

Virginia

Shield Law Fact Sheet

August 2026

In April 2026, Virginia enacted shield laws providing protections against out-of-state investigations and prosecutions and civil liability related to all health care lawful in Virginia. These shield laws, although not specific to reproductive and gender-affirming health care, protect that care to the extent it is lawful in Virginia and provided by a health care provider licensed and physically present in Virginia. Virginia also provides consumer protections for data related to reproductive or sexual health information.

Protection against Out-of-State Investigations and Prosecutions

Protection Barring State Agency/Employee Assistance

Law enforcement officers in Virginia may not investigate, arrest, detain, seek issuance of a warrant, or otherwise provide support or information to another state's or federal law enforcement or to private citizens if related to an investigation into "protected health care activity,"¹ defined as acts or attempts to provide, receive, or assist health care lawful in Virginia by a provider licensed and physically present in Virginia.²

Protection against Extradition and Arrests

The Governor may not recognize a demand for extradition and arrest warrants may not be issued for a person charged with a criminal violation of another state's laws involving "protected health care activity,"

¹ SB 794 (Va. 2026) (Va. Code § 32.1-378). A person who is subject to an act prohibited by this protection may bring a civil action for declaratory, injunctive, or other equitable relief to enforce the protection. *Id.*

² SB 794 (Va. 2026) (Va. Code § 32.1-377) (defining "protected health care activity," and providing that it includes "all behavioral health, diagnostic, medical, mental health, pharmaceutical, preventative, psychiatric, psychological, rehabilitative, support, surgical, or therapeutic care services and any supplies, assessment, diagnosis, treatment, procedure, prescription, test, medication, advice, or other service related to such care").

unless the alleged offense would also constitute a crime under Virginia law, or the person was physically present in the demanding state at the time of the alleged offense and fled from that state.³

Warrantless arrests related to criminal liability based on “protected health care activity” are prohibited.⁴

Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Any subpoena originating from another state must include an attestation stating whether the subpoena seeks documents, information, or testimony related to “protected health care activity” (the “attestation requirement”).⁵ Subpoenas originating from another state may not be issued if they seek documents, information, or testimony related to “protected health care activity,” unless the request relates to an out-of-state action involving tort, contract, or statutory claims that would exist under Virginia law.⁶

Courts may not issue summons requiring witnesses to appear for criminal prosecutions or grand jury investigations related to “protected health care activity.”⁷

Additionally, search warrants, subpoenas, court orders, or other legal processes may not be issued, executed, or served for the search, seizure, or production of menstrual health data stored on a computer, computer network, or other device containing electronic or digital information. “Menstrual health data” means any information that relates to or is used to determine, predict, or estimate a person’s past, present, or future menstrual health or menstrual status.⁸

Protection against Civil Liability

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person may bring a civil action if aggrieved by another person’s failure to comply with the “attestation requirement” or their engagement in “abusive litigation”—legal action brought in another jurisdiction

³ SB 794 (Va. 2026) (Va. Code §§ 19.2-87.1, 19.2-99). If the person subject to an extradition request submits a declaration under oath that they were present in Virginia at the time of the alleged criminal violation, a presumption that they were not in the demanding state will apply and may be rebutted only by clear and convincing evidence. *Id.* The Governor may act on an extradition demand for someone charged with a criminal violation of another state’s laws involving “protected health care activity” only if the demand is accompanied by a sworn attestation that the person was physically present in the demanding state at the time of the alleged offense and fled from that state. *Id.* The Governor must take no less than 365 days to investigate the case after receiving a demand for extradition of a person charged with a crime related to “protected health care activity” before responding to the demand. SB 794 (Va. 2026) (Va. Code § 19.2-88).

⁴ SB 794 (Va. 2026) (Va. Code § 19.2-100).

⁵ SB 794 (Va. 2026) (Va. Code § 8.01-412.10(A)).

⁶ SB 794 (Va. 2026) (Va. Code § 8.01-412.10(F)).

⁷ SB 794 (Va. 2026) (Va. Code §§ 19.2-273, 19.2-274).

⁸ HB 78 (Va. 2024) (Va. Code § 19.2-60.2).

seeking to impose liability based on “protected health care activity” that occurred in Virginia.⁹ They may recover damages, equitable relief, and reasonable attorney fees and costs.¹⁰

The Attorney General may also bring a civil action against someone who violates the “attestation requirement” or engages in “abusive litigation”—the person may be subject to a civil penalty of up to \$10,000 for each violation and reasonable attorney fees and costs.¹¹

Privacy of Medical Information and Other Data Related to Reproductive Care

Protection Against Disclosure of Data by Reproductive Health Apps

Under Virginia’s Consumer Protection Act, amended effective July 1, 2025, anyone that engages in a “consumer transaction” (including advertising or selling goods or services for personal purposes) may not obtain, disclose, sell, or disseminate any personally identifiable reproductive or sexual health information without the individual’s consent—an individual may bring an action for damages and the attorney general may bring an action for civil penalties against those who violate this law.¹² “Reproductive or sexual health information” does not include a patient’s health records or other information covered by HIPAA (identifiable health information held by health care providers who electronically transmit health information, health plans, and health care clearing houses), but includes other information related to: efforts to research or obtain reproductive or sexual health information services or supplies (including related location information); reproductive or sexual health conditions, status, diseases, diagnoses, symptoms, and procedures, including pregnancy termination; and, use or purchase of medication related to reproductive health, including contraceptives and abortifacients.¹³

Protection of Location Data

As noted above, anyone that engages in a “consumer transaction” may not obtain, disclose, sell, or disseminate any personally identifiable “reproductive or sexual health information” (as defined above) without the individual’s consent, including location information indicating an attempt to obtain reproductive or sexual health information services or supplies.¹⁴

⁹ SB 794 (Va. 2026) (Va. Code §§ 32.1-380, 32.1-377 (defining “abusive litigation”)).

¹⁰ SB 794 (Va. 2026) (Va. Code § 32.1-380).

¹¹ SB 794 (Va. 2026) (Va. Code § 32.1-381).

¹² SB 754 (Va. 2025) (Va. Code §§ 59.1-198, 59.1-200, 59.1-204, 59.1-206) (effective July 1, 2025).

¹³ SB 754 (Va. 2025) (Va. Code § 59.1-198) (effective July 1, 2025).

¹⁴ SB 754 (Va. 2025) (Va. Code §§ 59.1-198, 59.1-200) (effective July 1, 2025).

ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

For more information

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To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: larj@law.ucla.edu