

Assembly Bill No. 1043

CHAPTER 675

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

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1043, Wicks. 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 or to forego privacy protections.

This bill, beginning January 1, 2027, would require, among other things related to age verification with respect to software applications, an operating system provider, as defined, to provide an accessible interface at account setup that requires an account holder, as defined, to indicate the birth date, age, or both, of the user of that device for the purpose of providing a signal regarding the user's age bracket to applications available in a covered application store and to provide a developer, as defined, who has requested a signal with respect to a particular user with a digital signal via a reasonably consistent real-time application programming interface regarding whether a user is in any of several age brackets, as prescribed. The bill would require a developer to request a signal 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 an operating system provider or a covered application store from using data collected from a third party in an anticompetitive manner, as specified.

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

This bill would declare its provisions to be severable.

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

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

TITLE 1.81.9. DIGITAL AGE ASSURANCE ACT

1798.500. For the purposes of this title:

(a) (1) "Account holder" means an individual who is at least 18 years of age or a parent or legal guardian of a user who is under 18 years of age in the state.

(2) "Account holder" does not include a parent of an emancipated minor or a parent or legal guardian who is not associated with a user's device.

(b) "Age bracket data" means nonpersonally identifiable data derived from a user's birth date or age for the purpose of sharing with developers of applications that indicates the user's age range, including, at a minimum, the following:

(1) Whether a user is under 13 years of age.

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

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

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

(c) "Application" means a software application that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device that can access a covered application store or download an application.

(d) "Child" means a natural person who is under 18 years of age.

(e) (1) "Covered application store" means a publicly available internet website, software application, online service, or platform that distributes and facilitates the download of applications from third-party developers to users of a computer, a mobile device, or any other general purpose computing device that can access a covered application store or can download an application.

(2) "Covered application store" does not mean an online service or platform that distributes extensions, plug-ins, add-ons, or other software applications that run exclusively within a separate host application.

(f) "Developer" means a person that owns, maintains, or controls an application.

(g) "Operating system provider" means a person or entity that develops, licenses, or controls the operating system software on a computer, mobile device, or any other general purpose computing device.

(h) "Signal" means age bracket data sent by a real-time secure application programming interface or operating system to an application.

(i) "User" means a child that is the primary user of the device.

1798.501. (a) An operating system provider shall do all of the following:

(1) Provide an accessible interface at account setup that requires an account holder to indicate the birth date, age, or both, of the user of that device for the purpose of providing a signal regarding the user's age bracket to applications available in a covered application store.

(2) Provide a developer who has requested a signal with respect to a particular user with a digital signal via a reasonably consistent real-time application programming interface that identifies, at a minimum, which of the following categories pertains to the user:

- (A) Under 13 years of age.
- (B) At least 13 years of age and under 16 years of age.
- (C) At least 16 years of age and under 18 years of age.
- (D) At least 18 years of age.

(3) Send only the minimum amount of information necessary to comply with this title and shall not share the digital signal information with a third party for a purpose not required by this title.

(b) (1) A developer shall request a signal with respect to a particular user from an operating system provider or a covered application store when the application is downloaded and launched.

(2) (A) A developer that receives a signal pursuant to this title shall be deemed to have actual knowledge of the age range of the user to whom that signal pertains across all platforms of the application and points of access of the application even if the developer willfully disregards the signal.

(B) A developer shall not willfully disregard internal clear and convincing information otherwise available to the developer that indicates that a user's age is different than the age bracket data indicated by a signal provided by an operating system provider or a covered application store.

(3) (A) Except as provided in subparagraph (B), a developer shall treat a signal received pursuant to this title as the primary indicator of a user's age range for purposes of determining the user's age.

(B) If a developer has internal clear and convincing information that a user's age is different than the age indicated by a signal received pursuant to this title, the developer shall use that information as the primary indicator of the user's age.

(4) A developer that receives a signal pursuant to this title shall use that signal to comply with applicable law but shall not do either of the following:

(A) Request more information from an operating system provider or a covered application store than the minimum amount of information necessary to comply with this title.

(B) Share the signal with a third party for a purpose not required by this title.

1798.502. (a) With respect to a device for which account setup was completed before January 1, 2027, an operating system provider shall, before July 1, 2027, provide an accessible interface that allows an account holder to indicate the birth date, age, or both, of the user of that device for the purpose of providing a signal regarding the user's age bracket to applications available in a covered application store.

(b) If an application last updated with updates on or after January 1, 2026, was downloaded to a device before January 1, 2027, and the developer has not requested a signal with respect to the user of the device on which the application was downloaded, the developer shall request a signal from a covered application store with respect to that user before July 1, 2027.

1798.503. (a) A person that violates this title shall be subject to an injunction and liable for a civil penalty of not more than two thousand five hundred dollars (\$2,500) per affected child for each negligent violation or not more than seven thousand five hundred dollars (\$7,500) per affected child for each intentional violation, which shall be assessed and recovered only in a civil action brought in the name of the people of the State of California by the Attorney General.

(b) An operating system provider or a covered application store that makes a good faith effort to comply with this title, taking into consideration available technology and any reasonable technical limitations or outages, shall not be liable for an erroneous signal indicating a user's age range or any conduct by a developer that receives a signal indicating a user's age range.

1798.504. (a) This title does not modify, impair, or supersede the operation of any antitrust law.

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

(c) An operating system provider or a covered application store shall comply with this title in a nondiscriminatory manner, including, but not limited to, by complying with both of the following:

(1) An operating system provider or a covered application store shall impose at least the same restrictions and obligations on its own applications and application distribution as it does on those from third-party applications or application distributors.

(2) An operating system provider or a covered application store shall not use data collected from a third party in the course of compliance with this title to compete against that third party, give the covered application store's services preference relative to those of a third party, or to otherwise use this data or consent mechanism in an anticompetitive manner.

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

(e) If any provision of this title, or application thereof, to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this title that can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.

(f) This title does not apply to any of the following:

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

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

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

(g) This title does not impose liability on an operating system provider, a covered application store, or a developer that arises from the use of a device or application by a person who is not the user to whom a signal pertains.

1798.505. This title shall become operative on January 1, 2027.