

THIRD READING

Bill No: SB 1119
Author: Padilla (D), et al.
Amended: 4/28/26
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 4/20/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener
NO VOTE RECORDED: Jones, Seyarto

SENATE JUDICIARY COMMITTEE: 13-0, 4/21/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/14/26
AYES: Cervantes, Cabaldon, Dahle, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto

SUBJECT: Companion chatbots: children's safety

SOURCE: Author

DIGEST: This bill seeks to comprehensively regulate companion chatbots with regard to children's safety, including imposition of a series of obligations and restrictions on operators that make such chatbots available in California.

ANALYSIS:

Existing law:

- 1) Requires an operator to prevent a companion chatbot on its companion chatbot platform from engaging with users unless the operator maintains a protocol for preventing the production of suicidal ideation, suicide, or self-harm content to the user, including, but not limited to, by providing a notification to the user that refers the user to crisis service providers, including a suicide hotline or crisis text line, if the user expresses suicidal ideation, suicide, or self-harm.

Requires an operator to publish details on this protocol on the operator's website. (Business (Bus.) & Professions (Prof.) Code § 22602(b).)

- 2) Requires an operator, if a reasonable person interacting with a companion chatbot would be misled to believe that the person is interacting with a human, to issue a clear and conspicuous notification indicating that the companion chatbot is artificially generated and not human. (Bus. & Prof. Code § 22602(a).)
- 3) Requires an operator, for a user that the operator knows is a minor, to do all of the following:
 - a) Disclose to the user that the user is interacting with artificial intelligence (AI).
 - b) Provide by default a clear and conspicuous notification to the user at least every three hours for continuing companion chatbot interactions that reminds the user to take a break and that the companion chatbot is artificially generated and not human.
 - c) Institute reasonable measures to prevent its companion chatbot from producing visual material of sexually explicit conduct or directly stating that the minor should engage in sexually explicit conduct. (Bus. & Prof. Code § 22602(c).)
- 4) Defines the relevant terms, including:
 - a) "Companion chatbot" means an AI system with a natural language interface that provides adaptive, human-like responses to user inputs and is capable of meeting a user's social needs, including by exhibiting anthropomorphic features and being able to sustain a relationship across multiple interactions. However, there are several exemptions included.
 - b) "Companion chatbot platform" means a platform that allows a user to engage with companion chatbots.
 - c) "Operator" means a person who makes a companion chatbot platform available to a user in the state. (Bus. & Prof. Code § 22601.)
- 5) Requires an operator, beginning July 1, 2027, to annually report to the Office of Suicide Prevention specified information, which shall not include any identifiers or personal information about users. Requires the Office of Suicide Prevention to post data from the reports on its website. (Bus. & Prof. Code § 22603.)

- 6) Requires an operator to disclose to a user of its platform that companion chatbots may not be suitable for some minors, as provided. (Bus. & Prof. Code § 22604.)
- 7) Provides that a person who suffers injury in fact as a result of a violation of this chapter may bring a civil action to recover all of the following relief:
 - a) Injunctive relief.
 - b) Damages in an amount equal to the greater of actual damages or \$1,000 per violation.
 - c) Reasonable attorney's fees and costs. (Bus. & Prof. Code § 22605.)
- 8) Establishes 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. (Civil (Civ.) Code § 1798.501(b).)

This bill:

- 1) Requires "operators," those who make a companion chatbot available to a user in the state, to verify the age of users consistent with the Digital Age Assurance Act, except as provided.
- 2) Imposes a series of obligations on operators to complete by July 1, 2027, including:
 - a) Perform annual, comprehensive risk assessments to identify any child safety risks posed by the design, configuration, and operation of the companion chatbot, which shall assess specified factors.
 - b) Take and document measures that reasonably mitigate any child safety risk.
 - c) Publish and update a child safety policy.
 - d) Implement a documented crisis response protocol to mitigate any material risk that the companion chatbot will generate a statement that promotes suicidal ideation, suicide, or self-harm content to a child user, as specified.
 - e) Implement safeguards for child users that include usage reminders and disclosures, age-appropriate risk prompts, and other protective design features reasonably related to documented child safety risks.

- f) Implement default settings that can only be changed by a parent, including, among others, push notification limitations and time limits.
 - g) Establish a mechanism for providing notice to a child user that the child is interacting with, or receiving content generated by, an AI system that meets specified criteria.
 - h) Implement measures that prevent the chatbot from engaging in certain specified behavior, such as encouraging children to self-harm or to cause certain harms to others; providing health advice; engaging in obscene matter; discouraging a child from certain healthy behaviors; advertising products during conversation; and producing overly sycophantic responses.
 - i) Implement parental controls, as specified, including ability to set preferences and time limits and to disable access for children under 16.
 - j) Create an interface design that ensures the companion chatbot's features and controls are accessible and clear so that children and parents can reasonably locate, understand, and use those protections. The design shall be annually tested to ensure compliance.
 - k) Establish a public incident reporting mechanism that enables a third party to report directly to the operator an incident regarding a child safety risk and to access other reports made through that reporting mechanism.
- 3) Prohibits the following actions by an operator:
- a) Targeting advertising at a child using data about the child, including through product placement in conversational chats with the child.
 - b) Selling, sharing, or using the personal information of a child for any purpose not expressly authorized.
 - c) Designing, implementing, or deploying a user interface design, feature, or technique that is likely to mislead, impair, or interfere with a reasonable child's or reasonable parent's autonomy, decision-making, or choice or with the ability to locate, understand, enable, or maintain a safety feature, privacy control, or parental control.
- 4) Requires the AG, on or before January 1, 2028, to adopt regulations regarding annual auditing of operators, including eligibility and standards to ensure auditor independence, procedures for auditors to assess compliance, and requirements for AI child safety audit reports.
- 5) Requires operators, within 180 days of the above regulations being promulgated and annually thereafter, to submit to an independent audit and to submit an AI

child safety audit report to the attorney general (AG) thereafter. The report is confidential and the AG cannot disclose details, except as provided.

- 6) Requires the AG to do the following:
 - a) Establish a public incident reporting mechanism for consumers to submit complaints relating to companion chatbots to the AG.
 - b) Establish a process for qualified researchers to access anonymized and aggregated audit data for academic study of child safety in companion chatbots.
 - c) Beginning January 1, 2028, issue an annual public report that includes specified components, including a high-level summary of each audit report, findings and trends, data on compliance rates and deficiencies, and recommendations for operators, parents, and policymakers.
- 7) Authorizes a public prosecutor to bring a civil action for violations seeking specified remedies, including civil penalties per violation. A child who suffers actual harm may also bring a civil action for actual damages and other relief.
- 8) Defines the relevant terms, including:
 - a) “Child safety policy” means a public-facing document describing protective measures taken by an operator to mitigate identified child safety risks.
 - b) “Child safety risk” means a reasonably foreseeable risk of a covered harm to a child.
 - c) “Companion chatbot” has the meaning defined in Section 22601.
 - d) “Covered harm” means any of the following harms proximately caused by the use of a companion chatbot:
 - i. Reasonably foreseeable physical or financial harm.
 - ii. Severe and reasonably foreseeable psychological or emotional harm to a reasonable child.
 - iii. A highly offensive intrusion on privacy rights protected by state or federal law.
 - iv. Adverse discrimination in violation of state or federal law.

Background

AI companion chatbots created through generative AI have become increasingly prevalent. They seek to offer consumers the benefits of convenience and personalized interaction. These chatbots are powered by large language models that generally learn intimate details and preferences of users based on their

interactions and user customization. Millions of consumers use these chatbots as friends, mentors, and even romantic partners.

Many studies and reports point to the addictive nature of these chatbots and call for more research into their effects and for meaningful guardrails. Increasing the urgency of such efforts, several high-profile, incidents resulting in users harming themselves and even committing suicide have been reported in the last few years.

This bill, and a companion bill in the Assembly, AB 2023 (Wicks) of the current legislative session, establish a framework for protecting children from these harms and empowering parents with proper tools to protect their own children. The bill lays out a series of obligations on operators and prohibits specified conduct. Operators must submit to annual independent audits and reporting by the Attorney General (AG) is required. Public prosecutors and children harmed by violations are authorized to bring civil actions.

This bill is author-sponsored. It is supported by Encode AI and other advocacy groups. It is opposed by the Children's Advocacy Institute and various industry organizations.

Comments

To respond to issues surrounding chatbots, several bills in 2025 sought to regulate the creation and deployment of these companion chatbots, especially when put into the hands of children. SB 243 (Padilla, Chapter 677, Statutes of 2025) requires operators of "companion chatbot platforms" that allow users to engage with chatbots to maintain certain protocols aimed at preventing some of the worst outcomes and, only when the user is known to the operator to be a minor, to make certain disclosures and to institute reasonable measures to prevent such things as sexually explicit material from being produced or from "directly stating that the minor should engage in sexually explicit conduct." A report is required to be sent annually to the Office of Suicide Prevention. Violations are subject to civil enforcement by those injured.

This bill seeks to more comprehensively regulate companion chatbots, specifically for the protection of minor users.

According to the author:

Companion chatbots, while a powerful tool, have been designed to capture young people's attention and hold it at the expense of their

real-world relationships. As the author of California's nation-leading safeguards, it is vital we build upon them and ensure that these technological advances don't come at the cost of our children's well-being. These protections keep California at the forefront of this conversation, striking an important balance of prioritizing the safety of our children, while allowing for the innovation that has made California the tech capital of the world.

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

According to the Senate Appropriations Committee:

Significant costs one time for the AG to adopt regulations.

Major costs annually to the AG to issue a public report on audits submitted by operators (General Fund).

Unknown, significant to major cost pressure to the courts to the extent there are additional civil filings for new violations created by this bill. Actual costs would depend on the number of operators in the state, violations and the amount of court time required for each 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 5/14/26)

California Initiative for Technology & Democracy, a Project of California

Common CAUSE

Children Now

Encode AI Corporation

Mothers Against Media Addiction

Transparency Coalition.AI

OPPOSITION: (Verified 5/14/26)

American Innovators Network

California Chamber of Commerce

California Society of Certified Public Accountants

Children's Advocacy Institute

Civil Justice Association of California

Computer and Communications Industry Association

Insights Association

Parent Collective
Software Information Industry Association
Technet

ARGUMENTS IN SUPPORT: Transparency Coalition.AI writes:

Research shows that children are more likely to view AI chatbots as quasi-human and thus trust them more than adults. Thus, when an interaction between children and chatbots goes wrong, the consequences can be dire. An investigation by Common Sense Media and Stanford University's Brainstorm Lab for Mental Health found that the safeguards in place for the chatbots they tested were unable to adequately prevent the technology from encouraging harmful behaviors, providing inappropriate content, and exacerbating mental health conditions of minors.

SB 1119 would require an annual risk assessment, along with the establishment of measures to prevent suicidal ideation, sycophancy, and isolation including a crisis response protocol; providing added guardrails in the form of default settings for children, parental controls, noticing requirements, and time limits; prohibitions on advertising and the selling, sharing, and usage of children's private information; and ensuring a robust oversight and enforcement framework including through a public incident reporting mechanism, third party audits, the development of auditing standards by the attorney general and the inclusion of private right of action.

ARGUMENTS IN OPPOSITION: The Children's Advocacy Institute writes:

The nation is watching. No law that fails to prohibit AI chatbot companies from emotionally manipulating children so children are bound to return over and over to their chatbots adequately protects children from a chatbot threat we know can be lethal to them. Similarly, California should not commit itself only to protect children from severely being harmed in any setting, this one included. And any bill addressing risk assessment must clearly embrace the greatest threat to risk assessment; namely, the AI cheating.

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