

THIRD READING

Bill No: AB 2007
Author: Bauer-Kahan (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE PRIV., DIGITAL TECH., & CONS. PROT. COMMITTEE: 7-0, 6/29/26

AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener

NO VOTE RECORDED: Seyarto, Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 6-0, 8/13/26

AYES: Cervantes, Cabaldon, Dahle, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto

ASSEMBLY FLOOR: 72-0, 5/21/26 - See last page for vote

SUBJECT: Youth programs: identifying information of youth

SOURCE: Author

DIGEST: This bill requires youth-focused programs, such as extracurricular and after-school programs, to obtain parental consent before using images of a child or other protected information in their communications, marketing, educational, or training materials, as specified.

Senate Floor Amendments of 8/21/26: provide that a covered program must disclose only the types of websites, not the specific websites, on which covered information of an enrolled child may be published if the parent or guardian consents to the use of their child's information.

ANALYSIS:

Existing constitutional law provides that all people are, by nature, free and independent and have inalienable rights, including the fundamental right to privacy. (California Constitution (Cal. Const.), art. I, § 1.)

Existing state law:

- 1) States that the “right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them,” and that the Legislature finds all of the following:
 - a) The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.
 - b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.
 - c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civil [Civ.] Code, § 1798.1.)
- 2) Establishes the California Consumer Privacy Act (CCPA), which grants consumers certain rights with regard to businesses’ collection of their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code, div. 3, pt. 4, tit. 1.81.5, §§ 1798.100 et seq.)
- 3) Defines “personal information” within the CCPA as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably linked, directly, or indirectly, with a particular consumer or household, including the following:
 - a) Identifiers such as a real name, postal address, unique personal identifier, online identifier, IP address, email address, account name, social security number, driver’s license number, passport number, or other similar identifiers.
 - b) Characteristics of protected classifications under California or federal law.

- c) Commercial information, including property records and records of purchases.
 - d) Biometric information.
 - e) Internet or other electronic network activity information, including browser and search history.
 - f) Geolocation data.
 - g) Audio, electronic, visual, thermal, olfactory, or similar information. (Civ. Code, § 1798.140(v)(1).)
- 4) Excludes, from the definition of “personal information” within the CCPA:
- a) Publicly available information or lawfully obtained, truthful information that is a matter of public concern.
 - b) Deidentified or aggregate consumer information. (Civ. Code, § 1798.140(v)(2) & (3).)
- 5) Prohibits a business from selling or sharing the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of those who are between 13 and 16 years of age, or the consumer’s parent or guardian, in the case of a consumer who is less than 13 years of age, has affirmatively authorized the sale or sharing of the information. (Civ. Code, § 1798.120.)
- 6) Provides that any person who knowingly uses another’s name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without that person’s prior consent, or, in the case of a minor, the prior consent of their parent or guardian, shall be liable for the following:
- a) Statutory damages of \$750 per violation or the actual damages suffered by the person, whichever is greater.
 - b) Any profits from the unauthorized use that are attributable to the use and are not taken into account in computing the actual damages.
 - c) Punitive damages.
 - d) Attorney’s fees and costs. (Civ. Code, § 3344(a).)

- 7) Provides that the use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under 6) solely because the material containing the use is commercially sponsored or contains paid advertising; rather, it shall be a question of fact as to whether or not the use of the name, voice, signature, photograph, or likeness was so directly connected with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under 6). (Civ. Code, § 3344(f).)

This bill:

- 1) Defines the following relevant terms:
 - a) “Covered entity” means an entity or organization that operates a covered program.
 - b) “Covered program” means a program or activity, including, but not limited to, a program related to expanded learning, visual or performing arts, athletics, recreation, or educational enrichment or a day or overnight camp, that meets both of the below criteria, but excludes a business that is hosting or participating in a covered entity’s program, as specified:
 - i) The program or activity requires a parent signature or consent form authorization, or the program or activity is an event in which a parent provides written authorization for an organization to act in loco parentis.
 - ii) The program or activity is offered primarily to youth outside of school hours, including periods when school is not in session, and is not operated by a public or private elementary or secondary school.
 - c) “Covered information” means a picture, video, audio recording, likeness, attributed statement, personal information as defined under the CCPA, or any other identifying information.
 - d) “Marketing purposes” means promotions, newsletters, brochures, social media, or other public-facing materials that describe the programs or solicit participation.
- 2) Prohibits a covered entity from making a youth’s enrollment or participation in a covered program contingent upon a parent or guardian consenting to the covered program’s use of the youth’s covered information for any communications, marketing, or other purpose that exposes that information to the public.

- 3) Prohibits a covered entity from using a youth's covered information for communications, marketing, educational, or other purpose that exposes that information to the public unless the covered entity obtains the parent or guardian's express written consent on a notice that complies with all of the following:
 - a) The notice communicates the requested uses of the youth's covered information clearly and meaningfully, including a description of any proposed use of the youth's covered information, including a description of the types of materials or media in which the information may be used and a list of the types of internet websites on which the covered information may be published.
 - b) The notice is contained in a single document or single page within an online form that is separate from enrollment forms, waivers of liability, and any other document.
 - c) The notice includes, in clear and understandable language, that the parent or guardian is providing consent for use of the youth's covered information for communications, marketing, or other purpose that exposes that information to the public as communicated in the required description.
 - d) The notice includes, in clear and understandable language, that the parent or guardian may revoke consent at any time and clearly and conspicuously states that the youth's enrollment or participation is not contingent upon consent.
 - e) The notice provides an electronic mail address at which the parent or guardian can contact the covered program relating to the scope of consent, revocation of consent, or other issues relating to a youth's covered materials.
- 4) Prohibits a covered entity from selling covered information of a youth for any reason, regardless of whether the parent or guardian provided consent to that use.
- 5) Permits a parent or guardian to revoke consent through the email address provided in 3)(e) at any time during the youth's enrollment in the covered program and up to one year after the youth is no longer in the program.
- 6) Provides that a covered entity that receives a revocation of consent pursuant to 5) is not required to remove covered information from communications, marketing, educational, or training materials that were published or printed before receiving a notice revoking consent.

- 7) Permits a parent or guardian to bring a civil action in a court of competent jurisdiction against a covered entity for a violation of the section created by this measure; a parent who prevails in an action may be awarded any of the following relief:
 - a) Up to \$2,500 for the first offense and \$5,000 for any subsequent offenses, or a lesser amount as determined by the court, per youth who had their covered information disclosed.
 - b) Injunctive or declaratory relief.
 - c) Reasonable attorney's fees and costs.
 - d) Any other relief the court deems appropriate.
- 8) Provides that the measure does not impair or impede any other rights, causes of action, claims, or defenses available under any other law, including, but not limited to, the statutory right of publicity; and that the remedies are cumulative with any other remedies available under any other law.

Comments

Parents and guardians are becoming increasingly concerned with their children's digital footprints. An innocently posted photo or video of a child, without privacy protections, can be used for a host of nefarious purposes, such the creation of deepfake materials, identity theft, and training AI. Many parents and guardians want to protect their children from these consequences, but not at the expense of their child's participation in youth-focused programming, like sports leagues, camps, or other recreation activities. According to the author, however, some youth-focused programs are apathetic, or downright hostile, to parents' and guardians' requests that the program not use their child's personal information in the program's public-facing materials.

To provide parents with greater control over the use of their child's image, this bill requires organizations that offer youth-serving programming to provide a parent or guardian with a standalone release document that details specifically how and where a youth's information is intended to be used, and requires a program to obtain a parent or guardian's affirmative written consent before using their child's information in those manners. Additionally, this bill prohibits organizations from making participation in programming contingent on a parent or guardian's waiver of their child's privacy rights, and prohibits the organization from sharing or selling the child's covered information. This bill also creates a private right of action against a covered entity that violates this bill's requirements, which may be

brought by the parent or guardian of the child whose image or information was used without consent.

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

According to the Senate Appropriations Committee, the fiscal impact is as follows:

The bill creates a private right of action against a covered entity that violates the bill's requirements, which may be brought by the parent or guardian of the child whose image or information was used without consent. Unknown, potentially significant costs to the courts to adjudicate civil enforcement actions. 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 8/19/26)

California Catholic Conference
CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO
Informed Policy Advocates

OPPOSITION: (Verified 8/19/26)

City of Chino Hills

ARGUMENTS IN SUPPORT: According to the California Catholic Conference:

The California Catholic Conference particularly appreciates that the bill requires express written parental consent after providing clear notice regarding how a youth's identifying information will be used. Equally important, the bill prohibits organizations from conditioning a child's participation in a program on the provision of such consent. This protection ensures that families are not forced to choose between participation opportunities and their child's privacy rights.

AB 2007 also appropriately prohibits the sale or sharing of a youth's identifying information and limits the use of that information solely to the purpose for which consent was granted. These provisions provide meaningful safeguards at

a time when concerns regarding privacy, data collection, digital marketing, and the use of children's personal information continue to grow.

ARGUMENTS IN OPPOSITION: According to the City of Chino Hills:

Cities routinely obtain parental permission before using photographs or videos of youth participants in activity guides, brochures, newsletters, websites, and social media to promote community programs. These materials are intended to inform residents of available services, encourage participation, and highlight the success of City programs. They are not intended to exploit, endanger, or otherwise misuse a child's image...

AB 2007 authorizes private civil actions, statutory penalties, attorney's fees, and injunctive relief. Even an inadvertent failure to identify an archived photograph or video could expose a city to significant legal liability despite acting in good faith and obtaining appropriate parental consent at the time the material was created.

ASSEMBLY FLOOR: 72-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Chen, Garcia, Hoover, Irwin, Lackey, Ramos, Celeste Rodriguez

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/24/26 10:43:07

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