

ASSEMBLY THIRD READING  
AB 2007 (Bauer-Kahan)  
As Amended March 17, 2026  
Majority vote

## SUMMARY

This bill would require organizations providing extracurricular activities for school-age children to offer a separate release for children's images and other personally identifying information that enables parents to affirmatively consent to waive their children's privacy.

### Major Provisions

- 1) Defines the following:
  - a) "Covered entity" means a program or activity offered primarily to youth outside of school hours, including periods when school is not in session that is not operated by a public or private elementary or secondary school. These programs may be related to expanded learning, visual and performing arts, athletics, recreation, or educational enrichment.
  - b) "Covered information" means a picture, video, audio recording, likeness, attributed statement, personal information, or any other identifying information.
  - c) "Expanded learning" means before or after school, summer or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of children through engaging, hands-on learning experiences.
  - d) "Marketing purposes" means promotions, newsletter, brochures, social media, or other public-facing materials that describe the programs or solicit participation.
  - e) "Public or private elementary or secondary school" means either of the following:
    - i) An elementary or secondary school operated by the governing board of a school district or county office of education, or the governing body of a charter school.
    - ii) An elementary or secondary school that has filed an affidavit with the Superintendent of Public Instruction and reports a total enrollment of six or more students.
- 2) Requires covered organizations that provide extracurricular activities for children and wish to use their covered information for marketing to obtain express consent from the child's parent or guardian on a notice that complies with the following:
  - a) Communicate in a clear manner the requested uses of the child's information, including a detailed list of websites, brochures, and other materials or media where the child's information might be used.
  - b) It is contained in a single document or single internet website that is separate from enrollment forms or any other documents.
  - c) Includes in clear and understandable language that the parent or guardian is providing consent for the use of the child's information for communication or marketing purposes.

- d) Clearly states that the parent or guardian can revoke consent at any time and includes an email they can use to revoke consent.
- 3) Prohibits a covered organization from making enrollment or participation contingent on the parent waiving the privacy rights of their child.
- 4) Prohibits the covered organization from selling or sharing the covered information of a child for any reason.
- 5) Allows a parent or guardian to bring a civil action in a court of competent jurisdiction for a violation of this section.
- 6) If the parent or guardian prevails, they may be awarded the following relief:
  - a) Up to \$5,000 per child who had their covered information disclosed.
  - b) Injunctive or declaratory relief.
  - c) Attorney's fees and costs.
  - d) Any other relief the court deems appropriate.

## COMMENTS

Whether it is music lessons, drama classes, sports leagues, summer camps, or simply after-school programs, participating in enriching and fun group activities is an important part of children's educational, emotional, social, and physical development. Frequently, organizations providing these activities promote their programs through websites, social media, and advertising materials using images, videos, and stories featuring participating children and teens.

Enrollment applications and releases for these programs have shifted to electronic forms in recent years. Whereas printed forms typically allowed parents and guardians to cross out any releases that they did not agree to, electronic forms often do not allow the same flexibility – making it very difficult for parents and guardians to prevent organizations from using their children's images and other personally identifying information in marketing materials. Parents and guardians who, for a variety of reasons, avoid publicly posting images of their children and their whereabouts, have found that they cannot opt out through electronic forms that they have to fill out. This leaves parents with a choice of either waiving their child's right to privacy or not allowing their children to participate in the activity.

This bill proposes to address this problem by requiring organizations to offer a separate release for children's images and other personally identifying information that enables parents to affirmatively consent to waive their children's privacy. In addition, the bill prohibits organizations from limiting participation or refusing attendance to the children of parents who have opted out. Finally, the bill enables parents and guardians to bring a civil action against violators.

### **According to the Author**

Youth programs play an important role in supporting children and families, and parents should be able to trust that a minor's participation does not come at the cost of their privacy. Families

participate in programs expecting a safe and supportive environment, not anticipating that images of their children could later be used in public-facing content without their knowledge or consent. AB 2007 requires youth-serving organizations to obtain written or electronic consent from a parent or guardian before using photos, videos, and other identifying information of minors for marketing purposes. AB 2007 further prohibits youth programs from making enrollment or participation contingent upon consent. By ensuring parents and guardians have the opportunity to review and approve how their child's information is used, AB 2007 establishes a simple and commonsense safeguard that protects a child's privacy while maintaining transparency and trust between youth organizations and the families they serve.

### **Arguments in Support**

The California Federation of Teachers (CFT) writes in support:

The CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO, writes in support of Assembly Bill 2007 (Bauer-Kahan) as it would mandate that nonschool youth programs must obtain explicit parental consent before using any identifying information of minors for marketing purposes.

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

Costs (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the trial courts to adjudicate civil actions brought by parents or guardians under the bill's private right of action. One hour of court time has an estimated cost of approximately \$1,000; even a small number of contested cases reaching trial could generate court costs exceeding the \$150,000 suspense threshold. 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.

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.

## **VOTES**

### **ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0**

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

### **ASM JUDICIARY: 12-0-0**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Johnson, Pacheco, Papan, Sanchez, Lee, Zbur

**ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**UPDATED**

VERSION: March 17, 2026

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