civil liability to patients who travel to other states where abortion health care is legal, the health care

providers who offer reproductive services, and anyone else who helps patients access such care; and

WHEREAS California will resist efforts by anti-abortion states to instill fear and intimidate patients seeking reproductive health care in California and those who provide, support, or access reproductive health care in California.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All agencies and departments subject to my authority, including all employees, appointees, officers, or other persons acting in their official capacity, are prohibited from providing any information, including patient medical records, patient-level data, or related billing information, or expending or using any state time, money, facilities, property, equipment, personnel, or other state resources in furtherance of any inquiry, investigation, or proceeding initiated in or by another state that seeks to impose civil, criminal, or professional liability upon a person or entity for:
 - a. Providing, securing, receiving, or in any way supporting reproductive health care services legally performed or provided in California; or
 - b. Any form of assistance or support given to any person or entity that relates to providing, securing, receiving, or in any way supporting reproductive health care legally performed or provided in California.

For purposes of this Order, "reproductive health care services" are defined to include all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.

2. Notwithstanding the general prohibition of paragraph 1, agencies and individuals acting in their official capacity on behalf of the State may provide information or assistance in connection with an inquiry, investigation, or proceeding initiated in or by another state where the conduct that is subject to potential liability under the inquiry, investigation, or proceeding would be subject to civil, criminal, or professional liability under the laws of California.
3. Notwithstanding section 1549.1 of the Penal Code, my Office shall decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the provision, receipt, or assistance with reproductive health care services, unless required by the U.S. Constitution or the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of California.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of June 2022.

A handwritten signature in blue ink, appearing to read "Gavin Newsom", is written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

A handwritten signature in blue ink, appearing to read "Shirley N. Weber", is written over a horizontal line.

SHIRLEY N. WEBER, PH.D.
Secretary of State