

**Introduced by Senator Kehoe**

**(Principal coauthor: Senator Steinberg)**

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**(Coauthors: Senators Alquist, De León, DeSaulnier, Evans, Hancock, Leno, Lieu, Liu, and Wolk)**

(Coauthors: Assembly Members Ammiano, Blumenfield, Brownley, Butler, Hill, Lara, and Williams)

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An act to amend Section 2253 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1501, as introduced, Kehoe. Abortion.

Existing law makes it a public offense, punishable by a fine not exceeding \$10,000 or imprisonment, or both, for a person to perform or assist in performing a surgical abortion if the person does not have a valid license to practice as a physician and surgeon, or to assist in performing a surgical abortion without a valid license or certificate obtained in accordance with some other provision of law that authorizes him or her to perform the functions necessary to assist in performing a surgical abortion. Existing law also makes it a public offense, punishable by a fine not exceeding \$10,000 or imprisonment, or both, for a person to perform or assist in performing a nonsurgical abortion if the person does not have a valid license to practice as a physician and surgeon or does not have a valid license or certificate obtained in accordance with some other provision of law authorizing him or her to perform or assist in performing the functions necessary for a nonsurgical abortion. Under

existing law, nonsurgical abortion includes termination of pregnancy through the use of pharmacological agents.

This bill would make it a public offense, punishable by a fine not exceeding \$10,000 or imprisonment, or both, for a person to perform or assist in performing an abortion if the person does not have a valid license to practice as a physician and surgeon, or to assist in performing an abortion without a valid license or certificate obtained in accordance with some other provision of law authorizing him or her to perform the functions necessary to assist in performing an abortion, except as specified. The bill would also make it a public offense, punishable by a fine not exceeding \$10,000 or imprisonment, or both, for a person to perform or assist in performing an abortion by medication or aspiration techniques without a valid license to practice as a physician and surgeon or without a license or certificate obtained in accordance with some other provision of law, including, but not limited to, the Nursing Practice Act or the Physician Assistant Practice Act, authorizing him or her to perform or assist in performing the functions necessary for an abortion by medication or aspiration techniques. The bill would delete the description of what a nonsurgical abortion includes. The bill would make other technical, nonsubstantive changes.

Because the bill would change the definition of crimes, the bill would impose a state-mandated local program.

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 2253 of the Business and Professions
- 2 Code is amended to read:
- 3 2253. (a) Failure to comply with the Reproductive Privacy
- 4 Act (Article 2.5 (commencing with Section 123460) of Chapter 2
- 5 of Part 2 of Division 106 of the Health and Safety Code) in
- 6 performing, assisting, procuring or aiding, abetting, attempting,
- 7 agreeing, or offering to procure an illegal abortion constitutes
- 8 unprofessional conduct.

(b) (1) ~~A~~ Except as provided in paragraph (2), a person is subject to ~~Sections~~ Section 2052 and 2053 if he or she performs or assists in performing a surgical an abortion, and at the time of so doing, does not have a valid, unrevoked, and unsuspended license to practice as a physician and surgeon as provided in this chapter, or if he or she assists in performing a surgical an abortion and does not have a valid, unrevoked, and unsuspended license or certificate obtained in accordance with some other provision of law that authorizes him or her to perform the functions necessary to assist in performing a surgical an abortion.

(2) A person is subject to ~~Sections~~ Section 2052 and 2053 if he or she performs or assists in performing a nonsurgical abortion an abortion by medication or aspiration techniques, and at the time of so doing, does not have a valid, unrevoked, and unsuspended license to practice as a physician and surgeon as provided in this chapter, or does not have a valid, unrevoked, and unsuspended license or certificate obtained in accordance with some other provision of law, including, but not limited to, the Nursing Practice Act (Chapter 6 (commencing with Section 2700)) or the Physician Assistant Practice Act (Chapter 7.7 (commencing with Section 3500)), that authorizes him or her to perform or assist in performing the functions necessary for a nonsurgical an abortion by medication or aspiration techniques.

(e) ~~For purposes of this section, “nonsurgical abortion” includes termination of pregnancy through the use of pharmacological agents.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.