

CONCURRENCE IN SENATE AMENDMENTS

AB 1856 (Wicks)

As Amended August 21, 2026

Majority vote

SUMMARY

Updates the Digital Age Assurance Act by clarifying the scope of the Act and, among other things, requiring age signals to be sent to covered application stores as well as developers.

Senate Amendments

- 1) Delete the Act's application to browser providers and website operators.
- 2) Apply the bill's provisions with respect to developers who have received an age signal across any platform of the developer's application, including websites, and to any point of access of the application.
- 3) Prohibit a person from requesting an age signal if the person is not required to do so under the Act.
- 4) Provide that a developer that makes a good faith effort to comply with the Act is not liable for an erroneous signal.
- 5) Make other minor, clarifying, and technical changes.

COMMENTS

The Digital Age Assurance Act. The internet was not designed with children in mind. It was built as an open, anonymous network in which every user is presumed to be an adult, absent affirmative evidence to the contrary – a default assumption that platforms have inherited and, for the most part, maintained. The practical consequence is that the burden of identifying minors – whether to prevent them from accessing age-inappropriate content, or to provide additional privacy protections – must be addressed through additional mechanisms that involve significant tradeoffs and vary considerably in their rigor and cost. The simplest – asking users to enter a birth date or check a box – imposes virtually no burden on anyone but provides no real verification; a minor willing to misrepresent their age can do so with ease. Documentary verification is more reliable, but it requires users to transmit sensitive identity documents to potentially dozens of platforms, creating serious privacy and data security risks, and it disadvantages those segments of the population – including many adolescents – who lack qualifying documents in the first place. Algorithmic and biometric methods, including inferring age from behavior, device signals, or facial analysis, avoid the documentation problem but demand expansive data collection. These methods also perform unreliably at precisely the age boundaries that matter most, and can be circumvented.

AB 1043 (Wicks) Chapter 675, Statutes of 2025, which enacted the Digital Age Assurance Act (Act), sought to achieve a better path forward by creating a system of privacy-protective age verification. Under the Act, operating system providers must provide an accessible interface at account setup that requires an account holder (parent) to indicate the birth date, age, or both, of the user (a child that is the primary user) of that device for the purpose of providing a signal regarding the user's age bracket – under 13, between 13 and 16, between 16 and 18, or at least 18

– to applications available in a covered application store. App developers are required to request signals from application stores and operating system providers when the app is downloaded or launched. Developers who receive signals are deemed to have actual knowledge of the user's age range and must treat the signal as the primary indicator of age, unless they have clear and convincing internal information showing the signal is inaccurate.

According to the Author

Last year's bill, AB 1043, creates a consistent, privacy-first pathway to online age assurance — giving families the confidence that tech platforms can build the right protections for kids into their products without interfering with an app's existing account features, user settings, or ability to set parental controls. This age assurance framework establishes actual knowledge of users' age range in order for these applications to abide by applicable laws, including California's groundbreaking privacy laws. In order to provide additional guidance for age assurance, AB 1856 would clarify provisions for implementing the age assurance framework.

Arguments in Support

Los Angeles Unified School District writes:

At the request of the Newsom Administration, this bill would clarify the original bill's scope, address multi user/family-account scenarios raised by streaming services, add data minimization requirements, and create a parallel age-signal framework for browsers and websites that are otherwise required by law to verify users' ages.

AB 1856 extends the framework of AB 1043 to apply to online products, services, and features accessed through web browsers in addition to applications downloaded from an app store.

Arguments in Opposition

Writing in opposition to a prior version of the bill, TechNet states:

We appreciate the author's efforts to build on California's existing framework governing age-appropriate design and age assurance. Companies are continuing to work in good faith to come into compliance with recently enacted legislation, AB 1043.

However, AB 1856 proposes a significant expansion in scope by extending requirements beyond applications to include any "online service, product, or feature." This raises important questions regarding how such requirements would be operationalized in practice. Unlike applications, which exist within defined distribution and compliance ecosystems, online services do not have a clear or uniform mechanism for implementing these obligations. As a result, it is unclear how entities would determine when and how to comply, or how such requirements would be enforced consistently.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

Possible costs 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, DOJ would likely not incur any costs. (special funds, General Fund)

As the DAAA is not effective until January 1, 2027, there is no enforcement action data available for reference.

Unknown, potentially significant cost pressure to the trial court system 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 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. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

VOTES:

ASM PRIVACY AND CONSUMER PROTECTION: 13-1-1

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

NO: DeMaio

ABS, ABST OR NV: Patterson

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

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

ASSEMBLY FLOOR: 68-1-11

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

NO: DeMaio

ABS, ABST OR NV: Bennett, Flora, Hadwick, Johnson, Lackey, Muratsuchi, Patterson, Celeste Rodriguez, Sanchez, Ta, Zbur

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

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