

**CALIFORNIA DEPARTMENT OF JUSTICE**

**TITLE 11. LAW  
DIVISION 1. ATTORNEY GENERAL  
CHAPTER 5.5. PROTECTING OUR KIDS FROM SOCIAL MEDIA ADDICTION ACT**

**NOTICE OF PROPOSED RULEMAKING**

Notice published May 15, 2026

The Department of Justice (Department) proposes to adopt sections 550 through 581 of title 11, division 1, chapter 5.5 of the California Code of Regulations concerning the Protecting Our Kids from Social Media Addiction Act, Senate Bill 976 (2024), codified at Health and Safety Code sections 27000-27007 (“the Act”).

**PUBLIC HEARING**

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed regulations, as follows:

**Date:** June 30, 2026  
**Time:** 1:00-3:00pm  
**Location:** Elihu Harris Auditorium  
1515 Clay Street  
Oakland, CA 94612  
**Remote Participation:** <https://doj-ca.zoomgov.com/j/1655551112>  
**Phone Participation:** (669) 254-5252, access code 165 555 1112

Members of the public who wish to speak at the hearing are requested to RSVP in advance on the Department’s website at <https://oag.ca.gov/sb976>. Speakers will be called in the order of the RSVP. The information provided will help the Department plan hearing logistics and accommodate participants.

The Department requests, but does not require, that persons who provide oral comments at the hearing also submit a written copy of their testimony to [SB976@doj.ca.gov](mailto:SB976@doj.ca.gov).

**WRITTEN COMMENT PERIOD**

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **June 30, 2026 at 5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice  
Consumer Protection Section  
Attn: D. DuBois

1515 Clay Street  
Oakland, CA 94612  
[SB976@doj.ca.gov](mailto:SB976@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

## **AUTHORITY AND REFERENCE**

Authority: Health and Safety Code section 27006

Reference: Health and Safety Code sections 27000, 27000.5, 27001, 27002, 27003, 27004, 27005, 27006 and 27007

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Summary of Existing Laws and Regulations:**

#### **Protecting Our Kids from Social Media Addiction Act**

Signed into law in September 2024, the Act makes it unlawful for online platforms, including social media, to provide addictive feeds and certain features to minors without parental consent. Beginning January 1, 2027, an operator of an addictive internet-based service or application cannot provide an addictive feed or send notifications during certain nighttime and school hours to users in California unless the operator (1) has “actual knowledge” that the user is not a minor, (2) reasonably determines that the user is not a minor, or (3) obtains verifiable parental consent to provide the addictive feed or send the notifications to the minor. (Health & Saf. Code, §§ 27001, 27002.) The Act defines a “minor” as a user under the age of 18 who is located in the State of California. (*Id.* at § 27000.5.)

The Act mandates the Attorney General to adopt implementing regulations in furtherance of the purposes of the Act by January 1, 2027, with express requirements regarding the methods of age assurance and verifiable parental consent. (*Id.* at §§ 27001, 27006, subd. (b).) As part of this rulemaking, the Act requires the Department to solicit public comment regarding the impact that any regulations might have based on the nondiscrimination characteristics set forth in Section 51 of the Civil Code or in any other applicable law. (*Id.* at § 27006, subd. (c).)

#### **Other Laws**

Health and Safety Code section 27004, subdivision (c), provides that the protections provided by the Act are in addition to those provided by any other applicable law.

The federal Children’s Online Privacy Protection Act (COPPA) regulates the collection of personal information from children under the age of 13. (15 U.S.C. § 6501 et seq.)

The California Consumer Privacy Act prohibits a business from selling or sharing the personal information of a child that is 16 years of age or younger if the business has actual knowledge of the child's age unless the child, or the child's parent or guardian in the case of children younger than 13 years old, has affirmatively authorized the selling or sharing of their personal information. (Civ. Code § 1798.100 et seq.)

The California Digital Age Assurance Act, which becomes operative on January 1, 2027, will require operating system providers to develop a digital signal that will be sent to application developers informing them of the age bracket of the user who is downloading their application or entering their website. (Civ. Code § 1798.500 et seq.)

### **Effect of the Proposed Rulemaking:**

The proposed regulations provide specific guidance regarding (1) an operator's obligation under the Act to make a reasonable determination that a user is not a minor before providing addictive features; and (2) an operator's obligation under the Act to obtain verifiable parental consent to provide addictive features to minors. Below is a summary of key provisions of the proposed regulations.

#### Reasonable Determination That the User Is Not a Minor

The proposed regulations establish how to comply with the Act's requirement that, in the absence of actual knowledge that a user is not a minor, businesses must reasonably determine that a user is not a minor prior to providing the addictive features covered by the Act (namely, notifications during prohibited times or addictive feeds). The proposed regulations require operators to use one or more age assurance methods that perform with measurable consistency and are testable with quantifiable results that show the rate of the method's accuracy. The proposed regulations provide clarity for compliance by providing a non-exhaustive list of methodologies that would not lead to a reasonable determination.

The proposed regulations require operators to publish and maintain on their website a report describing the measures that the operator takes to ensure that it reasonably determines, in compliance with the Act, whether or not a user is a minor. The operator must include the following information in its report: (1) a description of the age assurance method(s) used, the data relied upon, and how that data is collected; (2) the operator's basis for relying on that data for age assurance purposes; (3) an explanation of how the operator's application of the age assurance method(s) yields a reasonable determination that a user is not a minor; and (4) a summary of the measures taken to ensure the accuracy of the age assurance method.

The proposed regulations take a global approach to ensure that operators make reasonable determinations of whether a user is a minor. The proposed regulations require operators to implement an appeals process and take measures to prevent circumvention, fraud, or misuse of an age assurance method. The proposed regulations further require that once an operator has determined that a user is a minor, the operator must apply this determination consistently across all points of access. This requirement is intended to prevent a minor from receiving addictive

feeds via the operator's website after the operator determined the user was a minor via its mobile application.

The proposed regulations also provide clarity on the requirements of Health and Safety Code 27001, subdivision (b), regarding the use and retention of information for the purpose of determining whether or not a user is a minor.

#### Verifiable Parental Consent

The proposed regulations establish requirements for operators obtaining verifiable parental consent to provide minors with addictive features. The proposed regulations require operators to obtain permission from a minor before seeking verifiable parental consent, and to provide specific information to both minors and parents when seeking consent. A minor or parent may withdraw consent at any time.

The proposed regulations also mandate that operators implement, maintain, and document a protocol to prevent circumvention, fraud, or misuse of the method to obtain verifiable parental consent.

#### **Anticipated Benefits of the Proposed Regulations:**

The California Legislature explained that some social media platforms have evolved to include addictive features that pose a significant risk of harm to the mental health and well-being of children and adolescents. The Act aims to protect children and adolescents by requiring businesses to obtain verifiable parental consent before they provide children and adolescents with certain addictive features. The proposed regulations will benefit the welfare of California residents because they will facilitate compliance with the Act. The proposed regulations also provide operators with flexibility in how they determine whether a user is a minor while also establishing sensible guardrails. This furthers the purposes of the Act, acknowledges that different operators may approach age assurance differently, and encourages innovation in this evolving field. The proposed regulations' reporting requirements will benefit the public because they promote transparency about how operators make the age determinations required by the Act and will allow for efficient monitoring of operators' compliance with the Act. The proposed regulations regarding verifiable parental consent will benefit the public by providing minors the ability to decide whether an operator may seek parental consent, establishing safeguards relating to parental consent, and by providing minors and parents with relevant information that they may consider when deciding whether or not to give consent.

#### **Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to the proposed regulations.

### **Determination of Inconsistency/Incompatibility with Existing State Regulations:**

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing State regulations because there are no existing regulations that address the specific subject matter of the proposed regulations.

### **Forms Incorporated by Reference:**

None.

### **Other Statutory Requirements:**

Health and Safety Code section 27006, subdivision (c), requires the Department to solicit public comment regarding the impact that any regulation might have based on the nondiscrimination characteristics set forth in Civil Code section 51 or in any other applicable law. During its pre-rulemaking process, the Department held a public meeting and invited the public to submit written comment. A recording of the public meeting is available at <https://oag.ca.gov/sb976>. Members of the public are also invited to submit further public comments regarding this issue during the comment periods described in this notice.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

#### **The Department's Initial Determinations:**

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The proposed regulations may result in costs to the Department relating to the enforcement of the regulations, including the hiring of attorneys and support staff. However, these costs may be offset to the extent that penalty revenue is collected and allocated back to the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: The compliance costs associated with the regulations will vary depending on the maturity of the business's age assurance systems, the number of users it has, and the number of those users who grant permission for an operator to seek verifiable parental consent. Average first year costs for operators whose user base consists of the largest possible set of users are \$82,707 for age assurance costs, \$4,008 for verifiable parental consent costs, and \$5,490 for reporting and compliance costs. These costs are expected to decrease after the first year. The Attorney General found no cost impact on consumers.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### **Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposed regulations will create or eliminate jobs within the state, (2) unlikely that the proposed regulations will have a significant impact on the creation of new businesses or elimination of existing businesses within the state, (3) unlikely that the proposed regulations will result in the significant expansion of businesses currently doing business within the state.

The Department also concludes that:

(1) The proposed regulations would benefit the health and welfare of California residents because they implement the Act which provides Californians with agency concerning when operators provide addictive features to minors. By providing clear standards for the measures operators must take to comply with the Act, the proposed regulations reduce the transaction costs of compliance, increase legal certainty, and allow for more efficient implementation.

(2) The proposed regulations would not benefit worker safety because they do not regulate worker safety standards.

(3) The proposed regulations would not benefit the state's environment because they do not regulate any applicable environmental standards.

Business report requirement: Section 561, subdivision (c), of the proposed regulations require an operator to publish and maintain on its website a report describing the measures it takes to reasonably determine that a user is not a minor. The operator must include the following information in its report: (1) a description of the age assurance method(s) used, the data relied upon, and how that data is collected; (2) the operator's basis for relying on that data for age assurance purposes; (3) an explanation of how the operator's application of the age assurance method(s) yields a reasonable determination that a user is not a minor; and (4) a summary of the measures taken to ensure the accuracy of the age assurance method. The summary required by section 561, subdivision (c), paragraph (4), requires an operator to include, at a minimum: (i) the measures taken to prevent and account for circumvention, fraud, or misuse of the age assurance method; (ii) the measures taken to avoid the use of low-quality data that could result in incorrectly identifying a minor being as being at least 18 years of age or in an inconclusive age assurance outcome; (iii) a description of how each age assurance method use is testable and how the operator ensures that it is reasonably effective and measurably consistent; (iv) a quantitative description of the effectiveness of the age assurance method(s) used at correctly identifying minors as being under 18 years of age; and (v) a description of how and how often the operator tests, audits, and reviews each age assurance method used.

The Department finds that the report requirement in proposed section 561, subdivision (c), of the proposed regulations is necessary for the health, safety, and welfare of the people of this State to further the purposes of the Act and to provide transparency about how operators are complying with the Act.

Small business determination: The Department has determined that the proposed action will have a minimal effect on small businesses. In the short term, the proposed regulations may impose relatively greater costs to smaller operators if the operators have limited existing age verification, parental consent, and compliance infrastructure. In the longer term, however, the differential impacts will be smaller as third-party service providers create a competitive market to offer small businesses products that perform age verification and parental consent. As competition increases and technology advances, overall compliance costs are expected to fall.

### **CONSIDERATION OF ALTERNATIVES**

Government Code section 11346.5, subdivision (a)(13), requires that the Department determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department has determined that the proposed action is the most effective way to further the purposes of the Act. Alternatives to the proposed regulation that the Department itself considered are further described in the Initial Statement of Reasons.

The Department invites interested persons to submit alternatives with respect to the proposed regulations at either the public hearing or during the written comment period.

### **CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice  
Consumer Protection Section  
Attn: D. DuBois  
1515 Clay Street  
Oakland, CA 94612  
510-879-3992  
[SB976@doj.ca.gov](mailto:SB976@doj.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Department of Justice  
Consumer Protection Section

Attn: S. Schesser  
1515 Clay Street  
Oakland, CA 94612  
510-879-3992  
[SB976@doj.ca.gov](mailto:SB976@doj.ca.gov)

**AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/sb976>. Please refer to the contact information listed above to obtain copies of these documents.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt the proposed regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/sb976>. Please refer to the contact information included above to obtain a copy of the final statement of reasons.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/sb976>.