

ASSEMBLY THIRD READING

AB 1921 (Ward)

As Amended May 18, 2026

Majority vote

SUMMARY

Requires an operator of a digital game to provide notice before ceasing to provide a service that is necessary for the game's ordinary use, and upon ceasing to provide such a service, to either facilitate the continued use of the game or provide purchasers with a refund. Prohibits an operator from continuing to sell unsupported games.

Major Provisions

- 1) Requires an operator of a digital game to communicate specified information to purchasers and prospective purchasers of the game sixty days before ceasing to provide necessary services.
- 2) Requires an operator of a digital game to facilitate the continued use of the game, or to provide a refund, after ceasing to provide necessary services.
- 3) Prohibits an operator of a digital game from continuing to sell, lease, or otherwise distribute a version of a digital game that is not supported.
- 4) Exempts from the bill subscription-based games, free games, games whose continued use cannot be revoked by the operator, and games first made available or rereleased prior to January 1, 2027.
- 5) Provides that actions for relief under the bill can be prosecuted exclusively in a court of competent jurisdiction in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney.

COMMENTS

Background. Digital transactions that appear to involve transfers of ownership are often revealed upon closer inspection to be licensing agreements. Video games are one example digital products that are licensed, rather than purchased. In the past 10 years, the prevalence of "always-online" games that require persistent internet connections, even for single-player features, has led to consternation and feelings of betrayal on the part of purchasers whose access to games can suddenly be revoked.

What this bill would do. This bill would require digital game operators to provide notice to purchasers 60 days before ceasing to provide services necessary for the purchaser's ordinary use of a game. Upon ceasing to provide necessary services, digital game operators would be required to either patch the game to enable its continued use by a purchaser, provide the purchaser with a copy of the game capable of being used in the absence of those services, or provide the purchaser with a full refund. Digital game operators that cease to provide services necessary for the ordinary use of a game would be prohibited from continuing to sell that game. Subscription based services, free games, games that involve genuine transfers of ownership, and games first made available or rereleased prior to January 1, 2027, are exempted. The bill is enforceable by the Attorney General or any district attorney.

Analysis. Consumers' access to digital goods is frequently governed by terms of service that restrict their ability to transfer, modify, or even continue to use digital products beyond a certain date. If a piece of digital content is removed from a platform, or a user loses access to an account, or breaks a term or condition of a license, the "purchased" content can vanish into thin air.

The "Stop Killing Games" movement is a grassroots consumer advocacy effort that emerged in 2024 in response to the video game "The Crew" being shut down by its developer Ubisoft. Though "The Crew" was primarily a single-player racing game, it required a persistent internet connection to use, and when the game's developer Ubisoft shut down the servers facilitating that usage in 2024, purchasers of the game lost their ability to play it.

The Digital Millennium Copyright Act prohibits the act of circumventing technological measures that effectively control access to a copyrighted work, as well as the manufacturing, distributing, or trafficking of tools designed to facilitate such circumvention. The statute also directs the Librarian of Congress to establish exemptions permitting circumvention for certain lawful, noninfringing uses where the prohibition would otherwise adversely affect users. In 2015 the Librarian of Congress adopted an exemption permitting circumvention of technological protection measures when authentication servers have been permanently discontinued. Since its adoption, the exemption has been repeatedly renewed through the Copyright Office's triennial rulemaking process.

According to the Author

AB 1921 aims to protect video game users against unexpected shutdowns of their digital games. When a game operator stops supporting a live-service game server, that game becomes inoperable for users who purchased a license with the expectation of continual access. This bill requires user notifications before the end of server support and ensures that paid users walk away with either a playable version of the game or a refund once services cease. As consumers increasingly enjoy entertainment and engage in hobbies via digital goods, furthering digital consumer protection and transparency in this space is essential.

Arguments in Support

Stop Killing Games writes in support:

When a consumer pays for a game, they reasonably expect to use the core features of that game as advertised at the time of purchase. In modern digital gaming, however, ordinary use may depend on authentication systems, servers, launchers, or required software updates controlled by the operator. If those systems are later discontinued, the game can become unusable. AB 1921 creates a fair end-of-life framework . . . The bill does not require perpetual server support, ongoing live operations, or maintenance of every online feature. It simply ensures that paid users are not left with nothing when operator-controlled services are shut down.

Arguments in Opposition

Entertainment Software Association writes in opposition:

While well-intentioned, the bill would create significant legal, technical, and practical challenges that ultimately risk harming both consumers and the broader video game ecosystem . . . We estimate the bill could affect hundreds of thousands of games, with potentially millions of transactions each month subject to enforcement.

FISCAL COMMENTS

According to the Assembly Appropriations Committee's analysis of this bill:

- 1) Possible costs (General Fund, special funds) to the Department of Justice (DOJ) of an unknown but potentially moderate amount. Actual costs will depend on whether the Attorney General pursues investigations and enforcement actions, and, if so, the level of additional staffing DOJ needs to handle the related workload. If DOJ hires staff to handle the work 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 investigation or enforcement as authorized by this bill, the DOJ would likely not incur any costs.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially moderate amount to the courts to adjudicate any additional filings. 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 state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

VOTES

ASM PRIVACY AND CONSUMER PROTECTION: 10-4-1

YES: Bauer-Kahan, Aguiar-Curry, Bryan, Lowenthal, McKinnor, Ortega, Petrie-Norris, Ward, Wicks, Wilson

NO: Macedo, DeMaio, Hoover, Irwin

ABS, ABST OR NV: Patterson

ASM JUDICIARY: 8-2-2

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Harabedian, Stefani, Zbur

NO: Dixon, Sanchez

ABS, ABST OR NV: Pacheco, Papan

ASM APPROPRIATIONS: 11-2-2

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

NO: Hoover, Dixon

ABS, ABST OR NV: Ta, Tangipa

UPDATED

VERSION: May 18, 2026

CONSULTANT: Slater Sharp / P. & C.P. / (916) 319-2200

FN: 0002947