

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1709 (Lowenthal) – As Amended April 23, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	13 - 1
	Judiciary		10 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits a covered platform from permitting a user under 16 years of age to create or maintain an account on the platform, requires covered platforms to verify user age pursuant to the Digital Age Assurance Act, requires deletion of accounts and personal information of users under 16, and establishes the e-Safety Advisory Commission within the Department of Justice (DOJ) to advise the Attorney General on implementation, enforcement, and other online safety matters.

Specifically, this bill:

- 1) Defines “covered platform” as an internet website, online service, online application, or mobile application that offers users an "addictive feed" as a significant part of the service, excluding platforms limited to commercial transactions, consumer reviews, or cloud storage.
- 2) Requires covered platforms to implement reasonable measures to prevent users under 16 from accessing or using accounts.
- 3) Requires covered platforms to verify user age pursuant to the Digital Age Assurance Act with personal information collected for age assurance used solely for age-related eligibility, retained for the minimum period necessary, and not used for advertising, profiling, or algorithmic recommendation.
- 4) Authorizes the Attorney General, in consultation with the e-Safety Advisory Commission, to adopt regulations to implement and enforce the bill, including regulations to alter the scope of “covered platform” to ensure the bill applies to platforms that make addictive features available to users under 16.
- 5) Authorizes enforcement by the Attorney General or a local public prosecutor, with civil penalties of up to \$50,000 per affected minor for a knowing violation and up to \$25,000 per affected minor for a negligent violation.
- 6) Establishes the e-Safety Advisory Commission within DOJ, with members serving up to eight consecutive years and meeting specified independence and conflict-of-interest criteria.
- 7) Requires the Commission to advise the Attorney General on the bill’s implementation and enforcement, age assurance technologies, covered entity compliance, user and stakeholder feedback, the differential impact of online age restrictions on various groups, online safety laws in other jurisdictions, harmful design features, and covered entity safety practices.

- 8) Requires the Commission to submit an annual report to the Legislature and Governor on its activities, compliance rates, enforcement actions, and recommendations for legislative changes.

FISCAL EFFECT:

- 1) Significant ongoing General Fund costs to the Department of Justice (DOJ) to (a) develop and adopt regulations implementing the bill, including regulations to alter the scope of “covered platform” to keep pace with evolving platform features; (b) bring civil enforcement actions against covered platforms; (c) provide staff and operational support to the e-Safety Advisory Commission, including coordinating commission meetings, supporting the commission’s research and policy work, and producing the annual report; and (d) coordinate with operating system providers, covered application stores, and developers under the Digital Age Assurance Act framework. Costs are likely to be substantial given the scope of the regulatory undertaking, the complexity of “covered platform” line-drawing, and the breadth of the commission’s advisory duties. The bill authorizes civil penalties of up to \$50,000 per affected minor for knowing violations and up to \$25,000 per affected minor for negligent violations. To the extent enforcement actions result in penalties, those would offset enforcement costs. DOJ is unable to provide an estimate of costs at this time.
- 2) Significant ongoing General Fund costs to DOJ for the e-Safety Advisory Commission, including member compensation (if any), administrative support, research and analytical capacity, and annual reporting. The Commission's responsibilities — covering age assurance technology, compliance monitoring, stakeholder feedback, comparative analysis of out-of-state online safety laws, and harmful design features — require sustained staff and contracted research support. DOJ is unable to provide an estimate of costs at this time.

The Legislative Analyst’s Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** According to the author:

AB 1709 is a commonsense measure to protect children from social media platforms designed to maximize engagement through addictive features like infinite scroll, autoplay, constant notifications, and algorithm-driven feeds. [...] This bill is not about speech or content, it is about harmful product design and protecting public health.

- 2) **Background.** The Privacy and Consumer Protection Committee analysis describes a body of correlational, experimental, and longitudinal research linking adolescent social media use to increased rates of anxiety, depression, sleep disruption, and self-harm, with effects concentrated among heavy users (three or more hours per day) and disproportionately affecting adolescent girls. The U.S. Surgeon General issued a 2023 advisory warning of social media's potential mental health impacts on young people, identifying harmful content and excessive and problematic use as the primary risk factors. Internal research from social media companies, made public through litigation and leaks, has shown that platforms recognize the engagement-maximizing properties of design features such as recommendation

algorithms, infinite scroll, autoplay, and notifications, and have studied the resulting harms to younger users.

California has enacted several measures to protect children online. This bill builds on that framework by establishing a minimum-age requirement for covered platforms and creating a permanent advisory commission. Australia enacted the world's first national age limit on social media in December 2025, prohibiting users under age 16 from having social media accounts on specified platforms. Implementation resulted in the deactivation of approximately 4.7 million accounts held by 2.5 million children. Indonesia, France, Denmark, Spain, Germany, Greece, and Malaysia have enacted or are considering similar age limits, generally at age 15 or 16.

Industry opponents argue the bill is unconstitutional under the First Amendment. The policy committee analyses note that recent appellate decisions — *NetChoice, LLC v. Bonta* (9th Cir. 2025) 152 F.4th 1002, addressing SB 976, and *Computer & Communications Industry Ass'n v. Uthmeier* (11th Cir. 2025), addressing Florida's analogous addictive-features law — have applied intermediate scrutiny to content-neutral regulations of platforms employing addictive features. The bill's design-based definition of "covered platform" (incorporating language from SB 976) is intended to align with this content-neutral framework. To the extent this bill is challenged in court, any litigation defense costs would be borne by the DOJ.

- 3) **Support and Opposition.** Co-sponsors and supporters, including Common Sense Media and the California Commission on the Status of Women and Girls, state that evidence of harm from addictive design features is substantial, that platform-level voluntary changes have been insufficient, and that age-based restrictions are an effective population-level prevention tool. A coalition of industry organizations including TechNet and NetChoice opposes the bill, arguing that it is unconstitutional under the First Amendment, that available research does not establish a causal relationship between social media use and youth mental health outcomes, that age verification will prove ineffective, and that displaced teens will migrate to less safe platforms.
- 4) **Related Legislation.** AB 2246 (Wicks), of the 2025-2026 Legislative Session, amends the California Age-Appropriate Design Code Act to address constitutional concerns identified in *NetChoice, LLC v. Bonta*. The bill is pending in this committee.

AB 1856 (Wicks), of the 2025-2026 Legislative Session, extends the Digital Age Assurance Act to websites. The bill is pending in this committee.

Prior Legislation. AB 56 (Bauer-Kahan), Chapter 671, Statutes of 2025, requires social media warning labels beginning in 2027.

AB 1043 (Wicks), Chapter 675, Statutes of 2025, the Digital Age Assurance Act, establishes a device-based age verification system effective in 2027.

SB 976 (Skinner), Chapter 321, Statutes of 2024, the Protecting Our Kids from Social Media Addiction Act, restricts minor access to algorithmic feeds and requires the Attorney General to adopt age assurance regulations by January 1, 2027.

AB 2273 (Wicks), Chapter 320, Statutes of 2022, established the California Age-Appropriate Design Code Act, portions of which have been blocked pending litigation.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081