

AMENDED IN SENATE JULY 17, 2025

AMENDED IN ASSEMBLY MAY 23, 2025

AMENDED IN ASSEMBLY MAY 1, 2025

AMENDED IN ASSEMBLY APRIL 10, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1064

**Introduced by Assembly Member Bauer-Kahan
(Coauthor: Assembly Member Pellerin)**

February 20, 2025

An act to add Chapter 25.1 (commencing with Section 22757.20) to Division 8 of the Business and Professions Code, relating to artificial intelligence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1064, as amended, Bauer-Kahan. Leading Ethical AI Development (LEAD) for Kids Act.

The California AI Transparency Act requires a person that creates, codes, or otherwise produces a generative artificial intelligence system that has over 1,000,000 monthly visitors or users and is publicly accessible within the geographic boundaries of the state to make available an AI detection tool at no cost to the user that, among other things, allows a user to assess whether image, video, or audio content, or content that is any combination thereof, was created or altered by the covered provider's generative artificial intelligence system. The California Consumer Privacy Act of 2018 prohibits certain businesses from selling or sharing the personal information of consumers if the business has actual knowledge that the consumer is less than 16 years

of age, unless the consumer, if the consumer is at least 13 years of age and less than 16 years of age, or the consumer’s parent or guardian, if the consumer is less than 13 years of age, has affirmatively authorized the sale or sharing of the consumer’s personal information.

This bill, the Leading Ethical AI Development (LEAD) for Kids Act, would, among other things related to the use of certain artificial intelligence systems by children, prohibit a developer, as defined, ~~of an artificial intelligence system from knowingly or recklessly using the personal information of a child to train a covered product unless the child, if the child is at least 13 years of age and less than 16 years of age, or the child’s parent or guardian, if the child is less than 13 years of age, has provided consent to the developer to use the child’s personal information for that specific purpose. The bill would also prohibit a developer~~ from designing, coding, substantially modifying, or otherwise producing a covered product that is intended to be used by or on a child in the state. The act would define “covered product” to mean an artificial intelligence system that is a companion chatbot, as defined, that can foreseeably take certain actions with respect to a child or an artificial intelligence system that is used to, among other things, collect or process a child’s biometric information for any purpose other than confirming a child’s identity, with the consent of the child’s parent or guardian, in order to grant access to a service, unlock a device, or provide physical access to an educational institution.

The act would authorize the Attorney General to recover a certain civil penalty, as prescribed. The act would authorize a child who suffers actual harm as a result of the use of a covered product, or a parent or guardian acting on behalf of that child, to bring a civil action to recover, among other relief, actual damages.

This bill would provide that its provisions are severable.

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

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

- 1 SECTION 1. Chapter 25.1 (commencing with Section
- 2 22757.20) is added to Division 8 of the Business and Professions
- 3 Code, to read:

1 CHAPTER 25.1. LEADING ETHICAL AI DEVELOPMENT (LEAD)
2 FOR KIDS
3

4 22757.20. This chapter shall be known as the Leading Ethical
5 AI Development (LEAD) for Kids Act.

6 22757.21. For purposes of this chapter:

7 (a) “Artificial intelligence system” means an engineered or
8 machine-based system that varies in its level of autonomy and that
9 can, for explicit or implicit objectives, infer from the input it
10 receives how to generate outputs that can influence physical or
11 virtual environments.

12 (b) “Biometric information” has the meaning defined in Section
13 1798.140 of the Civil Code.

14 (c) “Child” means a natural person under 18 years of age who
15 resides in this state.

16 (d) “Companion chatbot” means a generative artificial
17 intelligence system with a natural language interface that provides
18 adaptive, human-like responses to user inputs and is intended to,
19 or foreseeably will, be used to meet a user’s social needs, exhibits
20 anthropomorphic features, and is able to sustain a relationship with
21 the user across multiple interactions.

22 (e) “Covered product” means an artificial intelligence system
23 that is either of the following:

24 (1) A companion chatbot that can foreseeably do any of the
25 following:

26 (A) Attempt to provide mental health therapy to the child.

27 (B) Cause the child to develop a harmful ongoing emotional
28 attachment to the companion chatbot.

29 (C) Manipulate the child to engage in harmful behavior that
30 results in legally cognizable harms.

31 (2) An artificial intelligence system used to do any of the
32 following:

33 (A) Collect or process a child’s biometric information for any
34 purpose other than confirming a child’s identity, with the consent
35 of the child’s parent or guardian, in order to grant access to a
36 service, unlock a device, or provide physical access to an
37 educational institution.

38 (B) Generate a social score for a child.

39 (C) (i) Assess the emotional state of a child.

1 (ii) This subclause does not apply to an assessment of the
2 emotional state of a child in a medical setting with the consent of
3 the child’s parent or guardian or that is needed to provide
4 emergency care if the child’s parent or guardian is unavailable.

5 (D) Scrape an image that the developer or deployer ~~knows, or~~
6 ~~reasonably should know,~~ *knows* is a child’s face from the internet
7 or from surveillance footage without the consent of the child’s
8 parent or guardian.

9 (f) “Deployer” means a person, partnership, state or local
10 governmental agency, corporation, or developer that uses a covered
11 product for a commercial or public purpose.

12 (g) “Developer” means a person, partnership, state or local
13 governmental agency, corporation, or deployer that designs, codes,
14 substantially modifies, or otherwise produces a covered product.

15 (h) “Generative artificial intelligence” means artificial
16 intelligence that can generate derived synthetic content, including
17 text, images, video, and audio, that emulates the structure and
18 characteristics of the artificial intelligence’s training data.

19 (i) “Personal information” has the meaning defined in Section
20 1798.140 of the Civil Code.

21 (j) “Social score” means an evaluation or classification of a
22 child or group of children based on social behavior or personal
23 characteristics for a purpose that is likely to result in an adverse
24 impact to the child or children and is either of the following:

25 (1) Unrelated to the context in which the information relating
26 to the social behavior or personal characteristics was gathered.

27 (2) Disproportionate or unjustified relative to the social behavior.

28 (k) “Substantially modify” means to create a new version,
29 release, update, or other modification to a covered product that
30 materially changes its uses or outputs.

31 ~~22757.22. (a) A developer of an artificial intelligence system~~
32 ~~shall not knowingly or recklessly use the personal information of~~
33 ~~a child to train a covered product unless the child, if the child is~~
34 ~~at least 13 years of age and less than 16 years of age, or the child’s~~
35 ~~parent or guardian, if the child is less than 13 years of age, has~~
36 ~~provided consent to the developer to use the child’s personal~~
37 ~~information for that specific purpose.~~

38 ~~(b) A deployer of an artificial intelligence system shall not enter~~
39 ~~a data sharing agreement that allows the deployer to train a covered~~
40 ~~product with the personal information of a child unless the child,~~

1 if the child is at least 13 years of age and less than 16 years of age,
2 or the child's parent or guardian, if the child is less than 13 years
3 of age, has provided consent to the deployer to use the child's
4 personal information for that specific purpose.

5 (e)

6 22757.22. (a) (1) A developer shall not design, code,
7 substantially modify, or otherwise produce a covered product that
8 is intended to be used by or on a child in the state.

9 (2) A deployer shall not use a covered product for a commercial
10 or public purpose if the covered product is intended to be used by
11 or on a child in the state.

12 (d)

13 (b) With respect to a covered product that does not fall under
14 subdivision (e); (a), the developer of the covered product and any
15 deployer of the covered product shall implement reasonable steps
16 to ensure that the covered product is not used by or on a child in
17 the state.

18 (e)

19 (c) A developer or deployer of a covered product shall not
20 knowingly or recklessly process, or enable the processing of, a
21 child's personal information to train or fine-tune a covered product.

22 22757.23. A developer or deployer of a covered product, or
23 any contractor or subcontractor of a developer or deployer of a
24 covered product, shall not do either of the following:

25 (a) Prevent an employee from, or retaliate against an employee
26 for, disclosing information to the Attorney General pertaining to
27 a reasonable belief supporting the existence of a potential violation
28 of this chapter.

29 (b) Make false or materially misleading statements related to
30 its compliance with obligations imposed under this chapter.

31 22757.24. (a) The Attorney General may bring an action for
32 a violation of this chapter to obtain any of the following remedies:

33 (1) A civil penalty of twenty-five thousand dollars (\$25,000)
34 for each violation.

35 (2) Injunctive or declaratory relief.

36 (3) Reasonable attorney's fees.

37 (b) A child who suffers actual harm as a result of the use of a
38 covered product, or a parent or guardian acting on behalf of that
39 child, may bring a civil action to recover all of the following:

40 (1) Actual damages.

- 1 (2) Punitive damages.
- 2 (3) Reasonable attorney’s fees and costs.
- 3 (4) Injunctive or declaratory relief.
- 4 (5) Any other relief the court deems proper.
- 5 22757.25. *The provisions of this chapter are severable. If any*
- 6 *provision of this chapter or its application is held invalid, that*
- 7 *invalidity shall not affect other provisions or applications that can*
- 8 *be given effect without the invalid provision or application.*