AB 1043 (Wicks) - Age verification signals: software applications and online services

Version: July 23, 2025   **Policy Vote:** JUD. 12 - 0
Urgency: No   **Mandate:** No
Hearing Date: August 18, 2025   **Consultant:** Liah Burnley

Bill Summary: AB 1043 requires a device manufacturer to provide an interface in which the account holder of a device may input the age of the primary user of the device for the purpose of complying with age verification and parental consent laws.

Fiscal Impact:

- Possible costs (General Fund, special funds) to the Department of Justice (DOJ) of an unknown amount. Actual costs will depend on whether the Attorney General pursues enforcement actions, and, if so, the level of additional staffing DOJ needs to handle the related workload. If DOJ hires staff to handle enforcement actions authorized by this bill, the department would incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum. If DOJ does not pursue enforcement as authorized by this bill, the department would likely not incur any costs.

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. Expanding civil penalties could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately $10,500 in staff in workload. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Background: The Legislature has passed numerous measures in recent years requiring businesses and social media companies to tailor their products and services to the unique needs of youth, and to protect the privacy of youth. However, some of the Legislature's most ambitious efforts like the Age Appropriate Design Code (AB 2273 (Wicks), Chapter 320, Statutes of 2022) and the Protecting Our Kids from Social Media Addiction Act (SB 976 (Skinner) Chapter 321, Statutes of 2024) have been challenged in court, in part due to federal statutes and Constitutional law that severely constrains the ability of states to regulate online speech and platforms. As discussed in detail in the policy committee analyses, this bill seeks to avoid these legal battles and instead implement a content-neutral approach to age verification that does not dictate product design.

Proposed Law:

- Defines all of the following:

  - "Account holder" means a parent or legal guardian of a user who is under 18 years of age.

  - "Account holder" does not include a parent of an emancipated minor or a parent or legal guardian who is not associated with a user's device.

  - "Age bracket data" means nonpersonally identifiable data derived from a user's birth date or age for the sole purpose of sharing with developers of applications that indicates only any of the following:

    - Whether a user is under five years of age.

    - Whether the user is at least 5 years of age and under 10 years of age.

    - Whether the user is at least 10 years of age and under 13 years of age.

    - Whether the user is at least 13 years of age and under 16 years of age.

    - Whether the user is at least 16 years of age and under 18 years of age.

    - Whether the user is at least 18 years of age.

  - "Application" means a software application that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device.

  - "Child" means a consumer who is under 18 years of age.

  - "Covered application store" means a publicly available internet website, software application, online service, or platform that distributes and facilitates the download of applications from third-party developers to users of a computer, a mobile device, or any other general purpose computing device.

  - "Covered manufacturer" means a person who is a manufacturer of a device, an operating system for a device, or a covered application store.

  - "Developer" means a person that owns, maintains, or controls an application.

  - "Online service, product, or feature" does not mean any of the following:

    - A broadband internet access service, as defined;

    - A telecommunications service, as defined; or,

    - The delivery or use of a physical product.

- o "Signal" means age bracket data or notice of parent or guardian consent sent by a real-time secure application programming interface or operating system to an application.

  - o "User" means a child that is the primary user of the device.

- Requires a covered manufacturer to do all of the following:

  - o Provide an accessible interface at account setup that requires an account holder to indicate the birth date, age, or both, of the user of that device for the sole purpose of providing a signal regarding the user's age bracket to applications available in a covered application store.

  - o Provide a developer who has requested a signal with respect to a particular user with a digital signal via a real-time application programming interface identifying which of the following categories pertains to the user:

    - Under five years of age;

    - At least 5 years of age and under 10 years of age;

    - At least 10 years of age and under 13 years of age;

    - At least 13 years of age and under 16 years of age;

    - At least 16 years of age and under 18 years of age; and,

    - At last 18 years of age.

  - o Send only the minimum amount of information necessary to comply with this title and shall not share the digital signal information with a third party for a purpose not required by this title.

- Requires a developer to request a signal with respect to a particular user from a covered manufacturer when that user requests to download an application.

- States that a developer that receives a signal shall be deemed to have actual knowledge of the user's age to whom that signal pertains across all platforms of the application and points of access of the application even if the developer willfully disregards the signal.

- Requires a developer to treat a signal received pursuant to this title as the primary indicator of a user's age for purposes of determining the user's age.

- Provides that a developer that relies in good faith on a signal provided by a covered manufacturer is presumed to have accurately determined the user's age and to be in compliance with any state law that requires online age verification or parental guardian consent. The presumption of accuracy is rebuttable by credible evidence that the user's age is different than the signal provided by the covered manufacturer.

- Provides that a developer that receives a signal may use that signal to comply with applicable law but shall not do either of the following:

- Request more information than the minimum amount of information necessary to comply; and,

- Share the signal with a third party for a purpose not required by this title.

- States that, a person that violates this title shall be subject to an injunction and liable for a civil penalty of not more than two thousand five hundred dollars ($2,500) per affected child for each negligent violation or not more than seven thousand five hundred dollars ($7,500) per affected child for each intentional violation, which shall be assessed and recovered only in a civil action brought in the name of the people of the State of California by the Attorney General.

- Provides that, a covered manufacturer that makes a good faith effort to comply with this title, taking into consideration available technology and any reasonable technical limitations or outages, shall not be liable for an erroneous signal indicating a user's age or any conduct by a developer that receives a signal indicating a user's age.

- Requires a covered manufacturer to comply in a nondiscriminatory manner.

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