



**FOR IMMEDIATE RELEASE**

**Media Inquiries:** [Joe Martyak](mailto:Joe.Martyak@ncla.org), 202-869-5208

## **In NCLA Victory, Gov. Newsom Repeals California Law Censoring Doctors' Covid-19 Medical Advice**

*Tracy Høeg, M.D., Ram Duriseti, M.D., Aaron Kheriaty, M.D., Pete Mazolewski, M.D. and Azadeh Khatibi, M.D. v. Gavin Newsom, Governor of Calif., in his official capacity; Kristina Lawson, Randy Hawkins, Laurie Rose Lubiano, Michelle Anne Bholat, David E. Ryu, Ryan Brooks, James M. Healzer, Asif Mahmood, Nicole A. Jeong, Richard E. Thorp, Veling Tsai, and Eserick Watkins, in their various official capacities as officers and members of the Medical Board of Calif.; and Rob Bonta, Attorney General of Calif., in his official capacity.*

**Washington, DC (October 2, 2023)** – California Gov. Gavin Newsom has signed a bill to repeal a law that would have subjected physicians to discipline for sharing information that departs from the “contemporary scientific consensus” on Covid-19 with their patients. NCLA celebrates this great victory for its brave clients, who stood up to this outrageous attack on the First Amendment: Drs. Tracy Høeg, Ram Duriseti, Aaron Kheriaty, Pete Mazolewski and Azadeh Khatibi, in *Høeg, et al. v. Newsom, et al.*, a lawsuit challenging the vague and censorious statute.

Signed into law in September 2022, California Assembly Bill (AB) 2098 violated Medical Board of California-certified physicians’ First Amendment rights to free speech and their Fourteenth Amendment rights to due process of law. It interfered with the ability of doctors and their patients to freely communicate, serving as a weapon to intimidate and punish doctors who dissented from mainstream views. Physicians and individuals on social media threatened several of NCLA’s clients with using AB 2098 to take their licenses away, corroborating evidence that the law’s insidious intent was always to silence doctors who depart from state orthodoxy on Covid-19.

In January, a federal district judge granted NCLA’s motion for preliminary injunction, preventing the statute from taking effect. NCLA filed a motion for summary judgment on September 29, asking the U.S. District Court for the Eastern District of California to permanently block enforcement of AB 2098. Newsom repealed the statute just two days later. The demise of AB 2098 frees these brave doctors to honestly provide information they believe their patients need in order to make informed care decisions. NCLA is proud to have vindicated California patients’ rights to hear their doctors’ sincere advice on medical matters, especially when the current “consensus” lags behind individual doctors’ knowledge, experience, and research, and their patients’ individual circumstances.

Repeal of AB 2098 marks the latest victory in NCLA’s ongoing fight against government censorship nationwide. The U.S. Court of Appeals for the Fifth Circuit has agreed to consider expanding its preliminary injunction order in NCLA’s [Missouri v. Biden](#) lawsuit that would bar White House, CDC, FBI, and U.S. Surgeon General’s office officials from pressuring social media platforms to censor protected speech. Among other clients, NCLA proudly represents Dr. Kheriaty in that case too—which is already headed to the U.S. Supreme Court.

### **NCLA released the following statements:**

“Governor Newsom and the state legislature saw the writing on the wall after Judge Shubb’s grant of a preliminary injunction in January. Rather than suffer further humiliation in federal court, and implicitly conceding the unconstitutionality of AB 2098, the State of California has taken the unusual step of repealing a law that hasn’t

even been in effect for a year. This repeal marks a significant victory, not only for NCLA’s courageous clients, but for all doctors across the State of California.”

— **Jenin Younes, Litigation Counsel, NCLA**

“Today is a good day for California physicians, patients, doctor-patient relationships, and the Constitution. But it is sad that it took a full year and a federal court ruling to reaffirm a 250-year-old fundamental truth—in this country ‘no official, high or petty, can prescribe what shall be orthodox in ... matters of opinion or force citizens to confess by word or act their faith therein.’”

— **Greg Dolin, M.D., Senior Litigation Counsel, NCLA**

“Congratulations to Drs. Høeg, Duriseti, Khatibi, Kheriaty, and Mazolewski on today’s victory! Their early and unrelenting objections to this unconstitutional law paved the way for its repeal. NCLA is proud to have stood shoulder to shoulder with doctors who cared more about the sanctity of the doctor-patient relationship and the First Amendment than about bowing to the State’s or Medical Board’s ‘politically correct’ consensus views.”

— **Mark Chenoweth, President and General Counsel, NCLA**

For more information visit the case page [here](#) or watch the case video [here](#).

## **ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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