
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2246 (Wicks) - Online service, product, or feature: access by children

Version: April 23, 2026

Policy Vote: P., D.T., & C.P. 8 - 0, JUD.
13 - 0

Urgency: No

Mandate: No

Hearing Date: August 3, 2026

Consultant: Bob Francoia

Bill Summary: AB 2246 would establish child privacy and design requirements for businesses providing online services, products or features likely to be accessible by children. The bill replicates portions of the California Age-Appropriate Design Code Act (AADC) and removes provisions found unconstitutional by federal courts.

Fiscal Impact: Estimated \$840,000 in FY 2026-27, increasing to \$1.5 million annually to the Consumer Protection Section of the Department of Justice (DOJ) to conduct legal research, prepare documents for appeals, writs, trials and arbitration proceedings, including discovery, court appearances, and conducting complex and sensitive investigations. (Consumer Privacy Fund, General Fund)

Potentially significant costs to the courts to adjudicate civil actions. Expanding civil penalties could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. 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).

Background: In 2022, the Legislature enacted AB 2273 (Wicks) Chapter 320/2022, which established the AADC. The AADC places a series of obligations and restrictions on businesses that provide online services, products, or features likely to be accessed by children, including a prohibition on using the personal information of any child in a way that the business knows, or has reason to know, is materially detrimental to the physical health, mental health, or well-being of a child. The AADC also requires specified businesses to perform data protection impact assessments (DPIA) and to provide default privacy settings and other protections. Additionally, the AADC calls for the creation of a Children's Data Protection Working Group (CDPWG) tasked with delivering a report on best practices for AADC implementation.

The AADC was challenged in court shortly after going into effect. Portions of the AADC have been enjoined, including the creation of the CDPWG, but large portions of the AADC remain in effect. The case is ongoing.

This bill replicates, in different code sections, the portions of the AADC that have not been enjoined and further narrows certain provisions in order to ensure their constitutionality.

Proposed Law: Although the legal challenges to AB 2273 (Wicks) continue, this bill applies the court's past guidance to implement a version of the AADC without the enjoined provisions and with additional changes to avoid First Amendment pitfalls. Unlike the original AADC, this bill does not include data protection impact assessment requirements or require the creation of a working group to address children's data protection. This bill incorporates a different age verification than the one in the original AADC.

The bill, which is enforceable only by the Attorney General (AG) increases the civil penalties that were available under the original AADC: for a negligent violation, \$5,000 instead of \$2,500; and for an intentional violation, \$15,000 instead of \$7,500.

Any penalties, fees, and expenses recovered in an action brought by the AG shall be deposited in the Consumer Privacy Fund, created within the General Fund, with the intent that the revenues be used to fully offset costs incurred by the AG.

Related Legislation: AB 1043 (Wicks) Chapter 675/2025 established the Digital Age Assurance Act, which requires a developer to request a signal with respect to a particular user from an operating system provider or a covered application store when the application is downloaded and launched. A developer that receives such a signal is deemed to have actual knowledge of the age range of the user to whom that signal pertains across all platforms of the application and points of access of the application even if the developer willfully disregards the signal.