



Tech Oversight

CALIFORNIA

April 10, 2026

**Re: AB 2246 (Wicks) Online service, product, or feature: access by children–
Co-sponsor and SUPPORT**

Assemblymember Wicks:

On behalf of Tech Oversight California, I write in strong support of AB 2246 and to express our pride in co-sponsoring this legislation, which updates and strengthens California's Age Appropriate Design Code to reflect the legal, evidentiary, and technological developments of the past four years.

TOC is an advocacy organization that champions meaningful tech accountability reforms to address Big Tech's toxic business model and provide powerful online protections for Californians. As longstanding advocates for privacy-by-default and safety-by-design legislation and platform accountability, we were proud to support your original AADC legislation, which set a high-water mark for the nation when it passed with near-unanimous bipartisan support in 2022. In the years since, we have built on this work alongside advocates, families, and lawmakers across the country by enacting AADC laws in four additional states -- Maryland, Nebraska, Vermont, and South Carolina -- with legislation introduced or advancing in more than a dozen others. The model has become the go-to framework for design-centered online safety efforts across the country because it is purposely platform-neutral, meaning it protects kids across all types of digital products and services, not only social media. AB 2246 builds on that strong foundation, incorporates lessons we have learned over the past four years, and offers the opportunity to more directly confront design-based problems connected to A.I. chatbots.

Proof young people need better protections couldn't be more conclusive: in the span of 24 hours last month, juries in California and New Mexico delivered the first monetary verdicts in American history holding social media companies liable for design-driven harm to young users. TOC worked closely on the Los Angeles bellwether case, in which a jury found Meta and Google liable for designing platforms whose addictive features -- algorithmic amplification, infinite scroll, social comparison mechanics -- caused lasting



Tech Oversight

CALIFORNIA

psychological harm to a young woman who began using these products as a child. The day before, a New Mexico jury ordered Meta to pay \$375 million in civil penalties for misleading the public about platform safety and enabling child sexual exploitation.

These verdicts confirm what parents and advocates have known for years: the harms are rooted in product design, and design-centered solutions are exactly the right response. The Los Angeles case was the first bellwether in litigation involving thousands of plaintiffs – families, school districts, states, and localities – with additional trials scheduled through 2026 and beyond, continuing to shine a spotlight on the severity of this problem and the urgency to act.

The 9th Circuit has clarified the path forward. The court's March 12, 2026, ruling in *NetChoice v. Bonta* rejected the industry's attempt to strike down the AADC in its entirety. The court found that *NetChoice* failed to show the law's coverage definition or age estimation requirement facially violates the First Amendment. It also identified with precision the provisions that need tightening on vagueness grounds. AB 2246 incorporates those lessons directly, with statutory language designed to be clear and concise to withstand future constitutional challenges from Big Tech.

The threat is evolving, and the legislation must evolve with it. The scope and severity of the AI chatbot problem has grown dramatically since the original AADC was enacted. Multiple lawsuits against Character.AI -- including cases tied to the deaths of children who formed destructive emotional attachments to AI companions -- resulted in settlements earlier this year. A separate lawsuit against OpenAI over the death of California teenager Adam Raine is ongoing. These cases have exposed a category of design-driven harm that did not exist at scale in 2022: products that create the illusion of talking with a human being and deliberately elicit feelings of intimacy from young users, often with devastating consequences.

Because the Kids Code approach is purposely platform-neutral, the AADC laws already going into effect in other states offer some of the first protections in the country for kids interacting with AI. AB 2246 offers us the opportunity to go further by incorporating new legislative language that more directly addresses chatbot-specific risks, including expanding covered design features to capture an even wider array of online products and services. We can continue to build on design-centered solutions to design-centered



Tech Oversight

CALIFORNIA

problems, and place responsibility where it belongs: on the companies that build these products and profit from our kids' engagement.

We have been honored to work alongside families affected by these harms to amplify their stories and seek the design-centered reforms that these cases prove are necessary. We applaud your continued leadership in this space and look forward to working with you to ensure California continues to lead the country in the protection of kids online.

Respectfully,

Sacha Haworth
Executive Director
Tech Oversight California