

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2246 (Wicks) – As Amended April 6, 2026

As Proposed to be Amended

SUBJECT: ONLINE SERVICE, PRODUCT, OR FEATURE: ACCESS BY CHILDREN

KEY ISSUE: SHOULD PLATFORMS THAT ARE LIKELY TO BE ACCESSED BY CHILDREN BE REQUIRED TO IMPLEMENT SAFETY PROTECTIONS FOR THOSE CHILDREN?

SYNOPSIS

In 2022, California attempted to take a major step in protecting children’s privacy by enacting the California Age Appropriate Design Code (AADC). This comprehensive law would have provided guardrails for children as they used online products, goods, and services. However, the law was challenged in federal court and after appeals, partially enjoined. This bill replicates AB 2273 (Wicks, 2022), while clarifying some of the language. Specifically, this bill omits portions of the AADC that the Ninth Circuit found to be unconstitutional, such as the data protection impact assessment (DPIA) and its notice and cure provision. Also, this bill clarifies language that the Ninth Circuit found to be vague.

This bill is co-sponsored by Children Now and Tech Oversight California. TechNet, Computer & Communications Industry Association, and California Chamber of Commerce have a “concerns” position. Proposed amendments would align the age estimation provision with AB 1043 (Wicks, Ch. 675, Stats. 2025), augment civil penalties, and make other conforming changes. This bill passed out of the Assembly Committee on Privacy and Consumer Protection on a 13-0 vote.

SUMMARY: Replicates the provisions of AADC while also clarifying language the Ninth Circuit found to be vague. Omits the DPIA requirement. Specifically, **this bill:**

- 1) Requires a business that provides an online service, product or feature likely to be accessed by children to:
 - a) Estimate the age of child users using the process detailed under the Digital Age Assurance Act, or apply the data and privacy protections for children to all users;
 - b) Set the default privacy settings for child users to the highest level of privacy;
 - c) Provide any terms, policies, or standards in clear language suitable for the age of the children likely to access the service, product or feature;
 - d) If the service, product or feature allows for monitoring or tracking of the child user’s activity or location, provide an obvious signal to the child when monitoring or tracking is occurring.

- e) Provide tools for children and parents, if applicable, to report concerns or exercise privacy rights.
- 2) Prohibits a business that provides an online service, product or feature likely to be accessed by children from:
 - a) Use the personal information of any child in a way that will cause significant mental health suffering or distress, or discrimination based on a protected characteristic;
 - b) Profiling a child by default;
 - c) Collect, sell, share, or retain any personal information that is not necessary to provide the service, product, or feature, unless it is for an exemption under the California Consumer Privacy Act of 2018;
 - d) Collect, sell, or share precise geolocation information of children, unless it is strictly necessary to provide the service, product, or feature, then it must be for the limited time required to provide the service, product, or feature;
 - e) Use dark patterns to lead or encourage children to provide personal information beyond what is reasonably expected to provide that online service, product, or feature to forego privacy protections;
 - f) Use any personal information collected to estimate age or age range for any purpose other than age estimation, or for any longer than necessary for age estimation.
 - 3) Establishes civil penalties for violations of this bill, enforceable by the Attorney General, in the amount of \$5,000 per affected child for a negligent violation, and \$15,000 for a knowing violation.
 - 4) Clarifies nothing in the bill establishes a private right of action.
 - 5) Allows the Attorney General to solicit public participation and adopt regulations to clarify the requirements of the bill.
 - 6) Specifies that provisions of this bill are severable, and that if any provision of this bill or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
 - 7) Defines the following terms:
 - a) “Child” or “children,” unless otherwise specified, means a consumer or consumers who are under 18 years of age;
 - b) “Default” means a preselected option adopted by the business for the online service, product, or feature;
 - c) “Likely to be accessed by children” means it is reasonable to expect, based on the following indicators, that the online service, product, or feature would be accessed by children:

- i) The online service, product, or feature is directed to children as defined by the Children’s Online Privacy Protection Act;
 - ii) The online service, product, or feature is determined, based on competent and reliable evidence regarding audience composition, to be routinely accessed by a significant number of children;
 - iii) An online service, product, or feature with advertisements marketed to children;
 - iv) An online service, product, or feature that is substantially similar or the same as an online service, product, or feature subject to ii);
 - v) An online service, product, or feature that has design elements that are known to be of interest to children, including, but not limited to, games, cartoons, music, and celebrities who appeal to children;
 - vi) A significant amount of the audience of the online service, product, or feature is determined, based on internal company research, to be children.
- d) “Online service, product, or feature” does not mean a broadband internet access service, a telecommunications service, or the deliver or use of a physical product;
- e) “Profiling” means any form of automated processing of personal information that uses personal information to evaluate certain aspects relating to a natural person, including analyzing or predicting aspects concerning a natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

EXISTING LAW:

- 1) Establishes the California Age-Appropriate Design Code Act (AADC). (Civil Code Section 1798.99.28.)
- 2) Defines the terms as used under the AADC, including “Data Protection Impact Assessment” which means a systematic survey to assess and mitigate risks that arise from the data management practices of the business to children who are reasonably likely to access the online service, product, or feature at issue that arises from the provision of that online service, product, or feature. (Civil Code Section 1798.99.30.)
- 3) Requires a business that provides an online service, product, or feature likely to be accessed by children to:
 - a) Conduct a Data Protection Impact Assessment (DPIA);
 - b) Document any risk of material detriment to children that are identified from the DPIA;
 - c) Provide the DPIA to the Attorney General;
 - d) Enforce published terms, policies, and community standards established by the business, including privacy policies and policies concerning children. (Civil Code Section 1798.99.31.)

- 4) Creates the California Children’s Data Protection Working Group. (Civil Code Section 1798.99.32.)
- 5) Establishes civil penalties for violations of the AADC, enforceable by the Attorney General, in the amount of \$2,500 per affected child for a negligent violation, and \$7,500 for an intentional violation. Provides a notice and cure provision that allows a business to remedy any violation related to a failure to properly submit the DPIA. (Civil Code Section 1798.99.35.)
- 6) Defines terms as used under the California Consumer Privacy Act of 2018. (Civil Code Section 1798.140.)
- 7) Specifies the exemptions for business obligations under the California Consumer Privacy Act of 2018. (Civil Code Section 1798.145.)
- 8) Requires, under the Digital Age Assurance Act, a developer to request a signal from users who are utilizing age verification applications. Upon receipt of the signal, a developer is required to use the signal information as an indicator of the user’s age bracket, unless the developer has clear and convincing information the user’s age differs from the signal information. (Civil Code Section 1798.501 (b).)
- 9) Defines “broadband internet access service” as a mass-market retail service by wire or radio provided to customers in California that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, excluding dial-up Internet access service. (Civil Code Section 3100 (b).)
- 10) Defines, pursuant to federal law, “website or online service directed to children” as:
 - a) A commercial website or online service that is targeted to children; or
 - b) That portion of a commercial website or online service that is targeted to children. (15 U.S.C. Section 6501.)
- 11) Defines “telecommunications service” as the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. (47 U.S.C. Section 153.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: In 2022, California attempted to take a major step in protecting children’s privacy by enacting the California Age Appropriate Design Code (AADC). This comprehensive law would have provided guardrails for children as they used online products, goods, and services. However, the law was challenged in federal court and after appeals, partially enjoined. This bill clarifies language from AB 2273 (Wicks, 2022). According to author:

As new technology continues to emerge and evolve, there needs to be comprehensive guardrails that protect children and their privacy while they are interacting and consuming content online. Providing more safeguards for children and their privacy is important because its misuse can expose children to harmful material, risks to their mental and physical health,

and other challenges. AB 2246 would help make technology and online products safer for children and protect them from risks and features that may be harmful to them.

AB 2246 will clarify language and include the majority of the provisions found in AB 2273, such as default privacy settings, age estimation, privacy disclosures, upholding published terms, polices, and community standards, and prohibiting businesses from certain activities, including using children’s personal information, collection and retention of personal information, collection of geolocation information, and use of dark patterns. AB 2246 will also include a severability clause.

California Age-Appropriate Design Code Act (AADC). Enacted in 2022, the AADC requires businesses that provide online services, products, or features likely to be accessed by children (“covered businesses”) to comply with specific requirements and prohibitions. (Chap. 320, Stats. 2022.) These include age estimation, data use restrictions, and prohibitions on dark patterns. One major requirement of the AADC is that covered businesses submit a Data Protection Impact Assessment (DPIA), which examines the practices and methods of the business, such as their algorithms, data collection methods, advertising techniques, and whether or not these are potentially harmful to children. The DPIA would then need to be shared with the Attorney General.

NetChoice v. Bonta. NetChoice, an internet trade association that includes Google, Meta, and X, challenged the AADC in court. The first challenge came when NetChoice filed a motion for a preliminary injunction in the U.S. District Court for the Northern District of California. (*Netchoice, LLC v. Bonta* (N.D. Cal. 2023) 692 F. Supp. 3d 924.) The Court granted the motion, holding that the AADC likely violates the First Amendment. Specifically, the AADC’s prohibition on collecting, selling, sharing, or retaining personal information—other than for limited purposes—by covered businesses is a regulation of speech, triggering the First Amendment. (*Id.* at 944.) The Court analyzed the AADC’s restrictions under a commercial speech scrutiny standard and found the AADC failed to meet the standard. (*Id.* at 959.) Lastly, the Court determined that the unconstitutional provisions of the AADC could not be severed from the constitutional portions, and therefore, enjoined the entire law. (*Id.* at 962.)

On appeal, the Ninth Circuit Court of Appeals found that, although the district court was correct in its assessment that the DPIA requirement of the AADC likely violates the First Amendment, the district court failed to properly analyze the severability of the DPIA portion of the AADC with the remainder of the law. (*NetChoice, LLC v. Bonta* (9th Cir. 2024) 113 F.4th 1101.) The Ninth Circuit affirmed the preliminary injunction to the DPIA requirement but remanded the case back to the district court for further review of severability. The district court again granted NetChoice a preliminary injunction. (*NetChoice, LLC v. Bonta* (N.D.Cal. 2025) 770 F. Supp. 3d 1164.)

On second appeal the Ninth Circuit upheld the preliminary injunction against portions of the AADC but allowed other portions of it to go into effect. (*NetChoice, LLC v. Bonta* (9th Cir. 2026) 170 F.4th 744.) The portions of the AADC that the Ninth Circuit blocked are the data use restrictions and prohibitions on dark patterns. Specifically, the Court held that the language in those prohibitions was vague and provided no guidance for compliance. (*Id.* at 30.) But the Court did allow the age estimation requirement to go into effect and ruled that the AADC’s coverage definition was not facially unconstitutional. The litigation thus far has only concerned preliminary injunctions and is therefore ongoing.

This bill largely mirrors the AADC’s provisions but removes and revises the sections the Ninth Circuit found unconstitutional. Specifically, it eliminates the DPIA and related requirements, along with the “materially detrimental” and “best interests” language used in the data use restriction, profiling ban, data minimization rule, and dark patterns prohibition. It also drops the requirement that businesses enforce their own policies. The revised data use restriction instead prohibits a business from using a typical child user’s personal information in any way the business knows or should know would cause that child significant mental suffering, distress, or discrimination that will cause mental health suffering or distress or *based on a protected characteristic*.

Considerations. As mentioned in the letter provided by TechNet, Computer & Communications Industry Association, and California Chamber of Commerce jointly, if enacted, this bill would create new laws in a different section of code from the original AADC. It is likely the author’s intent not to wait for pending litigation, which can take years (more than it has already taken). The joint letter highlights this issue of two separate areas of code having the same or similar laws. However, if the original AADC is upheld, the Legislature would likely be able to pass amendments, clarifying and removing any duplicative statutes.

Author’s Amendments. The author proposes to amend the bill as follows:

On page 3, in line 26, after “business” insert: “pursuant to subdivision (b) of Section 1798.501 of the Civil Code”

On page 3, in line 30, strike out “privacy, unless the business can demonstrate a”, strike out lines 31 and 32 and insert: “privacy.”

On page 5, in line 11, strike out “two thousand five hundred dollars (\$2,500)” and insert: “five thousand dollars (\$5,000)”

On page 5, in lines 12 and 13, strike out “seven thousand five hundred dollars (\$7,500)” and insert: “fifteen thousand dollars (\$15,000)”

ARGUMENTS IN SUPPORT: This bill is co-sponsored by Children Now and Tech Oversight California (TOC). Children Now write in support:

Shortly after the AADC was signed into law by the Governor, an industry trade association sued to block its implementation, resulting in years of litigation. Recent rulings from the Ninth Circuit Court of Appeals (March 2026) have narrowed the scope of the legal dispute. While certain provisions—particularly those related to data protection impact assessments (DPIAs) and vague data-use restrictions—have been enjoined, the court upheld key structural elements of the law. Notably, the court found that the central “reasonably likely to be accessed by children” standard is likely constitutional on its face, and upheld the age verification requirements. The ruling solidified the CA AADC as the most significant legislation to benefit and protect children since the enactment of the federal Children’s Online Privacy Protection Act (COPPA) in 1994. It has turned the internet on its head and mandated that young people are able to navigate the internet safely in ways they have never been permitted.

Since the enactment of the CA AADC, at least another dozen states have followed with similar legislation. Many of those states have had the benefit of adapting their legislation to

align with the findings of the Ninth Circuit Court of Appeals. With the introduction of AB 2243, California can also adapt its most expansive child online protection law to similarly withstand constitutional scrutiny and continue to lead the country in preventing harms stemming from online activities.

TOC writes in support:

TOC is an advocacy organization that champions meaningful tech accountability reforms to address Big Tech's toxic business model and provide powerful online protections for Californians. As longstanding advocates for privacy-by-default and safety-by-design legislation and platform accountability, we were proud to support your original AADC legislation, which set a high-water mark for the nation when it passed with near unanimous bipartisan support in 2022. In the years since, we have built on this work alongside advocates, families, and lawmakers across the country by enacting AADC laws in four additional states -- Maryland, Nebraska, Vermont, and South Carolina – with legislation introduced or advancing in more than a dozen others. The model has become the go-to framework for design-centered online safety efforts across the country because it is purposely platform-neutral, meaning it protects kids across all types of digital products and services, not only social media. AB 2246 builds on that strong foundation, incorporates lessons we have learned over the past four years, and offers the opportunity to more directly confront design-based problems connected to A.I. chatbots.

REGISTERED SUPPORT / OPPOSITION:

Support

Children Now (co-sponsor)
Tech Oversight California (co-sponsor)

Concern

California Chamber of Commerce
Computer and Communications Industry Association
Technet

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