



**AB-2539 Public health: COVID-19 vaccination: proof of status.** (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2539**

**Introduced by Assembly Member Choi**  
**(Coauthors: Assembly Members Flora, Lackey, Mathis, and Voepel)**

**February 17, 2022**

An act to add Part 3 (commencing with Section 90) to Division 1 of the Civil Code, relating to public health.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2539, as introduced, Choi. Public health: COVID-19 vaccination: proof of status.

Existing federal law, the Federal Food, Drug, and Cosmetic Act, authorizes the United States Secretary of Health and Human Services to approve new drugs and products, including vaccines, for introduction into interstate commerce, and authorizes the secretary to authorize vaccines for use in an emergency upon declaring a public health emergency. On February 4, 2020, the secretary determined that there is a public health emergency and declared circumstances exist justifying the authorization of emergency use of drugs and biological products. The secretary subsequently authorized the emergency use of 3 vaccines for the prevention of COVID-19, and on August 23, 2021, the secretary approved a vaccine for the prevention of COVID-19.

The California Emergency Services Act authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. On March 4, 2020, the Governor declared a state of emergency relating to the COVID-19 pandemic. Pursuant to this authority, the Governor issued several executive orders requiring individuals in specified employment, health care, school, or other settings to provide proof of COVID-19 vaccination status, unless specified exceptions are met.

This bill would require a public or private entity that requires a member of the public to provide documentation regarding the individual's vaccination status for any COVID-19 vaccine as a condition of receipt of any service or entrance to any place to accept a written medical record or government-issued digital medical record in satisfaction of the condition, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Part 3 (commencing with Section 90) is added to Division 1 of the Civil Code, to read:

**PART 3. COVID-19 VACCINE STATUS FOR SERVICE OR ENTRANCE**

**90.** A public or private entity that adopts or enforces any order, ordinance, policy, regulation, rule, or similar measure that requires a member of the public to provide documentation regarding the individual's vaccination status for any COVID-19 vaccine as a condition of receipt of any service or entrance to any place shall accept either of the following in satisfaction of the condition:

- (a) A written medical record issued to the individual by the individual's health care provider, a federal, state, or local agency, a foreign government or any agency of that government, or other authorized COVID-19 vaccine provider.
- (b) A digital medical record issued to the individual by a federal, state, or local agency, or a foreign government or any agency of that government.