

ASSEMBLY BILL

No. 1665

Introduced by Assembly Member Chau

February 22, 2019

An act to add Section 1798.99.2 to the Civil Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as introduced, Chau. The Parent's Accountability and Child Protection Act.

Existing federal law requires an operator of an internet website or online service directed to a child, as defined, or an operator of an internet website or online service that has actual knowledge that it is collecting personal information from a child to provide notice of what information is being collected and how that information is being used, and to give the parents of the child the opportunity to refuse to permit the operator's further collection of information from the child.

Existing law prohibits an operator of an internet website, online service, online application, or mobile application, as specified, from marketing or advertising specified types of products or services to a minor. Existing law, the Parent's Accountability and Child Protection Act, commencing on January 1, 2020, requires a person or business that conducts business in California and that seeks to sell specified products or services to 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 would prohibit a person or business that conducts business in California, that operates an internet website or application that seeks to use a minor's name, picture, or any information about the minor on

a social media internet website, or application, as specified, from doing so without obtaining prior parental consent.

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

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

- 1 SECTION 1. Section 1798.99.2 is added to the Civil Code,
- 2 immediately following Section 1798.99.1, to read:
- 3 1798.99.2. (a) A person or business that conducts business in
- 4 California, that operates an internet website or application that
- 5 seeks to use a minor’s name, picture, or any information about the
- 6 minor on a social media internet website or application pursuant
- 7 to an arrangement in which the person or business is paid by a
- 8 third party to display the minor’s name, picture, or information
- 9 that could reasonably identify the minor shall not do so without
- 10 obtaining prior parental consent, which shall be separate from the
- 11 social media internet website or the application’s general terms
- 12 and conditions. The failure of a parent to provide the parental
- 13 consent to the use of the minor’s name, picture, or information
- 14 shall not result in any minor being denied access to the social media
- 15 internet website or application.
- 16 (b) Parental consent shall not be obtained through the minor.