
THIRD READING

Bill No: AB 1043
Author: Wicks (D), et al.
Amended: 7/23/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 7/15/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Niello

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 6/2/25 - See last page for vote

SUBJECT: Age verification signals: software applications and online services

SOURCE: Children Now

DIGEST: This bill imposes obligations on covered manufacturers to communicate certain information to developers, including age bracket information. The bill requires developers to request and treat age signals as the primary indicator of the user's age.

ANALYSIS:

Existing law:

- 1) Provides a right to free speech and expression. (U.S. Constitution (Const.), 1st amend; California (Cal.) Const., art 1, § 2.)
- 2) Recognizes certain judicially created exceptions to the rights of freedom of speech and expression. (*E.g., Virginia v. Black* (2003) 538 U.S. 343, 359.)

- 3) Requires, pursuant to the Parent's Accountability and Child Protection Act, a person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. (Civil (Civ.) Code § 1798.99.1(a)(1).)
- 4) Establishes the CCPA, which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)
- 5) Provides a consumer the right, at any time, to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information. It requires such a business to provide notice to consumers, as specified, that this information may be sold or shared and that consumers have the right to opt out of that selling and sharing. (Civ. Code § 1798.120(a)-(b).)
- 6) Prohibits a business, notwithstanding the above, from selling or sharing the personal information of consumers if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of consumers at least 13 years of age and less than 16 years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale or sharing of the consumer's personal information. A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age. (Civ. Code § 1798.120(c).)
- 7) Establishes the Protecting Our Kids from Social Media Addiction Act, which prohibits an operator of an addictive internet-based service or application from providing an addictive feed to a user unless they have actual knowledge that the user is not a minor or the operator has obtained parental consent. (Health & Saf. Code § 27000 et seq.)

This bill:

- 1) Requires a covered manufacturer to 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.
- 2) Requires a covered manufacturer to provide developers who have requested a signal with respect to a particular user with a digital signal via a real-time application programming interface (API) identifying the age bracket of the user:
 - a) Under five years of age.
 - b) At least 5 years of age and under 10 years of age.
 - c) At least 10 years of age and under 13 years of age.
 - d) At least 13 years of age and under 16 years of age.
 - e) At least 16 years of age and under 18 years of age.
 - f) At least 18 years of age.
- 3) Requires a covered manufacturer to send only the minimum amount of information necessary to comply herewith and prohibits the sharing of the digital signal information with a third party for a purpose not required hereby.
- 4) 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. Once the signal is received, the developer is 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. The signal shall be treated as the primary indicator of a user's age.
- 5) Provides that a developer that relies in good faith on a signal indicating a user's age 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. This presumption is rebuttable by credible evidence that the user's age is different than the signal.
- 6) Permits a developer that receives a signal indicating a user's age to use that signal to comply with applicable law but shall not do either of the following:
 - a) Request more information than the minimum amount of information necessary to comply with this title.
 - b) Share the signal with a third party for a purpose not required by this title.

- 7) Subjects a person in violation to an injunction and to liability for a civil penalty of not more than \$2,500 per affected child for each negligent violation or not more than \$7,500 per affected child for each intentional violation. Such penalties are recoverable only in a civil action brought in the name of the people of the State of California by the Attorney General.
- 8) Provides that a covered manufacturer that makes a good faith effort to comply herewith, taking into consideration available technology and any reasonable technical limitations or outages, shall not be liable for an erroneous signal or any conduct by a developer that receives a signal.
- 9) Clarifies its scope and interaction with other laws.
- 10) Includes a severability clause.
- 11) Defines the relevant terms, including:
 - a) “Account holder” means a parent or legal guardian of a user who is under 18 years of age.
 - b) “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. “Online service, product, or feature” does not include a broadband internet access or telecommunications service. This also excludes the delivery or use of a physical product.
 - c) “Covered application store” means a publicly available 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 other general purpose computing device.
 - d) “Covered manufacturer” means a person who is a manufacturer of a device, an operating system for a device, or a covered application store.
 - e) “Developer” means a person that owns, maintains, or controls an application.
 - f) “Signal” means age bracket data or notice of parent or guardian consent sent by a real-time secure API or operating system to an application.
 - g) “User” means a child that is the primary user of the device.

Background

Children face numerous serious risks in online environments that can have lasting impacts on their development and wellbeing. Exposure to inappropriate content,

including violent, sexual, or disturbing material, can be traumatic and age-inappropriate for developing minds. Cyberbullying and online harassment can lead to anxiety, depression, and social isolation, while predators may attempt to groom or exploit children through social media, gaming platforms, and messaging apps. Additionally, excessive screen time and addictive app design can interfere with sleep, physical activity, and real-world social development. Children may also inadvertently share personal information or fall victim to scams. Many approaches to solving these problems by requiring age verification have serious trade offs, whether it be privacy, security, or effectiveness.

This bill seeks to accomplish these goals by requiring manufacturers of devices, operating systems, and app stores to obtain age information on minor users and to communicate this to app developers. Developers are required to request the signal then to treat these signals as the primary indicator of a user's age. This bill is sponsored by Children Now. It is supported by several advocacy groups, including CFT — A Union of Educators & Classified Professionals, and opposed by Chamber of Progress and Lenovo.

Comment

According to the author:

California's children are growing up with access to an online world that was not built with them in mind. Kids rely on the digital world for education, entertainment, and socialization, but there are no guardrails that protect them from exposure to manipulative design features, and inappropriate interactions. This leaves children vulnerable to harm, including cyberbullying, sextortion, mental health struggles and more. This is simply unacceptable. It is essential that online spaces are designed with children's safety in mind from the outset — and a key part of that design is the ability to accurately assess a user's age.

The Digital Age Assurance Act is a crucial step in ensuring kids can explore the digital world more safely — and a critical step needed for us to require social media and other online companies to implement higher consumer safety standards for products accessed by kids. The urgency behind AB 1043 is backed by mounting evidence of the harmful impacts unregulated digital environments can have on children's mental health, safety, and overall well-being. Creating a statutory age assurance framework that balances privacy and usability will give parents greater peace of mind, build trust with children and

families, and create consistency for businesses looking to innovate responsibly. AB 1043 provides a scalable path forward — one that encourages the development of safer online experiences while preserving the benefits of digital participation for young users.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 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.

SUPPORT: (Verified 8/29/25)

Children Now (source)

AAPI Equity Alliance

California Academy of Child and Adolescent Psychiatry

California Catholic Conference

California Civil Liberties Advocacy

California Parents for Public Virtual Education

CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO

#HalfTheStory

Latino Equality Alliance

Parent Support for Online Learning

The Source LGBT+ Center

OPPOSITION: (Verified 8/29/25)

Chamber of Progress

Lenovo, Inc.

Technet

ARGUMENTS IN SUPPORT: Children Now, the sponsor of the bill, writes:

The mental health of youth is in crisis. The challenges that families have faced for generations are exacerbated and amplified by modern technology. Parents, schools and governments are all grappling with the challenges of how to keep kids safe online. Simultaneously, connectivity provides opportunity for access to friends, family, community, and resources.

By sharing approximate users' age to developers of online products and services, AB 1043 will ensure that online platforms provide age-appropriate online experiences. AB 1043 marks an important step toward creating a developmentally safe online world that supports youths' mental, emotional, and social development.

ARGUMENTS IN OPPOSITION: Chamber of Progress writes:

While it is important to encourage parental involvement to ensure minors' safety online, parents are not always best suited to control how their child uses a platform. AB 1043 risks harming the very children it aims to protect, especially vulnerable youth. Many apps that provide critical services, such as platforms supporting mental, physical, and reproductive health, prioritize anonymity to ensure user safety and promote positive, help-seeking behaviors. Age-bracket signaling and automatic parental consent and control requirements, as outlined in AB 1043, could pressure app stores to collect more information, compromising privacy.

In situations where a parent does not support their child's identity or seeks to restrict access to certain political, health, or other information, this authority can be utilized and weaponized as a tool of control, particularly in abusive or unhealthy home environments. For many youth, online spaces serve as a lifeline, offering access to

communities, resources, and support networks that may not be available in their offline lives. LGBTQ+ youth, especially those who may live in communities hostile to their identity, see social media as a crucial tool to connect with LGBTQ+ groups, access content from people's shared experiences, maintain positive connections, and reduce perceived isolation. LGBTQ+ youth use online platforms to seek emotional support, search for information about their identities, and find communities that accept them when their own parents do not. In fact, only 38% of LGBTQ youth report living in affirming households, while 60% reported finding online spaces to be supportive.

ASSEMBLY FLOOR: 76-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Lackey, Patterson, Ta

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
8/30/25 12:40:35

**** END ****