



california website bill aimed at protecting children may be signed into law

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As of August 30, 2022, both the California state Assembly and Senate have approved bill AB 2273, otherwise known as the "California Age-Appropriate Design Code Act" ("AADC"). If Governor Gavin Newsom signs the bill (or if the legislature overrides a gubernatorial veto), starting July 1, 2024 the AADC will impose significant new obligations on all businesses providing "an online service, product, or feature likely to be accessed by children." "Children" are defined as any "consumers" under the age of 18.

A broad array of websites would become subject to the AADC, including those hosted and maintained in other states that have California users. The AADC defines an online service, product, or feature as being "likely to be accessed by children" if it is "reasonable to expect" that the service, product, or feature would be accessed by children. This test of "reasonable expectation" is based on a number of indicators. These indicators include: marketing or advertising to children; factual evidence or internal research showing routine access "by a significant number of children"; and "design elements that are known to be of interest to children," including but not limited to "games, cartoons, music, and celebrities who appeal to children."

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