

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 3080 (Alanis)
Version: May 2, 2024
Hearing Date: July 2, 2024
Fiscal: No
Urgency: No
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SUBJECT

The Parent's Accountability and Child Protection Act

DIGEST

This bill requires a person or business that makes available products that are illegal to make available to minors, including pornographic internet websites, to take reasonable steps to ensure the user is of legal age at the time of access, including by verifying the age of the user.

EXECUTIVE SUMMARY

The Parent's Accountability and Child Protection Act (PACPA) requires a person or business that seeks to sell any product or service that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser.

This bill expands on PACPA to apply similar requirements on businesses that make available a product that is illegal to make available to children. It similarly requires reasonable steps be taken to verify age, including requiring the user to input, scan, provide, or display a government-issued identification, requiring the user to use a nonprepaid credit card or debit card for online access, and implementing a system that enables only individuals with accounts designated as adult accounts to access the internet website.

This bill is supported by various organizations, including the California Catholic Conference and PERK Advocacy. It is opposed by a variety of organizations, including the Free Speech Coalition and the International Centre for Missing and Exploited Children.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides a right to free speech and expression. (U.S. Const., 1st amend; Cal. Const., art 1, § 2.)
- 2) Recognizes certain judicially created exceptions to the rights of freedom of speech and expression. (E.g., *Virginia v. Black* (2003) 538 U.S. 343, 359.)
- 3) Requires, pursuant to PACPA, a person or business that conducts business in California, and that seeks to sell any product or service in or into California that is illegal under state law to sell to a minor to, notwithstanding any general term or condition, take reasonable steps, as specified, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. (Civ. Code § 1798.99.1(a)(1).)
- 4) Provides that reasonable steps include:
 - a) Requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, as specified.
 - b) Requiring the purchaser to use a nonprepaid credit card for an online purchase.
 - c) Implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the products listed.
 - d) Shipping the product or service to an individual who is of legal age. (Civ. Code § 1798.99.1(a)(2).)
- 5) Lists the items subject to PACPA, including dangerous fireworks and firearms. (Civ. Code § 1798.99.1(b)-(c).)
- 6) Prohibits a person or business subject to PACPA from retaining, using, or disclosing any information it receives from a purchaser or recipient in an effort to verify age for any purpose other than as required by law. (Civ. Code § 1798.99.1(a)(6).)
- 7) Subjects violators to a civil penalty of up to \$7,500 in actions brought by public prosecutors. (Civ. Code § 1798.99.1(d).)

This bill:

- 1) Requires a person or business that conducts business in California, and that seeks to make available a product in California that is illegal under state law to make available to a minor, as described, to take reasonable steps to ensure the user is of legal age at the time of access, including, but not limited to, verifying the age of the user.
- 2) Specifies that products that are illegal to make available to minors include pornographic internet websites.
- 3) Defines “pornographic internet website” to mean a website on which the owner of the website, for commercial gain, knowingly publishes sexually explicit content that, on an annual basis, exceeds one-third of the contents published on the website. “Sexually explicit content” means visual imagery of an individual or individuals engaging in an act of masturbation, sexual intercourse, oral copulation, or other overtly sexual conduct that, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- 4) Provides that reasonable steps as used above include, but are not limited to, any of the following:
 - a) Requiring the user to input, scan, provide, or display a government-issued identification, provided that the person or business complies with all laws governing the retention, use, and disclosure of personally identifiable information, as specified.
 - b) Requiring the user to use a nonprepaid credit card or debit card for online access.
 - c) Implementing a system that enables only individuals with accounts designated as adult accounts to access the internet website.
- 5) Provides that a person or business required to comply with the bill shall ensure that the reasonable step is designed to anonymize a user’s identity and is incapable of being used to create a record of the user’s online activity.

COMMENTS

1. Online pornography

According to the author:

Over the past decade, a remarkable shift has occurred: today's youth have unlimited access to pornographic content around the clock. Smartphones have rendered explicit sexual imagery pervasive, discreet, and easily accessible. Children often encounter this material without seeking it, with

social media frequently serving as the gateway to pornographic websites. Many of the filters parents use to protect their children from such content have workarounds and glitches.

Pornography adversely affects the developing brains of children, hindering their growth. Studies indicate that it impacts users similarly to a drug, leading to addiction, altering neural connections, and diminishing the prefrontal cortex's ability to regulate executive functions and control impulses. Furthermore, it has degraded, and in numerous instances, undermined, the dynamics between genders. Some studies have even shown correlations between the rise of consumption of porn and the increase in sex trafficking, child pornography, and sexual abuse. California has long been on the forefront of legislation that aims to protect children from abuse and exploitation, yet, not restricting access to pornographic content leaves California minors at risk of psychological damage that could last a lifetime.

Just like retail and restaurant establishments are required to make a reasonable effort to verify the age of customers buying alcohol to prevent the negative effects on minors, AB 3080 prevents mental, emotional, physical, and developmental harm to California minors by requiring websites containing obscene and indecent material to adopt and operate reasonable age verification measures to ensure that users accessing the platform are not minors.

The author points to a recent opinion piece in the New York Times that connects children's exposure to online pornography to dangerous sexual proclivities:

Sexual strangulation, nearly always of women in heterosexual pornography, has long been a staple on free sites, those default sources of sex ed for teens. As with anything else, repeat exposure can render the once appalling appealing. It's not uncommon for behaviors to be normalized in porn, move within a few years to mainstream media, then, in what may become a feedback loop, be adopted in the bedroom or the dorm room.¹

2. Expanding PACPA

There are many laws protecting children in California from harmful materials. AB 2511 (Chau, Ch. 872, Stats. 2018) established PACPA to ensure that minors are not able to

¹ Peggy Orenstein, *The Troubling Trend in Teenage Sex* (April 12, 2024) The New York Times, <https://www.nytimes.com/2024/04/12/opinion/choking-teen-sex-brain-damage.html>. All internet citations are current as of June 26, 2024.

purchase specified items that they are not legally allowed to purchase. It requires businesses to take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. The law lists various conduct that meets this threshold, including requiring the purchaser or recipient to input, scan, provide, or display a government-issued identification, requiring the purchaser to use a nonprepaid credit card for an online purchase, and implementing a system that restricts individuals with accounts designated as minor accounts from purchasing the products listed.

This bill expands PACPA and follows this framework to require a person or business that seeks to make available a product in California that is illegal under state law to make available to a minor, as described, to take reasonable steps to ensure the user is of legal age at the time of access, including, but not limited to, verifying the age of the user. The bill provides conduct that would amount to taking reasonable steps, which mirror those already in PACPA and listed above.

The bill provides that the products that are illegal to make available to minors include pornographic internet websites. Violations are subject to civil penalties of up to \$7,500 per violations in actions brought by any public prosecutor. In response to concerns that have been raised, the author has agreed to limit enforcement of the provisions being added to PACPA by the bill to only actions brought by the Attorney General.

3. Age verification concerns

Age verification laws have been pursued across the globe:

Government agencies, private companies, and academic researchers have spent years seeking a way to solve the thorny question of how to check internet users' ages without the risk of revealing intimate information about their online lives. But after all that time, privacy and civil liberties advocates still aren't convinced the government is ready for the challenge.

"When you have so many proposals floating around, it's hard to ensure that everything is constitutionally sound and actually effective for kids," Cody Venzke, a senior policy counsel at the American Civil Liberties Union (ACLU), tells The Verge. "Because it's so difficult to identify who's a kid online, it's going to prevent adults from accessing content online as well."

In the US and abroad, lawmakers want to limit children's access to two things: social networks and porn sites. Louisiana, Arkansas, and Utah have all passed laws that set rules for underage users on social media. Meanwhile, multiple US federal bills are on the table, and so are laws in other countries, like the UK's Online Safety Bill. Some of these laws

demand specific features from age verification tools. Others simply punish sites for letting anyone underage use them – a more subtle request for verification.

Online age verification isn't a new concept. In the US, laws like the Children's Online Privacy Protection Act (COPPA) already apply special rules to people under 13. And almost everyone who has used the internet – including major platforms like YouTube and Facebook – has checked a box to access adult content or entered a birth date to create an account. But there's also almost nothing to stop them from faking it.²

The author also cites a report by France's National Commission on Informatics and Liberty (CNIL) that analyzes the various approaches to age verification, specifically in the context of pornographic sites. It lays out various approaches but cautions that most come with dire flaws:

With regard to the devices currently available on the market, the CNIL would first like to stress that the effectiveness of age verification tools depends on the operating rules of the Internet, which is designed as an open network, freely accessible to site users and publishers. While this finding should not prevent the pursuit of the legitimate objectives of protecting minors, care should also be taken to preserve the many benefits linked to this open model (innovation, freedom of expression, user autonomy, etc.). The move towards a closed digital world, where individuals are encouraged to register mainly in authenticated universes (via the creation of user accounts) to avoid a multiplication of identity or identity attribute verifications (age, address, diplomas, etc.) presents significant risks for the rights and freedoms of individuals, which need to be taken into account.

At present, all the solutions proposed can easily be circumvented. Indeed, the use of a simple VPN locating the Internet user in a country that does not require an age verification of this order can allow a minor to bypass an age verification system applied in France, or to bypass the blocking of a website that does not comply with its legal obligations. Similarly, it is difficult to certify that the person using a proof of age is the one who obtained it.

For example, in the UK, where such measures have long been considered, 23% of minors say they can bypass blocking measures and some pornographic content publishers already offer VPN services.

² Emma Roth, *Online age verification is coming, and privacy is on the chopping block* (May 15, 2023) The Verge, <https://www.theverge.com/23721306/online-age-verification-privacy-laws-child-safety>.

If the use of VPNs must be subject to a certain vigilance, it should be stressed that such technologies are also one of the essential building blocks of the security of exchanges on the Internet, used by many companies, but also by individuals wishing to protect their browsing from the tracking conducted by public or private stakeholders.³

On this latter point, the efficacy of age verification laws on the internet is drastically undercut by the ready access to VPNs. In fact, laws similar to this bill have led to a boom in the industry, as reported by Popular Science in an article entitled “Online porn restrictions are leading to a VPN boom”:

Internet users in a handful of states across the US are finding it more difficult to browse parts of the web anonymously. Over a dozen states, including Texas and Louisiana, have enacted legislation forcing Pornhub and other purveyors of streaming online adult videos to verify the identities of its users to ensure children and teens aren’t accessing “sexual material harmful to minors.” Elsewhere, in states like Florida, lawmakers have introduced so-called online parental consent laws that would limit or ban underage users from accessing social media services over claims they cause psychological harm. In each case, lawmakers want online platforms to collect government-IDs from users or have them submit to third-party age verification methods to ensure they are indeed adults.

But determining whether or not kids and teens are actually accessing those sites means platforms have no choice but to verify the ages of all users accessing their sites, minor or otherwise. Adult porn viewers, who could previously dip in and out of websites with a relative degree of anonymity, may now fear having their government name and photograph at arms length away from their last Pornhub search query. At the same time, critics of the new laws worry some far-right, religiously conservative lawmakers could broadly interpret “adult” material to include content from LGBTQ+ creators or other people from marginalized groups who rely on the internet for a sense of community. In that scenario, teens from abusive or difficult family structures could find themselves shut out from support structures online.

Experts speaking with PopSci say there are signs internet users in many of these states are turning to Virtual Private Networks (VPNs) to access otherwise blocked materials. Leading VPN provider Top10 VPN claims demand from VPN services jumped 275% on March 15, the same day Pornhub cut off access in Texas. The site says demand for VPNs similarly

³ *Online age verification: balancing privacy and the protection of minors* (September 22, 2022) CNIL, <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.

surged by 210% the day after a similar law took effect in Louisiana last year. ExpressVPN, another popular VPN provider, told PopSci it saw increased web traffic to its site the day anti-porn, online age verification bills took effect in seven out of eight states. . . .

VPNs, which date back to the mid 1990s, create an encrypted tunnel for user's data and can make it appear as if their computer is based in a different geographical location.⁴

As this bill defines a pornography website as having sexually explicit content that exceeds one-third of its content, children intent on finding porn would not even need a VPN as many commonly available sites with such material are not subject to the law. For instance, the social network formerly known as Twitter recently formalized its policy to allow for sexually explicit content on its site, which likely does not currently make up more than one-third of its content.

The elephant in the room with such laws is the First Amendment to the United States Constitution. The First Amendment, as applied to the states through the Fourteenth Amendment, prohibits Congress or the states from passing any law "abridging the freedom of speech."⁵ "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content."⁶ However, while the amendment is written in absolute terms, the courts have created a handful of narrow exceptions to the First Amendment's protections, including obscenity. Expression on the internet is given the same measure of protection granted to in-person speech or statements published in a physical medium.⁷

A constitutional challenge to a restriction on speech is generally analyzed under one of two frameworks, depending on whether the courts deem it to be "content neutral" or "content based," i.e., targeting a particular type of speech. A law is content neutral when it "serves purposes unrelated to the content of the expression."⁸ On the other hand, a law is content based when the proscribed speech is "defined solely on the basis of the content of the suppressed speech."⁹ If a restriction on speech is determined to be content based, it will be subject to strict scrutiny.¹⁰ A restriction is content based "if it require[s] 'enforcement authorities' to 'examine the content of the message that is

⁴ Mack Degeurin, *Online porn restrictions are leading to a VPN boom* (April 3, 2024) Popular Science, <https://www.popsci.com/technology/vpn-boom/>.

⁵ U.S. Const., 1st & 14th amends.

⁶ *Ashcroft v. American Civil Liberties Union* (2002) 535 U.S. 564, 573.

⁷ *Reno v. ACLU* (1997) 521 U.S. 844, 870.

⁸ *Ward v. Rock Against Racism* (1989) 491 U.S. 781, 791.

⁹ *FCC v. League of Women Voters* (1984) 468 U.S. 364, 383.

¹⁰ *McCullen v. Coakley* (2014) 573 U.S. 464, 478.

conveyed to determine whether' a violation has occurred."¹¹ Content-based restrictions subject to strict scrutiny are "presumptively unconstitutional."¹² A restriction can survive strict scrutiny only if it uses the least-restrictive means available to achieve a compelling government purpose.¹³

Specifically with reference to regulation of sexual content online, the United States Supreme Court in *Reno v. ACLU* (1997) 521 U.S. 844, 849 invalidated provisions of the Communications Decency Act of 1996 that established criminal penalties for the knowing transmission of obscene or indecent material in a manner likely to be accessible to a minor. Under the statute, an affirmative defense was available to "those who restrict access to covered material by requiring certain designated forms of age proof, such as a verified credit card or an adult identification number or code."¹⁴ Stressing the vagueness and breadth of the statute, the Supreme Court reiterated the principle that the government's interest in protecting children "does not justify an unnecessarily broad suppression of speech addressed to adults."¹⁵ The court also relied on the lower court's findings that there was no effective way to verify a user's age:

As a practical matter, the Court also found that it would be prohibitively expensive for noncommercial--as well as some commercial--speakers who have Web sites to verify that their users are adults. These limitations must inevitably curtail a significant amount of adult communication on the Internet. By contrast, the District Court found that "despite its limitations, currently available user-based software suggests that a reasonably effective method by which parents can prevent their children from accessing sexually explicit and other material which parents may believe is inappropriate for their children will soon be widely available."¹⁶

Congress responded by passing the Child Online Protection Act (COPA), which imposed criminal penalties on operators of websites that knowingly post, for commercial purposes, material that is "harmful to minors."¹⁷ An affirmative defense, again, was available for those who take reasonable measures to prevent minors from accessing the website, including age verification.¹⁸ In *Ashcroft v. ACLU* (2004) 542 U.S. 656, the United States Supreme Court affirmed the lower court's ruling that enforcement of the law should be suspended during a pending lawsuit because the statute likely violated the First Amendment. Applying strict scrutiny, the Court found

¹¹ *Id.* at p. 479.

¹² *Reed v. Town of Gilbert* (2015) 135 S.Ct. 2218, 2226 (*Reed*).

¹³ *United States v. Playboy Entertainment Group* (2000) 529 U.S. 803, 813.

¹⁴ *Reno*, 521 U.S. at pp. 860-861.

¹⁵ *Id.* at p. 875.

¹⁶ *Id.* at pp. 876-877.

¹⁷ *Ashcroft v. ACLU* 542 U.S. at p. 661.

¹⁸ *Id.* at p. 662.

that COPA was likely unconstitutional because content filters installed on computers by parents were less restrictive and more likely to be effective than age verification.¹⁹

Recently, a Texas law seeking to impose age verification requirements on pornographic websites was challenged, in part, on First Amendment grounds. The United States District Court for the Western District of Texas, relying on *Reno* and *Ashcroft*, subjected the bill to strict scrutiny and found it violated the First Amendment.²⁰ However, on appeal, the Fifth Circuit Court of Appeals refused to apply the above Supreme Court precedent, and applied a rational basis test, which asks whether a speech restriction is rationally related to the government's legitimate interest, a much less exacting standard.²¹ Overturning the lower court's ruling, the court found that the law did not violate the First Amendment.

The Free Speech Coalition writes in opposition to this bill arguing that it violates the First Amendment and highlights less restrictive means of achieving its goal:

In *Reno v. ACLU*, the Supreme Court found that the burdens posed by online age verification unnecessarily suppress access to protected speech, and that "less restrictive alternatives" – such as parental filters – "would be at least as effective" at barring minors from seeing adult material. Such filters are regularly used by our schools and workplaces, and are available for free on phones, tablets, laptops and home WiFi networks. They are easy to set up and put power in the hands of parents, rather than the government.

Filters can be tailored to remove sites like Twitter and Reddit which allow adult content, but may not reach the threshold ($\frac{1}{3}$ of content published in a year) required for liability under this bill. Filters can also trigger "safe search" settings on search engines, which prevent adult content or sites from appearing in search results.

More importantly, filters can not be evaded by use of a VPN – software that allows users to evade the regulations by masking their location while browsing the internet. A study by Common Sense Media found that 40% of minors already use VPNs. In the past year we've seen usage of VPNs skyrocket in states like Louisiana and Texas that have passed legislation similar to the bill you're considering. Unfortunately, in an effort to protect minors, AB-3080 will push more residents of California – young and old – to employ such tools, and encourage growth and traffic to less regulated, more dangerous areas of the web.

¹⁹ *Id.* at p. 673.

²⁰ *Free Speech Coal., Inc. v. Colmenero* (W.D. Tex. 2023) No. 1:23-CV-917-DAE, 2023 U.S. Dist. LEXIS 154065, at *85.

²¹ *Free Speech Coal., Inc. v. Paxton* (5th Cir. 2024) 95 F.4th 263.

In response to the concerns of opposition, the author has agreed to amendments that allow a less restrictive means to suffice in meeting the obligation of the bill, mitigating the impact on protected speech and expression. The amendments provide that “reasonable steps” includes the business implementing a system that includes metadata or response headers identifying the product as sexually explicit to parental control software, embedded hardware applications, and other similar services designed to block, filter, monitor or otherwise prevent a minor’s access to inappropriate online content, or that blocks users designated as minors by the operating system of the device used to access the website. It also limits enforcement of this new cause of action to the Attorney General and requires the Attorney General to promulgate regulations to provide better direction for reasonable steps to verify age in addition to those listed.

4. Stakeholder positions

California Baptists for Biblical Values writes in support:

The Bible says, “Be not deceived: evil communications corrupt good manners. Pornography viewing corrupts our society. In 2022, Common Sense performed a survey of 1,300 minors regarding their consumption of pornography. Most children gain access to pornography at the age that they receive their smartphones. 58% of the children were exposed to pornography accidentally. Among those who purposely consumed pornography, 71% of them viewed pornography within the week of the survey. An astounding 15% first viewed pornography at the age of 10 or younger. Pornography viewing by minors has detrimental effects. Dr. Sharon Cooper, a forensic pediatrician and faculty member at the University of North Carolina School of Medicine, maintains that “imagery definitely affects children” and that children receive unhealthy sexual images from adult pornography. Children observe what other people do and mimic those behaviors. Early porn exposure is tied to anxiety, violence, self-loathing, body dysphoria, addiction, and sexual function issues.

Similar age-verification bills have already passed in 8 states and been introduced in 26 others. Last month, the U.S. Court of Appeals for the Fifth Circuit upheld Texas’s age verification law. Its ruling stated, “Applying rational-basis review, the age-verification requirement is rationally related to the government’s legitimate interest in preventing minors’ access to pornography.... Therefore, the age-verification requirement does not violate the First Amendment.” Retail and restaurant establishments are required to make a reasonable effort to verify the age of customers buying alcohol to prevent the negative effects on minors. Websites with obscene and indecent material harmful to minors should be required to verify the age of their customers.

The International Centre for Missing and Exploited Children writes in opposition:

For ICMEC, age verification is a critical component in efforts to protect children, enhance online safety, and maintain ethical and legal standards in the digital era. Age verification is necessary to ensure compliance with laws and regulations related to explicit content, particularly when children are involved. Serving as a protective barrier, age verification measures make it challenging for children to access harmful content, acting as a deterrent against unintentional exposure, and enhancing the protection of children. As with any legislation, however, age verification laws must, first and foremost, be designed to effectively achieve their purpose: the protection of children. Critically, such laws must also carefully avoid unintended consequences that could prove harmful to children and, while prioritizing child safety, be conscientious of implications for adult internet users as well.

As CEO of a leading child protection organization, I write to you today because ICMEC is concerned that AB 3080, The Parent's Accountability and Child Protection Act, will prove ineffective in protecting children and that foreseeable unintended consequences could create even more harmful situations for them.

- ICMEC's experiences with existing regulations for internet companies suggest that there is no practical way to enforce platform-level age verification, which would require oversight of hundreds of thousands of sites, many of which are not U.S.-based but present significant exposure for children in the U.S.
- ICMEC's experiences with internet companies suggest that many companies with a genuine interest in protecting children would fully comply with the regulation and even exceed its mandates, but significantly more companies would comply minimally by finding technological solutions to circumvent the intended protections or would not even attempt to comply not at all.
- We further expect that children in California would circumvent the anticipated protection by finding ways to access those non-compliant sites, often through simple actions like using a basic virtual private network (VPN). In this way, California law could have the effect of driving children to the offshore and dark web sites that we know present the most safety risks to children.

We strongly believe that a device-level approach to age verification would be more effective in protecting children.

SUPPORT

3strands Global Foundation
California Baptist for Biblical Values
California Catholic Conference
Lighthouse Baptist Church
Perk Advocacy
Real Impact

OPPOSITION

ACLU California Action
Advocates for Youth
Call Off Your Old Tired Ethics
Community Health Project LA
Decriminalize Sex Work
Decrimsexworkca (DECRIMSWCA)
Educateus
Electronic Frontier Foundation
Foundation for Individual Rights and Expression
Free Speech Coalition
GLSEN
International Centre for Missing & Exploited Children
Los Angeles Sex Therapy
National Coalition Against Censorship
National Working Positive Coalition
New Moon Network
NMAC
Oakland Privacy
Organization for Polyamory and Ethical Non-monogamy
Privacy Rights Clearinghouse
RISE: Healthy for Life
Secular Student Alliance
Secure Justice
Sex Worker's Outreach Project Los Angeles
SIECUS: Sex Ed for Social Change
The Cupcake Girls
The Media Coalition
The Sidewalk Project
Woodhull Action Fund

RELATED LEGISLATION

Pending Legislation:

SB 976 (Skinner, 2024) prohibits operators of “internet-based services or applications” from providing “addictive feeds,” as those terms are defined, to minors without parental consent and from sending notifications to minors at night and during school hours without parental consent, as provided. This bill requires operators to make available to parents a series of protective measures for controlling access to and features of the platform for their children. This bill also requires reporting on data regarding children on their platforms, as specified. SB 976 is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1949 (Wicks, 2024) removes the condition in the California Consumer Privacy Act that a business must have actual knowledge that the consumer is less than 16 years of age before placing restrictions on the selling or sharing of their data and revises the prohibition to prohibit a business from selling or sharing the personal information of a consumer less than 18 years of age, unless the consumer, or the consumer’s parent or guardian, as applicable, has affirmatively authorized the sale or sharing of the consumer’s personal information. AB 1949 is currently in this Committee.

Prior Legislation: AB 2511 (Chau, Ch. 872, Stats. 2018) *See* Comment 2.

PRIOR VOTES:

Assembly Floor (Ayes 65, Noes 0)
Assembly Judiciary Committee (Ayes 11, Noes 0)
Assembly Privacy and Consumer Protection Committee (Ayes 10, Noes 0)
