

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1043

Introduced by Assembly Member Wicks
(Principal coauthor: Senator Umberg)

February 20, 2025

An act to ~~amend Section 1798.1~~ add Title 1.81.9 (commencing with Section 1798.500) to Part 4 of Division 3 of the Civil Code, relating to ~~privacy~~ consumer protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1043, as amended, Wicks. ~~Privacy~~—Age verification signals: software applications and online services.

Existing law generally provides protections for minors on the internet, including the California Age-Appropriate Design Code Act that, among other things, requires a business that provides an online service, product, or feature likely to be accessed by children to do certain things, including estimate the age of child users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business or apply the privacy and data protections afforded to children to all consumers and prohibits an online service, product, or feature from, among other things, using 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.

This bill would require, among other things related to age verification on the internet, a covered manufacturer to provide an accessible interface for requiring device owners to indicate the birth date, age, or both, of the user of that device for the sole purpose of providing a signal

regarding the user's age bracket to applications available in a covered application store and would require the covered manufacturer to provide developers with a digital signal via a real-time application programming interface regarding whether a user is in any of several age brackets, as prescribed. The bill would define "covered manufacturer" to mean a person who is a manufacturer of a device, an operating system for a device, or a covered application store. The bill would require a developer, as defined, with actual knowledge that a user is a child via receipt of a signal regarding a user's age to, to the extent technically feasible, provide readily available features for parents to support a child user with respect to the child user's use of the service and as appropriate given the risks that arise from use of the application, as specified.

This bill would punish noncompliance with a civil penalty to be enforced by the Attorney General, as prescribed.

~~Existing law, the Information Practices Act of 1977, declares that the right to privacy is a personal and fundamental right protected by the California Constitution and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them.~~

~~Existing law also declares that the increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.~~

~~This bill would make a nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 1.81.9 (commencing with Section 1798.500)
2 is added to Part 4 of Division 3 of the Civil Code, to read:

3

4 TITLE 1.81.9. DIGITAL AGE ASSURANCE ACT

5

6 1798.500. For the purposes of this title:

7 (a) "Age bracket data" means nonpersonally identifiable data
8 derived from a user's birth date or age for the sole purpose of
9 sharing with developers of applications that indicates only any of
10 the following:

11 (1) Whether a user is under five years of age.

1 (2) Whether the user is at least 5 years of age and under 10
2 years of age.

3 (3) Whether the user is at least 10 years of age and under 13
4 years of age.

5 (4) Whether the user is at least 13 years of age and under 16
6 years of age.

7 (5) Whether the user is at least 16 years of age and under 18
8 years of age.

9 (6) Whether the user is at least 18 years of age.

10 (b) “Application” means a software application or online
11 service, product, or feature that may be run or directed by a user
12 on a computer, a mobile device, or any other general purpose
13 computing device.

14 (c) “Child” means a consumer who is under 18 years of age.

15 (d) “Covered application store” means a publicly available
16 internet website, software application, online service, or platform
17 that distributes and facilitates the download of applications from
18 third-party developers to users of a computer, a mobile device, or
19 any other general purpose computing device.

20 (e) “Covered manufacturer” means a person who is a
21 manufacturer of a device, an operating system for a device, or a
22 covered application store.

23 (f) “Developer” means a person that creates, owns, or controls
24 an application and is responsible for the design, development,
25 maintenance, and distribution of the application to end users.

26 (g) “Online service, product, or feature” does not mean any of
27 the following:

28 (1) A broadband internet access service, as defined in Section
29 3100.

30 (2) A telecommunications service, as defined in Section 153 of
31 Title 47 of the United States Code.

32 (3) The delivery or use of a physical product.

33 (h) “Signal” means age bracket data or notice of parent or
34 guardian consent sent by a real-time secure application
35 programming interface or operating system to an application.

36 1798.501. (a) A covered manufacturer shall do all of the
37 following:

38 (1) Provide an accessible interface for requiring device owners
39 to indicate the birth date, age, or both, of the user of that device

1 *for the sole purpose of providing a signal regarding the user's age*
2 *bracket to applications available in a covered application store.*
3 *(2) If the covered manufacturer is a covered application store:*
4 *(A) For children under 16 years of age, obtain parental or*
5 *guardian consent before permitting a child to download an*
6 *application distributed, or made accessible via, the covered*
7 *application store.*
8 *(B) Provide a developer in the covered application store a signal*
9 *indicating whether a parent or guardian has provided consent*
10 *under this paragraph.*
11 *(C) Provide an option to connect the parent with the developer*
12 *for the purpose of managing any parental tools provided by the*
13 *developer.*
14 *(3) Provide developers with a digital signal via a real-time*
15 *application programming interface regarding whether a user is*
16 *any of the following:*
17 *(A) Under five years of age.*
18 *(B) At least 5 years of age and under 10 years of age.*
19 *(C) At least 10 years of age and under 13 years of age.*
20 *(D) At least 13 years of age and under 16 years of age.*
21 *(E) At least 16 years of age and under 18 years of age.*
22 *(F) At last 18 years of age.*
23 *(b) (1) A developer with actual knowledge that a user is a child*
24 *via receipt of a signal regarding a user's age shall, to the extent*
25 *technically feasible, provide readily available features for parents*
26 *to support a child user with respect to the child user's use of the*
27 *service and as appropriate given the risks that arise from use of*
28 *the application, including features to do all of the following:*
29 *(A) Help manage which accounts are affirmatively linked to the*
30 *user under 18 years of age.*
31 *(B) Manage the delivery of age-appropriate content.*
32 *(C) Limit the amount of time that the user who is 18 years of*
33 *age spends daily on application.*
34 *(2) A signal is presumed to be accurate and a developer may*
35 *rely on that signal for the purpose of compliance with any state*
36 *law that requires age verification or parental guardian consent.*
37 *1798.502. A person that violates this title shall be subject to*
38 *an injunction and liable for a civil penalty of not more than two*
39 *thousand five hundred dollars (\$2,500) per affected child for each*
40 *negligent violation or not more than seven thousand five hundred*

1 dollars (\$7,500) per affected child for each intentional violation,
2 which shall be assessed and recovered only in a civil action
3 brought in the name of the people of the State of California by the
4 Attorney General.

5 1798.503. (a) This title does not modify, impair, or supersede
6 the operation of any antitrust law.

7 (b) This title does not require the collection of additional
8 personal information from device owners or device users other
9 than that which is necessary to comply with Section 1798.501.

10 (c) A covered manufacturer shall comply with this title in a
11 nondiscriminatory manner.

12 (d) The protections provided by this title are in addition to those
13 provided by any other applicable law, including, but not limited
14 to, the California Age-Appropriate Design Code Act (Title 1.81.47
15 (commencing with Section 1798.99.28)).

16 ~~SECTION 1. Section 1798.1 of the Civil Code is amended to~~
17 ~~read:~~

18 ~~1798.1. The Legislature declares that the right to privacy is a~~
19 ~~personal and fundamental right protected by Section 1 of Article~~
20 ~~I of the California Constitution and by the United States~~
21 ~~Constitution and that all individuals have a right of privacy in~~
22 ~~information pertaining to them. The Legislature further makes the~~
23 ~~following findings:~~

24 ~~(a) The right to privacy is being threatened by the indiscriminate~~
25 ~~collection, maintenance, and dissemination of personal information~~
26 ~~and the lack of effective laws and legal remedies.~~

27 ~~(b) The increasing use of computers and other sophisticated~~
28 ~~information technology has greatly magnified the potential risk to~~
29 ~~individual privacy that can occur from the maintenance of personal~~
30 ~~information.~~

31 ~~(c) In order to protect the privacy of individuals, it is necessary~~
32 ~~that the maintenance and dissemination of personal information~~
33 ~~be subject to strict limits.~~

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36 **REVISIONS:**

37 **Heading—Line 2.**
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