



CALIFORNIA LAW REQUIRES HOSPITALS TO PROVIDE EMERGENCY ABORTION CARE

California law requires all licensed hospitals that operate an emergency department (*i.e.*, emergency room or ER) provide emergency care to any person “for any condition in which the person is in danger of loss of life, or serious injury or illness.”¹ This includes providing abortion care when “the person is in danger of loss of life, or serious injury or illness.”² Emergency abortion care cannot be conditioned “upon, or affected by, the person’s ethnicity, citizenship, age, preexisting medical condition, insurance status, economic status, ability to pay for medical services, or any other characteristic.”³ In short, a hospital that delays or fails to provide emergency reproductive healthcare, including abortion, when the person’s life or health is threatened, violates California law.

California law does not set a specific gestational age limit for abortion.⁴ Rather, it allows a pregnant person and their healthcare provider to determine when an abortion is appropriate for the pregnant person and therefore permissible under California’s Reproductive Privacy Act.⁵ Further, the Reproductive Privacy Act’s reference to “life or health” is inclusive of a pregnant person’s physical and/or mental wellbeing.⁶

California law also requires hospitals ensure that the medical information of all patients—including those seeking emergency reproductive healthcare—remain confidential. The medical information should not be disclosed to third parties, unless a specified exemption applies.⁷

Prompt and unfettered access to all pregnancy care options when a patient’s life or health is at risk is critically important. Attorney General Bonta encourages all hospitals with emergency departments to:

- Review their policies and procedures regarding the provision of emergency reproductive healthcare, including abortion care, to ensure that prompt and high quality care is provided when needed to protect a patient’s life or health;
- Review their policies and procedures regarding healthcare privacy to ensure that patient privacy is protected when patients receive reproductive healthcare services in emergency settings;
- Review their training materials, and revise as needed, to ensure that all staff are aware that this healthcare is required by law; and
- Take proactive steps to ensure compliance with California’s laws governing emergency care and health privacy.

Californians who have information relating to potential violations of the law should report it at oag.ca.gov/report.

1 Health & Saf. Code, § 1317, subd. (a).

2 *Ibid.*

3 *Id.*, § 1317, subd. (b).

4 Health & Saf. Code, § 123464, subd. (d).

5 Health & Saf. Code, §§ 123464, subd. (d), 123468.

6 *Id.*, § 123468, subd. (b).

7 See, e.g., Civ. Code, § 56.10 et seq.; see also 45 C.F.R., Parts 160 & 164; 89 Fed. Reg. 32976 (eff. June 25, 2024).