

CONCURRENCE IN SENATE AMENDMENTS

AB 1043 (Wicks)

As Amended September 5, 2025

Majority vote

SUMMARY

Establishes the Digital Age Assurance Act, which creates a signaling infrastructure that allows developers to rely on a real-time, secure indicator of a user's age bracket for purposes of complying with other California laws that require age verification.

Senate Amendments

- 1) Significantly narrow the bill by removing the provisions related to parental controls and limiting the bill to operating system providers and application developers.
- 2) Modify the age brackets to match those in the California Consumer Privacy Act:
 - a) Under 13 years of age.
 - b) At least 13 years of age but under 16 years of age.
 - c) At least 16 years of age but under 18 years of age.
 - d) At least 18 years of age.
- 3) Require developers to request the signal and the operating system providers to provide a signal when an app is downloaded and launched.
- 4) Require that that developers that receive the signal comply with applicable law.
- 5) Require operating systems to provide the ability for users to set up age bracket data in devices that have been set up before the January 1, 2027 implementation date and require the operating system to allow for account holders to indicate birth date, age or both before July 1, 2027
- 6) Require developers to request a signal for apps that have been downloaded before January 1, 2027 to request a signal before July 1, 2027.
- 7) Require that developers use internal clear and convincing information if developers have that information available and the signal is different from that information.
- 8) Prohibit developers from willfully disregarding internal clear and convincing information.
- 9) Exempts from liability an operating system provider, a covered application store, or a developer when a person who is not the user to whom a signal pertains uses a device or application.
- 10) Delay implementation date of January 1, 2027.

COMMENTS

Children today spend more time online than any generation before them—but the internet was not built with them in mind. While minors increasingly rely on digital platforms for education, entertainment, and socialization, they are routinely exposed to harms including exploitative content, manipulative design features, and addictive engagement mechanisms.

Although federal action is ultimately needed to standardize protections across jurisdictions, California's status as a tech capital and economic giant allows it to lead by example, often setting de facto national standards. The Digital Age Assurance Act (AB 1043) is the latest in a long lineage of California's efforts to protect its children from online harms. The bill attempts to do this by offering an infrastructure-level solution that avoids direct content regulation while enabling other child protection laws to function effectively.

California has enacted or proposed several laws to better protect minors in digital spaces, but enforcement and implementation remain stymied by a basic infrastructure gap: there is no standardized, privacy-preserving method for determining whether a user is a child. AB 1043, the Digital Age Assurance Act, seeks to fill that gap by establishing a secure signaling framework at the device and app store level. This framework allows developers to receive a tamper-resistant digital signal reflecting a user's age bracket—without requiring the collection of personal data or documents—and to treat that signal as the authoritative indicator of a user's age for compliance purposes under California law.

Striking a balance between parental control and children's privacy. In protecting children from the potential harms on the internet, like those discussed previously, there must be a careful balance between appropriate parental control and the rights of older teens to access certain platforms. At the core of this bill is a conceptually elegant solution for establishing the age of the user. By sending an age assurance signal that developers are required to rely on for having actual knowledge of the age of the user, provides a number of significant benefits:

- 1) It alleviates concerns from privacy advocates that age verification would necessarily require everyone to provide developers and platforms with even greater sensitive personal information by having to upload official identification documents in order to prove that they are old enough to access the application or the content.
- 2) It potentially removes the argument from the technology industry that have no definitive way of knowing the age of their users, thus allowing them to avoid responsibility for allowing children to access harmful content. As an example, applications that are restricted to adults generally simply ask the user to attest to whether or not they are old enough to access the site. With an age assurance signal, the platforms would be provided with actual knowledge of the age or age range of the user that they could then rely on to grant or deny access.
- 3) The State's consumer privacy law, the California Consumer Privacy Act, restricts the ability of businesses to be able to use, share, or sell personal information on minors. For those under 13, parental consent is required for the sharing or sale of a child's information, for those older children who are at least 13, but under 16, they must consent to having their personal information shared and sold. However, those restrictions only apply if a business has actual knowledge of the person's age. An age assurance signal sent to online businesses could provide that actual knowledge.

According to the Author

The Digital Age Assurance Act is a crucial step in ensuring kids can explore the digital world more safely, and it is needed step for us to require social media and other online companies to implement higher consumer safety standards for products accessed by kids. 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.

Arguments in Support

Children Now, the sponsor of this 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

Writing in opposition to the May 23rd version of the bill, Chamber of Progress argues:

Through its rigid, prescriptive requirements on device manufacturers and app stores, AB 1043 risks chilling innovation. Covered manufacturers would be forced to redirect their resources toward meeting strict and ineffective compliance mandates rather than continuing to focus on developing the tools to improve child safety online, delaying or preventing the rollout of new safety features. Innovators seeking to build new services tailored appropriately for youth, including educational platforms, mental health resources, and safe social spaces, would face higher barriers that, ironically, make it harder for companies to deploy the very protections the bill seeks to promote in a timely manner.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) 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.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate cases filed under the new cause of action

created by this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2024-25 state budget provides \$37.3 million ongoing General Fund to backfill declining revenue to the Trial Court Trust Fund.

VOTES:

ASM PRIVACY AND CONSUMER PROTECTION: 13-0-2

YES: Bauer-Kahan, Dixon, Bryan, Irwin, Lowenthal, Macedo, McKinnor, Ortega, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

ABS, ABST OR NV: DeMaio, Patterson

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3

YES: 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

ABS, ABST OR NV: Lackey, Patterson, Ta

UPDATED

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