

THIRD READING

Bill No: AB 1709
Author: Lowenthal (D), Alvarez (D), Bauer-Kahan (D), Bonta (D), Hoover (R), Muratsuchi (D), Patterson (R) and Wicks (D), et al.
Amended: 8/28/26 in Senate
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 6/22/26
AYES: Jones, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes, Wiener
NO VOTE RECORDED: Cabaldon, Umberg

SENATE JUDICIARY COMMITTEE: 13-0, 6/30/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 4-0, 8/13/26
AYES: Cervantes, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Cabaldon, Dahle

ASSEMBLY FLOOR: 76-0, 5/28/26 - See last page for vote

SUBJECT: Covered platforms: age restriction: e-Safety Advisory Commission

SOURCE: Organization for Social Media Safety

DIGEST: This bill 1) prohibits “covered platforms” from providing an addictive feature to a user under the age of 16. The Attorney General (AG) may adopt regulations, as provided; and 2) establishes the e-Safety Advisory Commission to advise the AG on, among other things, matters related to online safety.

Senate Floor Amendments of 8/28/26 refine definitions, make changes to the composition and duties of the commission, including requiring one member to have experience related to LGBTQ+ civil rights or public policy related to youth, and make technical changes.

ANALYSIS:

Existing law:

- 1) Establishes the Protecting Our Kids from Social Media Addiction Act, prohibits an operator of an addictive internet-based service or application, including a social media platform, from providing an addictive feed, as defined, to a minor user. (Health & Saf. Code § 27000 et seq.)
- 2) Defines “addictive feed” as an internet website, online service, online application, or mobile application, or a portion thereof, in which multiple pieces of media generated or shared by users are, either concurrently or sequentially, recommended, selected, or prioritized for display to a user based, in whole or in part, on information provided by the user, or otherwise associated with the user or the user’s device, unless any of the following conditions are met, alone or in combination with one another:
 - a) The information is not persistently associated with the user or user’s device and does not concern the user’s previous interactions with media generated or shared by others.
 - b) The information consists of search terms that are not persistently associated with the user or user’s device.
 - c) The information consists of user-selected privacy or accessibility settings, technical information concerning the user’s device, or device communications or signals concerning whether the user is a minor.
 - d) The user expressly and unambiguously requested the specific media or media by the author, creator, or poster of the media, or the blocking, prioritization, or deprioritization of such media, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user’s device, except as otherwise permitted by this chapter and, in the case of audio or video content, is not automatically played.
 - e) The media consists of direct, private communications between users.
 - f) The media recommended, selected, or prioritized for display is exclusively the next media in a preexisting sequence from the same author, creator, poster, or source and, in the case of audio or video content, is not automatically played.
 - g) The recommendation, selection, or prioritization of the media is necessary to comply with the act. (Health & Saf. Code § 27000.5(a).)

- 3) Requires, for purposes of the Protecting Our Kids from Social Media Addiction Act, the Attorney General to adopt regulations regarding age assurance by January 1, 2027. (Health & Saf. Code § 27006(b).)
- 4) Establishes the Digital Age Assurance Act, which establishes a device-based age verification system in which parents who allow their children to be the primary user of a device can enter a non-identifying age-bracket signal that operating systems and application stores must send to application developers. (Civ. Code § 1798.500 et seq.)

This bill:

- 1) Prohibits a covered platform from providing an addictive feature to a user under the age of 16. It requires a covered platform to implement reasonable measures to ensure users under the age of 16 are not provided any addictive feature on their platform.
- 2) Defines a “covered platform” as a website, online service, online application, or mobile application, including a social media platform, as defined in existing law, that offers users or providers users an addictive feature as a significant part of the service provided.
- 3) Requires a covered platform, before providing an addictive feature to a user, to verify the age of a user pursuant to the Digital Age Assurance Act, subject to regulation by the AG. Provides that, if a covered platform is unable to verify the age of a user pursuant to the Act, then the platform shall instead rely on age determination made pursuant to regulations made by the AG under the Protecting Our Kids from Social Media Addiction Act.
- 4) Provides that the AG may adopt regulations to implement and enforce these provisions.
- 5) Provides that the AG may alter the scope of “covered platform” if they determine that doing so is necessary to ensure that a “covered platform” applies to websites, online services, online applications, or mobile applications that make addictive features available to users under the age of 16.
- 6) Provides that a covered platform that violates the above provisions shall be subject to a civil penalty, brought only by the AG or a local public prosecutor, of up to \$50,000 per affected minor for a knowing violation and \$25,000 per affected minor for a negligent violation. Requires a court to consider the size of a covered platform, the severity and duration of the violation, and the platform’s good faith efforts to comply when assessing a civil penalty.

- 7) Establishes the e-Safety Advisory Commission as an independent advisory commission only for administrative purposes within the Department of Justice. Provides that the commission is purely advisory and shall not be considered a part of the Department of Justice for any other purpose.
- 8) Requires at least one member of the commission to have experience working on LGBTQ+ civil rights or statewide public policy related to LGBTQ+ youth. Requires the e-Safety Advisory Commission to consist of members who possess relevant experience and include individuals with expertise or experience in one or more of the following areas:
 - a) Pediatrics.
 - b) Child psychology, adolescent psychology, or social psychology.
 - c) Technology.
 - d) Civil society organizations with expertise in children's online safety or public health.
 - e) Advocacy on behalf of marginalized youth, including, but not limited to, youth of color, foster youth, or youth with disabilities.
 - f) Academia or research related to child development, public health, or online safety.
 - g) Education, specifically K-12 education.
- 9) Provides that the commission may advise the AG on the following:
 - a) The state of age assurance technologies.
 - b) Feedback from social media users, parents of minors, and online safety and children's safety organizations regarding implementation of California's online safety laws.
 - c) The differential impact of online age restrictions on various groups.
 - d) Harmful design features in covered entities and their impacts on youth health and well-being.
 - e) Safety practices of covered entities to protect children.
 - f) State agency rulemaking under Section 22685 of the Business and Professions Code.
 - g) Safe access to online community for isolated LGBTQ+ youth.
- 10) Requires the commission to report to the Legislature and Governor all of the following:
 - a) The commission's activities.
 - b) Proposed actions taken and statutory changes.
 - c) Recommendations for legislative changes to enhance the protections of minors online.

Background

Since its inception, social media has exploded in popularity. People around the world use social media to connect with like-minded others, find various resources, and entertain themselves. However, these benefits did not come without a heavy price: a price that is felt the most by children. Youth mental health problems are skyrocketing, while digital consumption only increases. Social media use has been linked to increasing depression, anxiety, suicidality, eating disorders, and countless other harmful effects.

In response, this bill prohibits “covered platforms” from providing an addictive feature to children under 16 years of age and requires the platforms to verify users’ ages pursuant to the Digital Age Assurance Act before providing users with an addictive feature. The AG is authorized to promulgate necessary regulations and to alter the scope of what is considered a “covered platform,” as necessary. The bill also stands up the e-Safety Advisory Commission as an independent advisory body to provide advice and recommendations to the AG on various topics.

The bill is sponsored by the Organization for Social Media Safety. It is supported by a variety of groups, including the California Initiative for Technology & Democracy and the Los Angeles County Sheriff’s Department. The bill is opposed by a wide variety of groups, including Chamber of Progress and ACLU California Action. For a more thorough analysis, please see the Senate Privacy, Digital Technologies, and Consumer Protection Committee analysis of this bill.

Comments

According to the author:

AB 1709 would establish a state-wide minimum age requirement for users to create or maintain accounts on social media platforms that use addictive feeds as a significant part of the service provided by their platform. This bill is grounded in a substantial and growing body of research showing that early and unrestricted access to social media can harm children’s mental health, cognitive development, and overall well-being. Children under 16 face heightened risks online, including compulsive use patterns, exposure to harmful content, and negative mental health outcomes. These risks are not incidental but are closely tied to how modern social media platforms are designed. Many platforms rely on algorithmically driven feeds that prioritize engagement, often by delivering highly stimulating or emotionally charged content. This design encourages prolonged use and can foster

addictive behaviors, particularly in younger users whose self-regulation skills and executive functioning are still developing.

By requiring platforms to implement meaningful age verification and prevention measures, the bill shifts responsibility from individual users to the companies that control access and design. This approach aims to reduce early exposure to addictive platform features during a key developmental window and to encourage safer, age-appropriate digital environments.

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

According to the Senate Appropriations Committee:

- Major costs to the Department of Justice, including enforcing the social media ban provisions and rulemaking. (General Fund)
- Significant to major costs annually to establish an e-Safety Advisory Commission. Costs may vary widely by year depending on workload. (General Fund)
- Potentially significant costs to the courts to adjudicate new penalties depending on violations that may be unique to every platform. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. 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. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 8/28/26)

Organization for Social Media Safety (Source)

American Academy of Pediatrics, California

Bright Light Strategies

California Catholic Conference

California Initiative for Technology & Democracy, a Project of California

Common CAUSE

Children's Advocacy Institute

Common Sense Media

Distraction-free Schools California
Los Angeles County Sheriff's Department
Mama - West LA
Tech Oversight California

OPPOSITION: (Verified 8/28/26)

ACLU California Action
Advocates for Youth
American Innovators Network
California Commission on the Status of Women and Girls
Chamber of Progress
Children's Online Safety and Privacy Research (COSPR)
Civil Justice Association of California (CJAC)
Colage
Computer & Communications Industry Association
Educateus
Electronic Frontier Foundation
Fight for the Future
Gen-z for Change
If/when/how: Lawyering for Reproductive Justice
Internet.works
Lawyers for Good Government
Lgbt Tech
Netchoice
Secular Education Association
Siecus: Sex Ed for Social Change
Technet
The Nexus of Privacy
Woodhull Freedom Foundation

ARGUMENTS IN SUPPORT: The Organization for Social Media Safety writes:

AB 1709 is aimed at the mechanics of addictive platform design, not protected speech or online content. AB 1709 draws the correct public-safety line: children under 16 should not have to choose between social participation and exposure to addictive, compulsive-use design.

AB 1709 is a reasonable, evidence-based response to a well-documented problem. Younger adolescents should not be expected to navigate products engineered to capture and hold their attention during a critical stage of development, where the available evidence

clearly and convincingly shows both the serious harms of these products and long-standing internal awareness by the companies themselves.

ARGUMENTS IN OPPOSITION: A coalition of industry groups, including Technet, write:

To be clear, our companies recognize the impacts their platforms can have and are committed to being part of the solution. However, social media is one factor, and any “solution” that ignores the scientific research, the individualized nature of mental health and the many other stressors impacting young people today, like academic pressure, school safety, socio-economic challenges, and substance abuse, is not actually responsive to this complex problem.

Against this backdrop, AB 1709 applies a blunt, one-size-fits-all restriction to a highly individualized issue. If passed and signed, this bill completely cuts off access, while the research instead identifies use patterns, individual vulnerability, and context as the relevant risk factors. The bill would eliminate the benefits that many teens find in social media and sever youth in marginalized communities from their online communities.

ASSEMBLY FLOOR: 76-0, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, 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, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Zbur, Rivas

NO VOTE RECORDED: Bains, Quirk-Silva, Celeste Rodriguez, Wilson

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