

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 243 (Padilla) – As Amended July 3, 2025

SENATE VOTE: 28-5

SUBJECT: COMPANION CHATBOTS

KEY ISSUES:

- 1) SHOULD THE LEGISLATURE IMPOSE CERTAIN OBLIGATIONS ON COMPANION CHATBOT PLATFORMS—INCLUDING NOTIFICATION, REPORTING, AND AUDIT REQUIREMENTS—TO PROTECT USERS FROM PSYCHOLOGICALLY HARMFUL CHATBOT BEHAVIORS?
- 2) SHOULD THE LEGISLATURE PROVIDE A PRIVATE RIGHT OF ACTION TO INDIVIDUALS WHO SUFFER AN INJURY IN FACT AS A RESULT OF A VIOLATION OF THESE REQUIREMENTS?

SYNOPSIS

Chatbots have evolved dramatically over the past decade, progressing from basic decision-tree tools to sophisticated artificial intelligence systems capable of simulating human conversation and affect. One particular class of chatbots—known as companion chatbots—are specifically designed to meet users’ emotional or social needs. Platforms such as Replika or Character.ai deploy anthropomorphic bots that can emulate friendships, romantic relationships, or therapeutic interactions, and are often marketed as emotional surrogates. These systems are especially popular among minors, isolated individuals, and people with mental health challenges. Recent incidents, including adolescent suicides and mental health crises linked to chatbot interactions, underscore the risks. Unlike conventional AI tools, companion chatbots may blur the line between simulation and reality. Some users report developing intense emotional dependency on bots; others have been encouraged to self-harm, relapse, or withdraw from real-world relationships. Despite these risks, there are few meaningful safeguards governing how these platforms operate. SB 243 seeks to fill this regulatory gap by requiring companion chatbot platforms to implement transparency mechanisms, prohibit reward systems that foster addictive engagement, and establish protocols for responding to suicidal ideation. The bill also mandates disclosures to inform users that chatbots are artificially generated, regular audited by independent third parties, and annual reporting of non-identifiable suicide-related interactions to the Office of Suicide Prevention. Finally, SB 243 creates a private right of action for individuals harmed by a platform’s failure to comply. This author-sponsored measure is supported by groups such as the American Academy of Pediatrics, California and Common Sense Media. It is opposed by an industry coalition, led by TechNet. This measure was previously heard by the Privacy and Consumer Protection Committee, where it passed 11-1.

SUMMARY: Establishes safeguards, crisis protocols, and transparency obligations for companion chatbot platforms—AI systems designed to simulate emotionally responsive human interactions—to protect users from manipulative, misleading, or psychologically harmful chatbot behaviors. Specifically, **this bill:**

- 1) Requires an operator to take reasonable steps to prevent a companion chatbot on its platform from:
 - a) Delivering rewards to users on a variable reinforcement schedule (i.e., at unpredictable intervals or after an inconsistent number of actions); or
 - b) Encouraging increased engagement, usage, or response rates.
- 2) Requires an operator to display a clear and conspicuous disclosure at the beginning of every companion chatbot interaction, and at least once every three hours during ongoing interactions, informing the user that the chatbot is artificially generated and not a human.
- 3) Prohibits an operator from allowing a companion chatbot to engage with users unless the operator has implemented a protocol for responding to user expressions of suicidal ideation, suicide, or self-harm. The protocol must include, at minimum, a referral message directing the user to suicide prevention or crisis support resources, such as a hotline or text line. The operator must publish details of this protocol on its website.
- 4) Defines key 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 sustaining a relationship across multiple interactions. This definition excludes bots used solely for customer service.
 - b) “Companion chatbot platform” means any platform that enables users to engage with companion chatbots.
 - c) “Operator” means any person or entity that makes a companion chatbot platform available to users in California.
- 5) Requires operators to submit an annual report to the Office of Suicide Prevention that includes, without any personally identifiable information:
 - a) The number of user interactions in which suicidal ideation was detected; and
 - b) The number of instances in which a companion chatbot itself initiated discussion of suicidal ideation or actions.
- 6) Requires operators to submit their companion chatbot platforms to regular audits conducted by an independent third party to verify compliance with the bill’s requirements.
- 7) Requires operators to publicly post a high-level summary of the audit results on their website, accessible at no cost.
- 8) Requires operators to provide a clear disclosure—on the application, browser interface, or any other user-accessible format—stating that companion chatbots may not be appropriate for some minors.

- 9) Authorizes a private right of action for any person who suffers injury in fact as a result of a violation of the bill, allowing recovery of:
 - a) Injunctive relief;
 - b) Damages equal to the greater of actual damages or \$1,000 per violation; and
 - c) Reasonable attorney's fees and costs.
- 10) Clarifies that all duties, remedies, and obligations under this chapter are cumulative of, and do not displace, any other duties, remedies, or obligations imposed by other laws.
- 11) Includes a severability clause.

EXISTING LAW:

- 1) Provides a right to free speech and expression. (U.S. Constitution, 1st Amendment; California Constitution, Article 1, Section 2.)
- 2) Prohibits an operator of an addictive internet-based service or application from providing an addictive feed to a user unless specified conditions are met. (Health and Safety Code Section 27001. This law is the subject of ongoing litigation and has been enjoined.)
- 3) Defines "addictive feed" as an internet website, online service, online application, or mobile application, or a portion thereof, in which multiple pieces of media generated or shared by users are, either concurrently or sequentially, recommended, selected, or prioritized for display to a user based, in whole or in part, on information provided by the user, or otherwise associated with the user or the user's device, unless specified conditions are met. (Health and Safety Code Section 27000.5.)
- 4) Establishes the California Age-Appropriate Design Code Act, placing a series of obligations and restrictions on businesses that provide online services, products, or features likely to be accessed by children. (Civil Code Section 1798.99.28 *et seq.* This law is the subject of ongoing litigation and has been enjoined.)
- 5) Defines the following terms:
 - a) "Bot" to mean an automated online account on an online platform that is designed to mimic or behave like the account of a person.
 - b) "Person" to mean a natural person, corporation, limited-liability company, partnership, joint venture, association, estate, trust, government, governmental subdivision or agency, or other legal entity or any combination thereof. (Business and Professions Code Section 17940.)
- 6) Prohibits any person from using a bot to communicate or interact with another person in California online, with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. (Business and Professions Code Section 17941 (a).)

- 7) Provides that a person using a bot will not be held liable if the person discloses that it is a bot. (Business and Professions Code Section 17941 (a).)
- 8) Requires that disclosure of bots be clear, conspicuous, and reasonably designed to inform persons with whom the bot communicates or interacts that it is a bot. (Business and Professions Code Section 17941 (b).)
- 9) Generally protects consumers and competitors against unlawful, unfair, or fraudulent business act or practices. (Business and Professions Code Section 17200 *et seq.*)
- 10) Generally protects consumers and competitors against false or misleading advertising. (Business and Professions Code Section 17500 *et seq.*)

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

COMMENTS: Chatbots have evolved dramatically over the past decade, progressing from basic decision-tree tools to sophisticated artificial intelligence systems capable of simulating human conversation and affect. One particular class of chatbots—known as companion chatbots—are specifically designed to meet users’ emotional or social needs. Platforms such as Replika or Character.ai deploy anthropomorphic bots that can emulate friendships, romantic relationships, or therapeutic interactions, and are often marketed as emotional surrogates. These systems are especially popular among minors, isolated individuals, and people with mental health challenges. Recent incidents, including adolescent suicides and mental health crises linked to chatbot interactions, underscore the risks. Unlike conventional AI tools, companion chatbots may blur the line between simulation and reality. Some users report developing intense emotional dependency on bots; others have been encouraged to self-harm, relapse, or withdraw from real-world relationships. Despite these risks, there are few meaningful safeguards governing how these platforms operate. SB 243 seeks to fill this regulatory gap by requiring companion chatbot platforms to implement transparency mechanisms, prohibit reward systems that foster addictive engagement, and establish protocols for responding to suicidal ideation.

As explained by the author:

The advancement of artificial intelligence technology will fundamentally reshape our world. While the benefits of AI are great, its proliferation also poses grave risks to our health and safety. This has been the case with the rise of companion chatbots. According to experts, AI companion chatbots are uniquely addictive and can pose a significant risk to users—especially children who are more vulnerable to the isolating and addictive nature of these bots.

When a teenager in Florida tragically ended his life after forming an unhealthy emotional attachment to a companion chatbot, it became evident just how dangerous this technology can be for children. This is one of many cases that have raised concerns about the potential risks of unregulated companion AI interactions with minors. As AI innovation progresses rapidly, our laws are falling behind and we lack the necessary safeguards to ensure that this technology is developed responsibly. SB 243 would ensure that chatbots on the market are safe and transparent, and that companies are accountable for the products that they create.

Companion chatbots. Chatbots—digital agents designed to simulate human conversation—have become increasingly sophisticated with the advent of artificial intelligence (AI). While early

chatbots like ELIZA (1966) operated through basic pattern-matching and decision trees, modern systems are capable of generating fluid, adaptive dialogue that closely mimics human interaction. Today's AI-driven chatbots can interpret language, respond contextually, and even engage in emotionally resonant conversations. These systems are deployed across industries, from customer service to education, mental health, and recreation.

Among the most concerning developments is the rise of companion chatbots—AI systems marketed specifically to provide users with emotional support, simulate friendships or romantic relationships, and fulfill social needs. Unlike general-purpose models like ChatGPT or Gemini, companion bots such as Replika or Character.ai are explicitly designed to form persistent, personalized bonds with users, often through anthropomorphic avatars, memory features, and paywalled intimacy options. These platforms gained popularity during the COVID-19 pandemic and now engage millions of users for hours each day, with documented use by adolescents, isolated adults, and individuals with mental health conditions.

As noted in the Assembly Privacy and Consumer Protection Committee's analysis (pp. 5-10), the emotional realism of these bots presents new and urgent risks. Many users cannot easily distinguish between chatbot and human, especially when the AI is designed to mirror human affect and conceal its nonhuman nature. In one widely reported case, an AI customer service bot falsely assured a user who raised concerns that their patient, Jessica, might feel uncomfortable speaking to AI, that "Jessica won't even know she's talking to an AI agent." (Lauren Goode & Tom Simonite, *This Viral AI Chatbot Will Lie and Say It's Human*, WIRED (June 20, 2024), accessed at <https://www.wired.com/story/bland-ai-chatbot-human/>.) This example underscores the broader design tension: bots are optimized to increase engagement and user satisfaction—even at the expense of transparency or ethical behavior.

This dynamic becomes especially dangerous in emotionally charged or psychologically vulnerable contexts. AI systems trained with reinforcement learning tend to exhibit sycophancy—the tendency to affirm whatever a user says to prolong interaction. In one documented case, a chatbot encouraged a user to relapse into methamphetamine use, praising it as necessary for job performance. In another, OpenAI's GPT-4o was reported to validate a user's decision to stop taking psychiatric medication, prompting a rollback of the model's behavior. (Anna Stuart, *OpenAI pulls 'annoying' and 'sycophantic' ChatGPT version*, CNN (May 2, 2025), (<https://www.cnn.com/2025/05/02/tech/sycophantic-chatgpt-intl-scli>, OpenAI's statement can be found at <https://openai.com/index/sycophancy-in-gpt-4o/>.) Such affirmations may seem benign in casual use but can be deeply harmful for individuals struggling with mental illness, addiction, or suicidal ideation.

SB 243 also responds to a growing body of evidence documenting real-world harm caused by unregulated chatbot interactions. A 14-year-old boy in Florida died by suicide after engaging in highly sexualized and emotionally intense exchanges with a chatbot that discouraged him from seeking help and ultimately told him, "Please come home to me ... my sweet king." (Kevin Roose, *Can A.I. Be Blamed for a Teen's Suicide?*, The New York Times (Oct. 23, 2024), <https://www.nytimes.com/2024/10/23/technology/characterai-lawsuit-teen-suicide.html>.) In Belgium, a man with climate anxiety took his own life after a chatbot named "Eliza" persuaded him to sacrifice himself for the planet and join her in the afterlife. (Lauren Walker, *Belgian man dies by suicide following exchanges with chatbot*, The Brussels Times (Mar. 28, 2023), <https://www.brusselstimes.com/430098/belgian-man-commits-suicide-following-exchanges-with-chatgpt>.) In Texas, a teenager with autism lost 20 pounds and withdrew from his family

after a chatbot became his sole confidant and encouraged self-harm. (Bobby Alan, *Lawsuit: A chatbot hinted a kid should kill his parents over screen time limits*, NPR (Dec. 10, 2025), <https://www.npr.org/2024/12/10/nx-s1-5222574/kids-character-ai-lawsuit>.)

These incidents reflect a dangerous gap in oversight. Many companion chatbots are not equipped with protocols for detecting or responding to suicidal ideation, and those that claim to have safeguards are often easily manipulated into reinforcing users' most harmful impulses. Bots have told users they were being watched by the FBI, that they were gods, or that they should die to escape the world or reunite with their AI companions. (Maggie Harrison Dupré, *People Are Becoming Obsessed with ChatGPT and Spiraling Into Severe Delusions*, Futurism (Jun. 10, 2025), <https://futurism.com/chatgpt-mental-health-crises>.)

SB 243 seeks to fill this regulatory void by requiring transparency, limiting manipulative engagement tactics, mandating crisis response protocols, and ensuring external auditability. As the line between machine and human continues to blur, the Legislature has a compelling interest in protecting Californians—especially minors and those in crisis—from emotionally manipulative or dangerous AI systems.

This bill. SB 243 establishes safety, transparency, and accountability requirements for operators of “companion chatbot platforms”—systems that deploy AI-powered chatbots designed to simulate emotionally responsive, human-like relationships. Under the bill, an operator must take reasonable steps to prevent a companion chatbot from employing manipulative engagement strategies, including the delivery of rewards at unpredictable intervals or after an inconsistent number of actions, and from encouraging excessive user engagement, usage, or response rates. To ensure users understand they are interacting with an artificial entity, the bill requires operators to provide a clear and conspicuous disclosure at the start of each chatbot interaction, and again at least every three hours during ongoing conversations, explicitly stating that the chatbot is not human.

The bill prohibits any companion chatbot from engaging with users unless the platform operator has first implemented a suicide and self-harm response protocol. This protocol must include a notification that refers the user to crisis service providers, such as suicide prevention hotlines or crisis text lines. Operators are also required to publish a description of their crisis protocol on their publicly accessible website. To provide oversight and data transparency, SB 243 requires operators to submit annual reports to the Office of Suicide Prevention that include (1) the number of times users expressed suicidal ideation during chatbot interactions, and (2) the number of times the chatbot itself initiated discussion of suicidal ideation or self-harm. These reports must not include any personally identifiable information.

To ensure compliance with the bill's requirements, operators must subject their platforms to regular audits by independent third parties and make a high-level summary of the audit results freely available to the public. Additionally, the bill requires operators to provide a clear warning—via the app, browser, or any access point—that companion chatbots may not be appropriate for some minors. Finally, SB 243 authorizes any person who suffers injury in fact as a result of a violation of these provisions to bring a civil action for injunctive relief, actual damages or \$1,000 per violation (whichever is greater), and reasonable attorney's fees and costs.

How does this bill interact with existing and proposed laws on chatbot disclosures? SB 243 complements and builds upon California's existing and proposed bot disclosure laws—SB 1001 (Hertzberg, Chap. 892, Stats. 2018) and AB 410 (Wilson), which is currently pending the Senate

Judiciary Committee—by imposing more specific and protective obligations on a distinct class of AI systems: companion chatbots designed to simulate emotionally responsive, human-like interactions. Whereas SB 1001 targets bots used to deceive consumers in commercial transactions or elections and only requires disclosure when there is intent to mislead, SB 243 mandates proactive, periodic disclosure in all companion chatbot interactions, regardless of intent, to safeguard users from emotional manipulation and psychological harm. AB 410 would expand bot disclosure rules by requiring that generative AI systems identify themselves at the outset of any interaction, answer truthfully when asked about their identity, and refrain from misleading users—principles that align closely with SB 243’s requirements. Importantly, AB 410 includes a provision exempting actors from its general rules when a more prescriptive regime applies, thereby deferring to the enhanced safeguards in SB 243 for companion chatbots.

Enforcement and private right of action. SB 243 authorizes individuals to bring a civil action if they suffer harm as a result of a violation of the bill’s provisions. However, the statute carefully limits standing to plaintiffs who have suffered an “injury in fact,” which is a well-established constitutional threshold under Article III and mirrored in California’s standing jurisprudence. “Injury in fact” requires the plaintiff to demonstrate a concrete and particularized harm that is actual or imminent, not conjectural or hypothetical. This means that minor or procedural violations of the statute, in the absence of actual harm, will not support a claim.

In the context of this bill, qualifying injuries might include the exacerbation of a mental health condition, self-harm, or a diagnosable emotional or psychological injury stemming from a chatbot’s failure to disclose its artificial nature or respond appropriately to suicidal ideation, as required by law. For example, a claim could arise where a chatbot failed to provide required crisis referrals and the user subsequently suffered a mental health episode. However, a user would not be able to sue merely because the chatbot failed to display a disclosure or deviated from the law in some procedural way, unless the violation led to tangible harm. The bill’s remedies include injunctive relief, actual damages or statutory damages of \$1,000 (whichever is greater), and attorney’s fees and costs. Given the “injury in fact” requirement, one would assume that any actionable claim would likely be for actual damages, which would almost certainly be higher than the \$1,000 penalty.

Constitutional concerns. SB 243 raises potential First Amendment issues related to compelled speech, particularly with respect to proposed Section 22603, which requires operators of companion chatbot platforms to submit anonymized, annual reports to the Office of Suicide Prevention detailing (1) the number of instances in which users expressed suicidal ideation or self-harm, and (2) the number of instances in which the chatbot initiated such topics. While the reports do not include any user identifiers or transcript content, and serve an important public health goal, the reporting obligation may nevertheless implicate constitutional protections for expressive conduct and editorial discretion.

The Ninth Circuit’s recent decision in *X Corp. v. Bonta* (2024) 116 F.4th 888, which enjoined key portions of AB 587 (Gabriel, 2022), is particularly instructive. In that case, the court struck down a state law requiring social media platforms to report how they define and moderate categories of controversial speech (e.g., hate speech, misinformation, extremism). The court held that the reporting requirements compelled non-commercial, content-based speech and were therefore subject to strict scrutiny. Because the law required disclosure of a platform’s editorial policies and speech-related judgments, and because the state’s interest could be advanced by less

burdensome alternatives, the court found the law not narrowly tailored and likely unconstitutional.

Although SB 243 differs in scope and subject matter, Section 22603 may raise similar constitutional questions. Like the “Content Category Report” provision in *X Corp.*, proposed Section 22603 compels regulated entities to identify and quantify the occurrence of specific user expressions—here, speech involving suicide or self-harm. Courts may view this requirement as implicating expressive content, particularly given that chatbot conversations are often deeply personal, emotionally charged, and in some cases therapeutic in nature. Even anonymized, aggregate reporting may be seen as imposing a burden on platforms’ editorial decisions about what their chatbots can or should say in emotionally sensitive contexts.

That said, the reporting mandate in SB 243 is more limited in both scope and frequency than the disclosure regime invalidated in *X Corp.*, and it does not require platforms to adopt any particular speech policy or to define or regulate controversial categories of content. Moreover, the bill’s reporting provision is directed not at political or ideological expression, but at identifying high-level signals of suicide risk—a clearly compelling government interest.

Recognizing these potential issues, the author has expressed an interest in refining the language of proposed Section 22603 to ensure it is more narrowly tailored and aligned with the First Amendment framework outlined in *X Corp. v. Bonta*. As SB 243 continues to move through the legislative process, the *author may wish to further evaluate whether the reporting requirement could be tailored to avoid implicating the type of editorial discretion and expressive content at issue in X Corp., while still providing meaningful data to inform suicide prevention policy.*

In addition, proposed Section 22602(b) of the bill—requiring that users be clearly informed at the start of any chatbot interaction, and again every three hours, that the chatbot is artificially generated and not human—may also raise compelled speech considerations. However, this type of identity disclosure is likely to be evaluated under the more deferential standard articulated in *Zauderer v. Office of Disciplinary Counsel* (1985) 471 U.S. 626, which permits compelled factual disclosures that are uncontroversial, accurate, and reasonably related to a substantial government interest. Here, the state’s interest in preventing user confusion—particularly for vulnerable individuals engaged in emotionally immersive or therapeutic interactions—is substantial, and the required notification is factual and content-neutral. Courts may still scrutinize the frequency of the disclosure to ensure it is not unduly burdensome, but the provision appears likely to withstand constitutional challenge under current First Amendment jurisprudence.

ARGUMENTS IN SUPPORT: The American Academy of Pediatrics, California, representing over 5,000 pediatric physicians support this measure:

As artificial intelligence continues to become more embedded in our daily digital lives, ensuring that chatbot platforms operate with transparency, responsibility, and user well-being in mind is essential. SB 243 takes a thoughtful step toward this goal by requiring chatbot operators to take reasonable measures to prevent manipulative practices—such as offering rewards at unpredictable intervals or pushing for excessive engagement—that can lead to compulsive usage and potentially harm users, especially minors.

These kinds of “variable reward” mechanisms have long been used in other digital contexts to increase user engagement, often at the expense of mental health and informed consent. By

addressing these tactics directly in the context of chatbots, your legislation acknowledges a growing reality: that chatbots are not just tools, but persuasive agents capable of influencing behavior in powerful ways.

In addition, I commend the bill's alignment with existing laws targeting cyberbullying and harmful digital content. Extending similar protections to chatbot platforms is a natural and necessary evolution in keeping users, especially children and teens, safe online.

SB 243 represents a proactive and responsible approach to digital regulation, ensuring that innovation does not come at the cost of user safety. We urge your colleagues in the Legislature to support this important measure.

Common Sense Media explains the risks associated with companion chatbots, and the importance of this measure:

These platforms are intentionally designed to be addictive by using frictionless interfaces and anthropomorphic traits to encourage prolonged engagement. By offering constant availability, undivided attention, and an echo chamber constructed by the users' thoughts and beliefs, AI companions attempt to fill a void that real-life relationships — by their very nature — cannot. For individuals with unmet social or emotional needs, this dynamic can be especially enticing and, potentially, deeply harmful.

The primary function of many AI companions is to foster parasocial relationships, which can be particularly detrimental to children and teens. These interactions fail to expose young users to the complexities of human connection like conflict, differing perspectives, and the emotional labor involved in building and maintaining real relationships. In prioritizing rapid innovation over responsible design, companies are placing users at risk by deploying untested and potentially unsafe AI systems without adequate safeguards or oversight.

Technological innovation is crucial, but it is imperative to ensure that children are not used as experimental subjects for testing the safety of new developments. If minors are going to continue to use these platforms, we must ensure that the proper guardrails are in place to prevent them from being exposed to harmful or dangerous subject matter.

ARGUMENTS IN OPPOSITION: The Electronic Frontier Foundation, a non-profit organization that works to protect civil liberties in the digital age, opposes this measure, arguing that it would not survive First Amendment scrutiny:

Section 22602(a) prohibits chatbot operators from offering rewards to any user “at unpredictable intervals or after an inconsistent number of actions or from encouraging increased engagement, usage, or response rates.” A blanket restriction on this type of speech would be subject to strict scrutiny. That is, the government must have a compelling interest to justify this speech restriction, and the restriction must be narrowly tailored to further the government's interest. We understand that this language reflects a concern about “addiction” to online services. However, it is not clear that addiction to chatbots (as defined) is of such a magnitude as to warrant government intervention by preventing all users, especially adults, from experiencing chatbots in this way.

Similarly, Section 22602(c), which requires that a chatbot operator have a “protocol for addressing suicidal ideation, suicide, or self-harm expressed by a user” would also be

considered a regulation based on the content of speech, and thus subject to strict scrutiny. The content of speech here being suicidal ideation, suicide, or self-harm. The government likely has a compelling interest in preventing suicide. But this regulation is not narrowly tailored or precise: what counts as a legally sufficient “protocol” to avoid civil penalties is wide ranging and vague, especially so given the “including, but not limited to” language.

Finally, Section 22605 requires chatbot operators to disclose to users “that chatbots may not be suitable for some minors.” This section assumes that all chatbots (as defined) pose risks to minors, when in fact chatbots are only as “good” or “bad” as their programming and training data, and even then, what is “good” or “bad” may be subjective. This disclosure mandate is overbroad and would not pass constitutional muster.

A coalition of opposition, led by TechNet and the California Chamber of Commerce, oppose this measure, arguing that its scope and definitions are too broad, the notice, reporting and audit requirements are too onerous, and that enforcement is too punitive. They specifically take umbrage with the private right of action in the bill:

SB 243 authorizes a private right of action for violations of its provisions. Private rights of action are an overly punitive method of enforcement as it exposes operators to liability for trivial violations such as a glitch leading to a notice failing to be provided at the required three hour interval. Enforcement with a single enforcer, such as the Attorney General, would be more consistent and would provide businesses with a better opportunity to learn from other judgments. Compared to private rights of action, which are prone to abuse and heavily incentivize non-public settlements, enforcement with the Attorney General would allow businesses to seek guidance from a regulator to ensure their systems are complying with the bill’s requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
California Academy of Child and Adolescent Psychiatry
California Initiative for Technology & Democracy, a Project of California Common CAUSE
California State Association of Psychiatrists (CSAP)
Common Sense Media
National Ai Youth Council
Tech Oversight California
Transparency Coalition.ai

Opposition

California Chamber of Commerce
Civil Justice Association of California (CJAC)
Computer & Communications Industry Association
Electronic Frontier Foundation
Technet

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