

# California law gives Arizona abortion seekers temporary workaround to near-total ban

By Eric He

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Following the Arizona Supreme Court ruling banning nearly all abortions in the state, California Gov. [Gavin Newsom](#) recently signed a law to temporarily allow Arizona doctors to perform abortions in California [until a repeal](#) of the 1864 law takes effect.

The Civil War-era law — which had been dormant until the [court's decision in April](#) — makes it a felony for anyone in Arizona to provide, supply or administer an abortion unless it's to save the life of the individual who is pregnant and comes with a sentence of two to five years in prison.

Arizona's ruling comes nearly two years after *Roe v. Wade* was overturned by the U.S. Supreme Court. Since then, red states have moved to sharply curtail abortion access while left-leaning states like California take steps to safeguard reproductive rights.

At an April briefing [introducing the bill](#), Newsom said that California has “more at stake than any other state” when it comes to abortion access due to its population — noting that a third of patients served by Planned Parenthood reside in the state.

“No state has more to do and more responsibility to promote what needs to be done than our state,” Newsom said.

## WHAT'S IN THE BILL?

*This Pro Bill Analysis is based on the [text of the bill](#) as signed into law on May 23.*

The bill adds new language to the [California Business and Professions Code](#) to allow qualified physicians holding an Arizona medical license to register to provide abortion-related care to Arizona residents traveling to California through Nov. 30 (Sec. 1). Under the Business and Professions Code, they are only legally able to provide abortion-related care, unless there is an [emergency situation or for educational purposes](#).

The physician will need to be authorized to perform abortions and must have performed at least one abortion in the last two years, as defined by [California's Health and Safety Code](#) (Sec. 1). They must be in “good standing,” and operating without restrictions, limitations or pending disciplinary action that is unrelated to performing an abortion in that state. They will also need to submit to the California Medical Board proof of their license with verification from the Arizona Medical Board. Anyone found to have provided false information will face a fine of up to \$10,000 fine and up to a year in jail (Sec. 1).

The California Medical Board will have five days after receiving the applicable and appropriate documentation to register the physician. Before they begin offering services in the state, the physician will also need to submit the address of the clinic where they'll be practicing. They will be considered a licensee of the appropriate medical board, which will not charge a fee for registration and can come up with its own guidance to implement the measure. The board can revoke or suspend a physician's registration if they fail to meet the requirements.

Additionally, the measure contains privacy protections for the physicians. The board cannot publicly post information about physicians registered under the measure, but will have to disclose the name, registration and Arizona license number upon request. This limitation is necessary “to ensure the privacy and safety of registered Arizona physicians,” the measure states (Sec. 4).

The measure contains an urgency statute to take effect immediately, reasoning that the Arizona Supreme Court ruling almost entirely eliminates access to abortion care for Arizonans (Sec. 3). It will be repealed on Jan. 1, 2025 after Arizona's repeal of the 1864 law takes effect (Sec. 1).

## WHO ARE THE POWER PLAYERS?

Gov. [Gavin Newsom](#) announced he was sponsoring the legislation with the [California Legislative Women's Caucus](#) weeks after the [Arizona Supreme Court](#) on April 9 [upheld an 1864 law](#) banning abortion.

The measure is backed by **Planned Parenthood, Reproductive Freedom for All California** and the **National Women's Political Caucus of California**. Three key women state officials also signed on: Lieutenant Governor [Eleni Kounalakis](#), State Treasurer [Fiona Ma](#) and Secretary of State [Shirley Weber](#).

The bill was authored by Sen. [Nancy Skinner](#) (D-Berkeley) and Majority Leader [Cecilia Aguiar-Curry](#) (D-Winters), who serve as the chair and vice chair of the women's caucus, respectively.

"SB 233 is in response to the Arizona Supreme Court's resurrection of a dead law criminalizing any and all abortions, a law passed in 1864 when women couldn't vote and husbands could legally beat their wives," the [caucus said in a statement](#) after the bill passed the Legislature. "With SB 233 California offers a lifeline to Arizona doctors to provide the healthcare their patients need without fear of a prison sentence."

The **California Catholic Conference** was the lone registered opponent. The group [argued that abortion](#) is "already free and ubiquitous in California" and the measure will prioritize abortion "at the expense of every kind of reproductive healthcare," which will "only worsen gender biases and the outcomes for women's and maternal health."

## WHAT'S HAPPENED SO FAR?

SB 233 was introduced on April 25 as an amendment to a prior measure by Skinner related to [electric vehicles](#), and Democrats advanced it quickly through the Legislature along party lines before [Newsom signed it](#) on May 23. The law takes effect immediately, passing with two-thirds support in both the Assembly and Senate as an urgency clause.

Newsom and the state Legislature have been trying to position California as a haven for reproductive rights and abortion care since the U.S. Supreme Court overturned the national right to abortion in 2022. The new law is one of various actions California has taken since then to offer greater access to abortion seekers from both inside and outside the state.

This measure is a direct response to Arizona's 1864 ban on abortion, which was recently upheld by that state's Supreme Court but soon after overturned by its Legislature. However, the ban will still remain in place for some time due to legislative procedures; California's new law aims to offer care during that gap.

Critics in California have said the law isn't necessary because for the brief weeks that Arizona's ban will be in effect, Arizona Attorney General [Kris Mayes](#) has said she won't enforce it.

## WHAT'S NEXT?

The earliest that Arizona's abortion ban [can take effect](#) is June 27.

The Arizona Legislature [repealed the law](#) on May 2, but the repeal itself will not take effect until 90 days after the body adjourns — although there is no set end date for the current session. The attorney general's website notes that the abortion law [will not be enforced](#) until at least September 26. The California law is intended to fill the gap between the Arizona law taking effect and the repeal being put in place.

Jody Hicks, CEO and president of Planned Parenthood Affiliates of California, said at the introductory briefing that she is not sure what will happen next, because "this is a healthcare delivery system that we're now bifurcating state-by-state, and it just doesn't work that way." *Roe v. Wade*, she added, was "always the floor" when it came to reproductive rights — and without federal protections, "we have no base."

"What we do know is patients will try and seek care because it is life saving, because they need to be able to make decisions about their futures," Hicks added. "And patients will go where they need to go. So what we're doing today is instituting any tool that can help with that."

## WHAT ARE SOME STORIES ON THE BILL?

[Read POLITICO news on SB 233.](#)

*Rachel Bluth contributed to this report.*