

Assembly Bill No. 1709

Passed the Assembly August 31, 2026

Chief Clerk of the Assembly

Passed the Senate August 31, 2026

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2026, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 22.9 (commencing with Section 22682) to Division 8 of the Business and Professions Code, and to add Chapter 5.4 (commencing with Section 11530) to Part 1 of Division 3 of Title 2 of the Government Code, relating to business.

LEGISLATIVE COUNSEL’S DIGEST

AB 1709, Lowenthal. Covered platforms: age restriction: e-Safety Advisory Commission.

Existing law, the Protecting Our Kids from Social Media Addiction Act, prohibits an operator of an addictive internet-based service or application from providing an addictive feed, as defined, to a user unless the operator does not have actual knowledge that the user is a minor, as specified, or the operator has obtained verifiable parental consent to provide an addictive feed to the user who is a minor.

Existing law, the Digital Age Assurance Act, beginning January 1, 2027, requires a person who owns, maintains, or controls a software application, as defined, to request age bracket data sent by a real-time secure application programming interface or operating system with respect to a particular user from an operating system provider or a covered application store when the application is downloaded and launched.

This bill would prohibit a covered platform, as defined, from providing an addictive feature, as defined, to a user who is under 16 years of age and would require a covered platform to implement reasonable measures to ensure that users under 16 years of age are not offered or provided any addictive feature on the covered platform. The bill would also authorize the Attorney General to adopt regulations to implement and enforce the bill in order to further the purpose of protecting minors online, including by altering the scope of “covered platform” if the Attorney General determines that doing so is necessary to ensure that “covered platform” applies to internet websites, online services, online applications, or mobile applications that make addictive features, as defined, available to users under 16 years of age.

This bill would impose a civil penalty upon a noncompliant platform and would require its provisions to be enforced by a civil action brought only by the Attorney General or a local public prosecutor, as specified.

This bill would also establish the e-Safety Advisory Commission within the Department of Justice as an independent advisory body that is only for administrative purposes to advise state government on certain matters related to online safety and would require the commission to, on or before January 1 of each year, report to the Legislature and the Governor on, among other things, its activities under the bill.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Social media platforms are intentionally designed to maximize user engagement through features such as algorithmic content recommendation, infinite scroll, autoplay, and notifications, which mirror known behavioral reinforcement systems associated with addiction.

(b) Internal statements from social media company executives and researchers confirm that these platforms are engineered to encourage compulsive use, including through “dopamine-driven” feedback loops and reward systems designed to keep users returning repeatedly, often without regard to user well-being.

(c) Internal company documents further demonstrate that increasing “time spent” by young users has been a central business objective, including efforts to attract users at younger ages and maximize engagement during adolescence.

(d) Evidence from internal research and communications within social media companies indicates that employees and leadership have recognized that their products may foster addictive behaviors, including comparisons to slot machine-like reinforcement systems and acknowledgment that some users struggle to disengage despite limited benefit.

(e) Adolescents are uniquely vulnerable to these addictive design features due to ongoing brain development, including underdeveloped executive function, reduced impulse control, and heightened sensitivity to social reward and peer validation.

(f) Internal platform research has acknowledged that minor users are “particularly sensitive to reinforcement in the form of social reward,” have limited ability to self-regulate usage, and lack the neurological development necessary to effectively control screen time.

(g) Peer-reviewed research demonstrates that problematic social media and internet use is associated with measurable changes in the brain’s reward system, including increased sensitivity to rewards and structural and functional alterations, particularly among adolescents.

(h) Longitudinal neuroimaging research has found that habitual social media checking behaviors can alter brain development by increasing responsiveness to social rewards, which reinforces compulsive engagement patterns over time.

(i) A growing body of scientific literature shows that excessive and problematic social media use is associated with cognitive and behavioral harms, including diminished attention, reduced cognitive control, impaired memory and analytical skills, and decreased capacity for deep interpersonal interaction.

(j) Studies also demonstrate that problematic social media use is linked to increased psychological distress, including anxiety, depression, and sleep disruption, as well as interference with essential daily activities, including academic responsibilities, physical activity, and in-person social connection.

(k) Experts have concluded that social media harms adolescents at a scale that is sufficient to produce population-level effects on mental health and well-being.

(l) Despite growing evidence of harm, current regulatory frameworks do not adequately address the addictive design of social media platforms or provide consistent protections to prevent early exposure among minors.

(m) The State of California has a compelling interest in protecting children and adolescents from products and environments that are intentionally designed to exploit developmental vulnerabilities and reinforce compulsive use behaviors.

(n) Establishing a minimum age requirement for social media use is a reasonable and evidence-based measure to reduce exposure to addictive digital environments during critical stages of neurological and psychological development.

(o) The creation of an independent e-Safety Advisory Commission is necessary to provide ongoing advice related to digital platform safety, including outlining emerging risks associated with addictive design and ensuring age-appropriate protections for minors.

(p) It is the intent of the Legislature to align digital platform practices with established public health principles and to ensure that technological innovation does not come at the expense of the mental health, development, and well-being of California’s youth.

SEC. 2. Chapter 22.9 (commencing with Section 22682) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22.9. COVERED PLATFORM AGE RESTRICTION

22682. For purposes of this chapter:

(a) “Addictive feature” means any of the following psychologically exploitative features intended to maximize engagement that foreseeably lead to compulsive use:

- (1) An addictive feed.
- (2) Autoplay.
- (3) Any other feature defined in regulations adopted pursuant to Section 22685 as an addictive feature.

(b) “Addictive feed” means 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 any of the following conditions are met, alone or in combination with one another:

- (1) The information is not persistently associated with the user or user’s device and does not concern the user’s previous interactions with media generated or shared by others.
- (2) The information consists of search terms that are not persistently associated with the user or user’s device.
- (3) The information consists of user-selected privacy or accessibility settings, technical information concerning the user’s device, or device communications or signals concerning whether the user is a minor.

(4) The user expressly and unambiguously requested the specific media or media by the author, creator, or poster of the media, or the blocking, prioritization, or deprioritization of that media, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device, except as otherwise permitted by this chapter and, in the case of audio or video content, is not automatically played.

(5) The media consists of direct, private communications between users.

(6) The media recommended, selected, or prioritized for display is exclusively the next media in a preexisting sequence from the same author, creator, poster, or source and, if the media is audio or video content, is not automatically played.

(7) The recommendation, selection, or prioritization of the media is necessary to comply with this chapter or any regulations adopted pursuant to this chapter.

(c) (1) "Covered platform" means, subject to regulations adopted pursuant to Section 22685, an internet website, online service, online application, or mobile application, including, but not limited to, a social media platform, as defined in Section 22675, that offers users or provides users with an addictive feature as a significant part of the service provided by that internet website, online service, online application, or mobile application.

(2) "Covered platform" does not include either of the following:

(A) An internet website, online service, online application, or mobile application for which interactions between users are limited to commercial transactions or to consumer reviews of products, sellers, services, events, or places, or any combination thereof.

(B) An internet website, online service, online application, or mobile application that operates a feed for the primary purpose of cloud storage.

(d) "Personal information" has the meaning defined in Section 1798.140 of the Civil Code.

(e) "Social media platform" has the same meaning defined in Section 22675.

(f) "User" means a natural person who resides in the state and accesses or seeks to create an account on a covered platform.

22683. (a) (1) A covered platform shall not provide an addictive feature to a user who is under 16 years of age.

(2) This subdivision does not prohibit a covered platform from permitting a user who is under 16 years of age to create or maintain an account on the covered platform if that user is not provided with any addictive feature.

(b) A covered platform shall implement reasonable measures to ensure that users under 16 years of age are not provided any addictive feature on the covered platform.

22684. (a) (1) Before providing an addictive feature to a user, a covered platform shall verify the age of a user pursuant to the Digital Age Assurance Act (Title 1.81.9 (commencing with Section 1798.500) of Part 4 of Division 3 of the Civil Code) subject to any regulation adopted by the Attorney General pursuant to Section 22685.

(2) If a covered platform is unable to verify the age of the user pursuant to paragraph (1), the covered platform shall instead rely on the age determination with respect to the user made pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 27001 of the Health and Safety Code.

(b) (1) Except as provided in paragraph (2), a covered platform shall delete the account of a user under 16 years of age and any personal information associated with the user of the account.

(2) This subdivision does not apply to a covered platform that permits a user under 16 years of age to create or maintain an account on the platform pursuant to paragraph (2) of subdivision (a) of Section 22683.

22685. (a) The Attorney General may adopt regulations to implement and enforce this chapter in order to further the purpose of protecting minors online.

(b) Pursuant to subdivision (a), the Attorney General may alter the scope of “covered platform” if the Attorney General determines that doing so is necessary to ensure that “covered platform” applies to internet websites, online services, online applications, or mobile applications that make addictive features available to users under 16 years of age.

22686. (a) This chapter shall be enforced by a civil action brought only by the Attorney General, or a local public prosecutor.

(b) A covered platform that violates this chapter shall be subject to a civil penalty of the following:

(1) Up to fifty thousand dollars (\$50,000) per affected minor for a knowing violation.

(2) Up to twenty-five thousand dollars (\$25,000) per affected minor for a negligent violation.

(c) In assessing a civil penalty under this section, a court shall consider the size of the covered platform, the severity and duration of the violation, and the covered platform's good faith efforts to comply with this chapter.

SEC. 3. Chapter 5.4 (commencing with Section 11530) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 5.4. E-SAFETY ADVISORY COMMISSION

11530. As used in this chapter:

(a) "Commission" means the independent e-Safety Advisory Commission established pursuant to this chapter.

(b) "Covered entity" means a person that provides online services subject to age assurance requirements under state or federal law.

(c) "Minimum age" means 16 years of age.

11530.1. (a) (1) The e-Safety Advisory Commission is hereby established as an independent advisory body that is only for administrative purposes within the Department of Justice.

(2) The commission shall not be considered a part of the Department of Justice for any other purpose, including for purposes of Section 11043. The commission is purely advisory. The commission's advice and recommendations are not binding upon, and shall not be imputed to, any agency or department of the state.

(b) (1) The e-Safety Advisory Commission shall consist of members who possess relevant expertise.

(2) The commission shall include individuals with expertise or experience in one or more of the following areas:

(A) Pediatrics.

(B) Child psychology, adolescent psychology, or social psychology.

(C) Technology, including platform design, online safety, or age assurance technologies.

(D) Civil society organizations with expertise in children's online safety, online safety, or public health.

(E) Advocacy on behalf of marginalized youth, including, but not limited to, youth of color, foster youth, or youth with disabilities.

(F) Academia or research related to child development, public health, or online safety.

(G) Education, specifically those with expertise in K–12 education.

(3) At least one member of the commission shall have experience working on LGBTQ+ civil rights or statewide public policy related to LGBTQ+ youth.

(c) The commission shall select a chair and a vice chair from among its members and shall consist of the following seven members:

(1) Four appointees by the Governor.

(2) One appointee by the President pro Tempore of the Senate.

(3) One appointee by the Speaker of the Assembly.

(4) One appointee by the Attorney General.

(d) A member of the commission shall be subject to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

(e) A member of the commission shall serve at the pleasure of the appointing authority for a maximum of eight consecutive years.

(f) A member of the commission shall serve without compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of the member's duties.

11530.2. (a) The commission may provide advice and recommendations to state government regarding all of the following:

(1) The state of age assurance and age assurance technologies, including their effectiveness, privacy implications, accuracy, and feasibility for implementation by covered entities.

(2) Feedback from social media users, parents of minors, and online safety and children's safety organizations regarding the implementation of the state's online safety laws.

(3) The differential impact of online age restrictions on various groups, including youth of different ages, backgrounds, and identities.

(4) Harmful design features in covered entities and their impacts on youth health and well-being.

(5) Safety practices of covered entities to protect children.

(6) State agency rulemaking under Section 22685 of the Business and Professions Code.

(7) Safe access to online community for isolated LGBTQ+ youth.

(b) On or before January 1 of each year, the commission shall report to the Legislature, pursuant to Section 9795, and the Governor on all of the following:

- (1) The commission's activities under this chapter.
- (2) Proposed actions taken and proposed statutory changes.
- (3) Recommendations for legislative changes to enhance the protection of minors online.

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Approved _____, 2026

Governor