

THIRD READING

Bill No: AB 2
Author: Lowenthal (D) and Patterson (R), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 6-0, 6/15/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Wiener
NO VOTE RECORDED: Jones, Ochoa Bogh, Umberg

SENATE JUDICIARY COMMITTEE: 11-0, 6/30/26
AYES: Umberg, Niello, Allen, Ashby, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener
NO VOTE RECORDED: Caballero, Valladares

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

ASSEMBLY FLOOR: 66-0, 5/12/25 - See last page for vote

SUBJECT: Injuries to children: civil penalties

SOURCE: Author

DIGEST: This bill, until January 1, 2035, increases the penalties that can be sought against a social media platform, as defined, if the platform fails to exercise ordinary care or skill and injures a child.

ANALYSIS:

Existing federal law:

- 1) Provides, in federal law, that a provider or user of an interactive computer service shall not be treated as the publisher or speaker of any information

provided by another information content provider. (47 United States Code (U.S.C.) § 230(c)(1).)

- 2) Provides that a provider or user of an interactive computer service shall not be held liable on account of:
 - a) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
 - b) any action taken to enable or make available to information content providers or others the technical means to restrict access to such material. (47 U.S.C. § 230(c)(2).)

Existing state law:

- 1) Provides that every person is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by the person's want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon themselves. (Civ. Code § 1714(a) ("Section 1714(a)").)
- 2) Defines "social media platform" as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
 - a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone.
 - b) The service or application allows users to do all of the following:
 - i. Construct a public or semipublic profile for purposes of signing into and using the service or application.
 - ii. Populate a list of other users with whom an individual shares a social connection within the system.
 - iii. Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Bus. & Prof. Code § 22675(e).)

This bill:

- 1) Provides that a social media platform that violates Section 1714(a) by causing injury to a child shall, in addition to any other remedy, be liable for statutory damages for the larger of the following:
 - a) \$5,000 per violation up to a maximum, per child, of \$1,000,000.
 - b) Three times the amount of the child's actual damages.
- 2) Aligns the definition of "social media platform" with that in Section 22675 of the Business and Professions Code, and limits application of this bill to those platforms that generate more than \$100 million per year in gross revenues.
- 3) Provides that the duties, remedies, and obligations it imposes are cumulative to the duties, remedies, or obligations imposed under other law and shall not be construed to relieve a social media platform from any duties, remedies, or obligations imposed under any other law.
- 4) Provides that the above provisions shall remain in effect only until January 1, 2035, and will be repealed on that date.
- 5) Includes a severability clause and applies prospectively.
- 6) Provides that any attempted waiver is void and unenforceable.
- 7) States specified findings and declarations.

Background

Today, over 70% of adults use at least one social media platform. Facebook alone is used by 69% of adults, and 70% of those adults say they use the platform on a daily basis. However, this explosion is not limited to adults. Survey data found that overall screen use among teens and tweens increased by 17% from 2019 to 2021, with the number of hours spent online spiking sharply during the pandemic. A recent survey found almost 40% of tweens stated that they use social media and estimates from 2018 put the number of teens on the sites at over 70 percent. Given the reach of social media and the increasing role they play in many children's lives, concerns have arisen over the connection between social media usage and mental health, drug use, and other self-harming conduct.

This bill seeks to address these issues by simply enhancing the remedies that can be sought against a social media platform that breaches its existing duty of ordinary care and skill to a child. Based on existing causes of action under

negligence law, this bill provides for statutory damages of \$5,000 to \$1 million per violation or three times the amount of the child's actual damages, whichever is larger. Lastly, this bill provides that its provisions shall only remain in effect until January 1, 2035.

This bill is supported by various groups, including the Los Angeles County Office of Education and Common Sense Media. It is opposed by a number of industry associations, including Technet and the Computer and Communications Industry Association. For a more thorough analysis, please see the Senate Privacy, Digital Technologies, and Consumer Protection Committee analysis.

Comments

Research has shown that amongst American teenagers, YouTube, Instagram, and Snapchat are the most popular social media sites, and 45% of teenagers stated that they are “online almost constantly.”¹ A meta-analysis of research on social networking site (SNS) use concluded the studies supported an association between problematic SNS use and psychiatric disorder symptoms, particularly in adolescents.² The study found most associations were with depression and anxiety.

There are various features of social media that are believed to contribute to excessive social media use and preoccupation and attendant mental health issues in children and that are repeatedly highlighted as the most problematic for users, especially children. They are pinpointed by academic research,³ and lawsuits brought by most states' Attorneys General,⁴ as the core of the problem. These include the display of “likes” and other feedback on posted media that drive minors' unhealthy comparisons to others and their obsessive usage.

In addition, the constant notifications that are sent to users nudge them back onto a platform throughout the day and night to seek the next hit of dopamine. The biggest and most central of them all is the algorithmic feeds that are fueled by a user's own information and inferences drawn from their past behavior and data

¹ Zaheer Hussain and Mark D Griffiths, *Problematic Social Networking Site Use and Comorbid Psychiatric Disorders: A Systematic Review of Recent Large-Scale Studies.*

(December 14, 2018) *Frontiers in psychiatry* vol. 9 686,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6302102/pdf/fpsyt-09-00686.pdf>. All internet citations are current as of August 13, 2026.

² *Ibid.*

³ Kirsten Weir, *Social media brings benefits and risks to teens. Here's how psychology can help identify a path forward* (September 1, 2023) American Psychological Association,

<https://www.apa.org/monitor/2023/09/protecting-teens-on-social-media>.

⁴ Matt Richtel, *Is Social Media Addictive? Here's What the Science Says* (October 25, 2023) *The New York Times*, <https://www.nytimes.com/2023/10/25/health/social-media-addiction.html>.

collected from other sources. While these features can effectively serve up content curated for a user's personal tastes and create social connections among users, it is these types of features that are most concerning to advocates for reform.

Existing negligence law imposes a responsibility on everyone, including social media platforms, for injuries occasioned to others by their want of ordinary care or skill in the management of their property or person. This bill does not alter any existing duty. Rather, it seeks to acknowledge the unique impacts that social media platforms are shown to have on a particularly vulnerable population, California's children.

The bill does this by increasing the remedies that children may seek when social media platforms break this existing duty to refrain from causing them injury. The bill provides for statutory damages from \$5,000 to \$1 million per violation, per child or three times the child's actual damages, whichever is more.

According to the author:

AB 2 amends Section 1714 of the Civil Code by adding statutory damages against platforms that are found in court to be liable under current law for negligently causing harm to children under the age of 18. Under the bill, if a company is proven to have failed to exercise its already established duty of operating with ordinary care, the company becomes financially liable for a set amount of \$5,000 per violation, up to a maximum penalty of \$1 million per child, or three times the amount of the child's actual damages, whichever is applicable. This financial liability aims to incentivize platforms who count their profits in the tens of billions to proactively safeguard children against potential harm by changing how they operate their platforms.

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

According to the Senate Appropriations Committee:

Unknown, potentially significant court cost pressure if the Attorney General (AG) brings civil actions for violations against any person who engages in a deceptive act or practice. Actual costs will depend on the number of actions filed and the amount of time needed to adjudicate each case.

Unknown, likely significant court cost pressure as the UCL permits private plaintiffs to bring a cause of action. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor's budget

would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 8/13/26)

California Teachers Supporting Gender-nonconforming Youth
Children's Advocacy Institute
Common Sense Media
Consumer Federation of California
Healthier-tech
Hebrew Academy Community Day School
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Los Angeles County Office of Education
Mama - West LA
Nextgen California
Organization for Social Media Safety
Parent Collective
Safe School Tech
Safe Social Media
San Mateo Foster City School District
Schools Beyond Screens San Diego
Tech Oversight Project DbA Tech Oversight California

OPPOSITION: (Verified 8/13/26)

California Chamber of Commerce
Chamber of Progress
Civil Justice Association of California
Computer and Communications Industry Association
Electronic Frontier Foundation
Technet

ARGUMENTS IN SUPPORT: A coalition of organizations, including Common Sense Media, writes in support:

This bill establishes statutory damages under California's existing negligence law for harms to minors related to social media that can be proven in court. That is the only change to California law that this bill makes. These financial penalties are needed and intended to motivate large social media companies to do what they currently refuse to do - ensure that the way they design and operate their platforms does not

injure young users. There is mounting evidence, including from internal company communications, that social media platforms contribute to our youth mental health crisis and to other direct harms to kids and teens, including accessing fentanyl and other illegal drugs.

As the use of social media continues to climb among children and adolescents, so too does the urgency for legislative action. AB 2 offers a path to mitigate the risks faced by our youth in an increasingly connected world, ensuring that social media companies operate with the due care our children deserve.

ARGUMENTS IN OPPOSITION: A group of industry associations, including Technet, write in opposition:

Section 230 of the Communications Decency Act (47 U.S.C. §230) generally protects platforms from liability for content that users generate with limited exceptions. This protection enables platforms to host third party content and moderate third-party content on their platforms without fear of liability.

Without the protections of Section 230, the internet ecosystem would be dramatically different with a limited ability for users to post, share, read, view, and discover the content of others.

Fortunately, Section 230 explicitly preempts state laws such as AB 2 that would conflict with this protection. This bill creates liability for platforms based on third party content by applying to any feature that allows users to encounter content. It effectively assumes that all features are harmful and imposes liability on a site for offering any of those features to children. Platforms' algorithms and features that allow users to encounter or share content from other users are inextricably linked to the underlying content. Therefore, by imposing liability on platforms for these features, AB 2 conflicts with Section 230 and is likely preempted.

ASSEMBLY FLOOR: 66-0, 5/12/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste

Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo,
Schultz, Sharp-Collins, Solache, Soria, Valencia, Wallis, Ward, Wicks, Zbur,
Rivas

NO VOTE RECORDED: Bains, Castillo, DeMaio, Jeff Gonzalez, Hadwick,
Irwin, Lackey, Macedo, Petrie-Norris, Stefani, Ta, Tangipa, Wilson

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