SENATE THIRD READING
SB 1119 (Padilla, et al.)
As Amended August 28, 2026
Majority vote

SUMMARY

Enacts "Adam's law," a comprehensive regulatory framework to ensure that companion chatbots made available in this state are safe for children.

Major Provisions

1) Strike provisions in SB 243 (Padilla, Chapter 677, Statutes of 2025 that overlap with provisions in this bill.

2) Requires chatbot operators to implement age verification requirements pursuant to AB 1043 (Wicks), Chapter 675, Statutes of 2025 or apply specified protections.

3) Requires an operator to do all of the following:

   a) Perform and document a comprehensive risk assessment, as specified.

   b) Requires operators to make specified disclosures relating to child safety risks based on whether they permit child users to access the companion chatbot.

   c) Implement:

      i) A documented crisis response protocol, as specified.

      ii) Safeguards for child users, as specified.

      iii) Default settings that can be changed only by a parent that do the following:

         (1) Disable persistent conversational memory, as defined, *with certain exceptions for child users over age 15.*

         (2) Disable push notifications.

         (3) Limit the amount of time a child can spend on a single continuous usage session with the chatbot to one hour, and the total time with the chatbot to two hours per day.

      iv) A mechanism for providing notice to a child user that the child is interacting with, or receiving content generated by, an AI system, as specified.

      v) Reasonable measures that prevent the companion chatbot from generating listed categories of harmful outputs.

      vi) Interface designs that ensure features and controls are accessible and clear, so that children and parents can reasonably locate, understand, and use those protections. Operators must test the interface every two years, as specified.

   vii) A public incident reporting mechanism that enables a third party to report directly to the operators an incident regarding a child safety risk.

4) Prohibits operators from:

   a) Targeting advertising to a child user using *personal information* about the child in conversational chats with the child, *except as specified*. All other advertising to child users must be clearly and conspicuously labeled as such.

   b) Selling a child′s personal information gathered through the companion chatbot.

   c) Using or sharing the personal information of a child gathered through the companion chatbot, *except for specified purposes.*

   d) Using dark patterns to prevent users from being able to use features and controls required under the bill.

5) Requires operators to submit to annual independent compliance audits *beginning January 1, 2029. The operator must provide a summary of the audit to the AG. The AG may request copies of the audit report for cause. Excludes from this requirement, until 2032, operators with less than $500 million in gross revenue.*

6) Requires the AG, by January 1, 2028, to establish a public incident reporting mechanism.

7) Authorizes specified public prosecutors to bring an action against violators for a civil penalty of up to $5,000 per negligent violation, per child, and up to $15,000 per intentional violation, per child, as well as for injunctive or declaratory relief *by the AG only,* reasonable attorney′s fees, and any other relief the court deems proper.

8) Allows minors who suffer *actual* harm, or parents on their behalf, to bring a civil action against violators for actual damages, injunctive or declaratory relief, reasonable attorney′s fees, and any other relief the court deems proper.

9) Provides that the duties, remedies, and obligations imposed by the bill are cumulative to those elsewhere in the law.

10) With the exception of certain provisions including those relating to age assurance, generally becomes operative July 1, 2027.

Contains a severability clause.

COMMENTS

Background. Last year′s SB 243 (Padilla) requires chatbot platforms to establish protocols to detect, remove, and respond to instances of suicidal ideation, suicide, or self-harm expressed by users. For users that are minors, SB 243 further requires operators to disclose to users that they are interacting with AI, provide periodic reminders to take a break and that the chatbot is artificially generated, and prevent chatbots from producing sexually explicit material.

A complementary bill, AB 1064 (Bauer-Kahan, 2025), would have prohibited making available to minors a companion chatbot that is foreseeably capable of specified harmful behaviors, including encouraging the child to engage in self-harm, suicidal ideation, or violence, or engaging in sexually explicit interactions with the child. Claiming that the bill could ″unintentionally lead to a total ban on the use of these products by minors,″ Governor Newsom vetoed the bill, stating:

> The types of interactions that this bill seeks to address are abhorrent, and I am fully committed to finding the right approach to protect children from these harms in a manner that does not effectively ban the use of the technology altogether. I will work with my partners in the Legislature to build on the framework established by SB 243 (Padilla) to develop a bill next year that ensures young people can use AI in a manner that is safe, age-appropriate, and in the best interests of children and their future.

Earlier this year, AB 1064′s sponsor, Common Sense Media, teamed up with OpenAI to introduce a ballot measure that would have enacted a comprehensive framework for regulating chatbots. The measure includes provisions relating to age assurance, risk assessments, content restrictions, privacy, audits, and enforcement. However, a coalition of child safety advocates, civil society groups, and technology policy organizations criticized the measure and the process by which it was proposed.[1] Common Sense Media and OpenAI halted the effort to allow for the issue to be addressed by the Legislature.

This bill, jointly authored by Senator Padilla and Assemblymembers Wicks and Bauer-Kahan, builds on the framework proposed in the initiative. The measure includes provisions relating to age assurance, risk assessments, content restrictions, privacy, audits, and enforcement, including a private right of action for actual harms arising from violations of specified provisions.

The bill is named in honor of Adam Raine, a teenager who died by suicide after several months of conversations with ChatGPT. The companion chatbot allegedly validated his suicidal thoughts, discouraged him from seeking help from his family, provided extensive advice on suicide methods, and encouraged him to consume alcohol to inhibit his survival instinct, culminating in his death by "beautiful suicide," as the bot referred to it.[2]

According to the Author

Companion chatbots are a powerful tool 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 capitol of the world.

Arguments in Support

The California Initiative for Technology & Democracy, which supports the bill, writes about tragic incidents involving chatbots, stating:

---

[1] Open Letter, "Oppose OpenAI Writing Its Own Regulations in California," (March 18, 2026), https://whowritestherules.org/.

[2] Jarovsky, "Horrifying: ChatGPT Helped a Teenager Plan a 'Beautiful Suicide'" *Luiza's Newsletter* (Aug. 28, 2025), https://www.luizasnewsletter.com/p/horrifying-chatgpt-helped-a-teenager?utm_source=substack&utm_medium=email.

These incidents are not isolated, and the widespread use of chatbots suggests the dangers could grow. Last year, it was reported that over 50% of students have used chatbots to help with homework, and 20% have engaged in a romantic relationship with AI. The underlying danger of these chatbots lies in how they interact with users. This process often rewards responses that affirm a person's beliefs rather than challenge them, regardless of what would actually benefit the user. Consider a teenager who expresses to a chatbot that they feel worthless and want to disappear, rather than redirecting to crisis resources, a sycophantic model is incentivized to validate and deepen that emotional state because agreement generates positive feedback. This "sycophancy" is not merely a dangerous side effect; it is a curated design choice.

Chatbots also raise serious privacy concerns, particularly for children. As users form emotional relationships with these tools, they are likely to disclose intimate details about their lives. This information can then be used for model training, enabling responses that feel especially personalized. More alarming is that many developers have already disclosed plans to use this data for advertising, taking users' most intimate social, health, or sexual conversations and monetizing them for ad revenue. This is the ultimate commodification of intimacy, and it creates a powerful mechanism for manipulation.

AB 2023/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. It would provide added guardrails in the form of default settings for children, parental controls, notice requirements, and time limits. It would prohibit advertising and the sale, sharing, and use of children's private information. And it would establish a robust oversight and enforcement framework, including a public incident reporting mechanism, third-party audits, auditing standards developed by the Attorney General, and a private right of action.

By instituting these safeguards, AB 2023/SB 1119 addresses many of the most pressing documented dangers of chatbots, including sycophancy, sexual entanglement, and self-harm. Importantly, it mandates strict default privacy settings, reducing the burden on parents who cannot realistically keep up with every new parental control. The bill also establishes meaningful accountability for the companies that produce these products, requiring independent third-party companies have profited while their users suffer, without consequence.

Arguments in Opposition

TechNet writes about a prior version of the bill:

Lack of Harmonization With a Framework Still Being Implemented

SB 243 was signed into law on October 13, 2025. Its core disclosure and self-harm protocol requirements are newly in effect, and its annual reporting obligations to the Office of Suicide Prevention do not begin until July 1, 2027. The industry is still building compliance infrastructure for a law that has yet to be fully activated. There is no empirical record on which the Legislature can assess whether SB 243's framework is working, falling short, or producing unintended consequences.

Beyond the sequencing problem, SB 1119 creates direct operational conflicts with SB 243 that will produce genuine confusion for operators attempting to comply with both laws simultaneously.

First, the two laws impose dual minor notification standards triggered by the same circumstances. SB 243 Section 22602(c)(2) requires break reminders to known minors at least every three hours during continuing interactions. SB 1119 Section 22612(d)(4) requires AI disclosure notices “reinforced periodically during extended interactions” in age-appropriate language. These address identical ground with different standards and no harmonization language, leaving operators without a clear answer as to which standard governs or whether satisfying one satisfies the other.

Second, both laws require self-harm and crisis protocols triggered by the same user behavior, but with different procedural requirements. SB 243 requires a protocol including crisis service referrals when a user expresses suicidal ideation. SB 1119 Section 22612(d)(1) requires a separate documented crisis response protocol that additionally mandates parental notification within 24 hours when substantial risk is detected and disclosures to child users that parents may be notified. It is unclear if operators must now maintain two parallel protocols for one situation with no instruction on how they interact or which controls when both are triggered.

Third, the two laws use different legal standards for substantially similar prohibited content. SB 243 Section 22601(f) uses “sexually explicit conduct” as defined in 18 U.S.C. Section 2256, a federal standard. SB 1119 Sections 22612(d)(5)(C) and (D) use “obscene matter” and “sexual abuse material.” These are meaningfully different legal standards for conduct that occupies much of the same space. Compliance counsel will have to navigate which standard applies to which obligation in which chapter, with no guidance on how they interact or which governs in the event of conflict.

Finally, SB 1119 Section 22616 creates a separate and broader private right of action authorizing actual damages and punitive damages. SB 243 Section 22606 states that its obligations are cumulative and do not relieve operators of obligations under other law, meaning both enforcement regimes operate simultaneously against the same conduct. The result is three overlapping enforcement pathways, two of them private, with no consolidation or offset mechanism, all potentially arising from a single interaction with a minor user.

As the industry works to implement SB 243, we ask that SB 1119 be harmonized with existing law to avoid duplicative or unclear standards that undermine good-faith compliance efforts.

Reinstatement of the Third-Party Audit Requirement

TechNet maintains concerns about the mandatory independent audit requirement in Section 22614. A third-party audit requirement was included in early versions of SB 243 and was explicitly removed during the legislative process following industry engagement demonstrating the substantial compliance burdens and proprietary disclosure risks it would create.

Mandatory external audits impose substantial costs, require the disclosure of sensitive technical and operational information to outside parties, and do not necessarily produce better safety outcomes than robust internal evaluation frameworks. The bill compounds this concern by requiring auditors to submit reports to the Attorney General, creating a mandatory government disclosure mechanism for proprietary compliance information even if nominally kept confidential.

Overly Prescriptive Design Mandates

Section 22612 imposes a detailed set of default design requirements that reflect a onesize-fits-all approach to a diverse product category. Limiting each conversation session to one hour, capping total daily use at two hours, prohibiting push notifications between

12 a.m. and 6 a.m. and between 8 a.m. and 3 p.m. on school days, and defaulting all child users to ephemeral mode may be appropriate in some contexts but are inappropriate as universal legislative mandates across the entire companion chatbot category. This is especially true given this legislation's use of SB 243's definition of companion chatbot, which scopes in general-purpose AI systems.
Legislating specific time limits and notification windows substitutes for the operator's risk assessment process, which is precisely the tool the bill elsewhere relies upon to tailor safety measures to each product's actual risk profile. Given the breadth of the definition of companion chatbot, any regime must be appropriate for not just tools designed for companionship but also general productivity assistants accessed by a 17-year-old for school work.

Private Right of Action and Enforcement
As described above, SB 1119 creates three overlapping enforcement pathways against companion chatbot operators: the existing SB 243 private right of action; a new public prosecutor enforcement track under Chapter 22.6.1 with civil penalties, punitive damages, and injunctive relief; and a new private right of action for children and their parents or guardians, authorizing actual damages, punitive damages, and attorney's fees. This enforcement architecture creates serious risks of duplicative, inconsistent, and abusive litigatio

FISCAL COMMENTS

According to the Appropriations Committee:

1) Costs of approximately up to $5 million (General Fund (GF) and Unfair Competition Law Fund (UCL Fund)) to the Department of Justice (DOJ), reflecting eighteen permanent positions phased in between January 1, 2027, and July 1, 2028, along with limited-term rulemaking hours and consultant costs. DOJ reports that it could not absorb these costs within existing budgeted resources. DOJ anticipates resources, as follows:

    a) Within the Public Rights Division, the Consumer Protection Section would add one supervising deputy attorney general, three deputy attorneys general, three legal secretaries, one analyst, one investigative auditor, and one information technology specialist, along with $350,000 annually in external expert costs, to investigate and enforce violations (UCL Fund).

    b) Within the Office of General Counsel, the Legal Unit would use 500 hours collectively from one supervising deputy attorney general, one deputy attorney general, and one analyst across fiscal years 2026-27 and 2027-28 to support rulemaking, and the Research Services Branch would add one research data supervisor, two research data specialists, and three research data analysts beginning January 1, 2028 to facilitate researcher access to audit data and to prepare the annual public report.

    c) The Public Inquiry Unit within the Directorate Division would add one analyst for complaint intake and report coordination.

    d) Within California Justice Information Services, the Application Development Bureau would add one information technology specialist beginning July 1, 2028, along with a project manager consultant and a business analyst consultant, to integrate the California

Department of Technology's Digital Identity framework with the AG's public website (GF).

Notably, the bill's mandatory duties on DOJ are the rulemaking, receipt and confidential maintenance of audit reports, and the annual public report beginning January 1, 2028. Enforcement is discretionary and is not exclusive to the AG, since the bill authorizes any public prosecutor to bring an action and separately preserves a private right of action for a child who suffers actual harm. The resources needed to support enforcement would therefore depend on how the AG exercises that discretion relative to local prosecutors and private plaintiffs.

2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate civil enforcement actions and cases filed under the private right of action created by this bill. 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.

VOTES

SENATE FLOOR: 39-0-1
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Niello

ASM JUDICIARY: 10-1-1
YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur
NO: Dixon
ABS, ABST OR NV: Macedo

ASM PRIVACY AND CONSUMER PROTECTION: 12-2-1
YES: Bauer-Kahan, Bryan, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Bennett, Wilson
NO: Macedo, DeMaio
ABS, ABST OR NV: Hoover

ASM APPROPRIATIONS: 11-1-3
YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache
NO: Tangipa
ABS, ABST OR NV: Hoover, Dixon, Ta

UPDATED

VERSION: August 28, 2026

CONSULTANT: Josh Tosney / P. & C.P. / (916) 319-2200 FN: 0004541