September 9, 2022

The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento CA 95814

RE: **AB 2273** – The California Age-Appropriate Design Code Act – **Request for Veto**

Dear Governor Newsom,

We write to respectfully request you **veto AB 2273**, the California Age-Appropriate Design Code Act. While we strongly agree with protecting California's children online, this misguided bill would subject an excessively large range of companies to severe requirements and restrictions that would hamper innovation and hurt California consumers.

AB 2273's definition of child as "a consumer or consumers who are under 18 years of age" goes far beyond other definitions in privacy laws. The Children's Online Privacy Protection Rule (COPPA) defines a child as under 13 years of age, and California's own California Consumer Privacy Act (CCPA) and California Privacy rights Act (CPRA) differentiates children into categories of those under 13, those 13 to 15, and those 16 or older. The result of the overly broad definition of a "child" in AB 2273 is an environment where a toddler is may be treated the same as a senior in high school. Moreover, the bill ropes in almost every website because there is very little difference in online activity between an older teen and an adult.

In addition, AB 2273 sweeps in any property that displays even minimal advertising that could appeal to children, which will result in nearly every company falling under the bill's reach. For example, the bill could be read to apply to the online offerings of clothing retailers, professional sports organizations, and restaurants, because it's possible 17-year-olds may access them. In addition, to help ensure "children" are not "likely" to access an online service, product or feature, businesses may require visitors to pass through "age gates" for access. Anyone attempting to access a website would have to provide specific age information to the site owner before reading its contents. The legislation would significantly hamper an individual's ability to seamlessly move from one website to the next to reach desired information or content. Moreover, the bill's onerous standards and broad reach will severely hinder companies from doing business in California and degrade the consumer experience online. Furthermore, AB 2273 appears to sweep in properties that have any design elements, for example music or celebrities, that could appeal to children. For example, must a website that displays something about Taylor Swift comply with this bill – meaning it must either ban teens from its site after age verifying everyone – or stop showing targeted digital ads on its platform Again, because the bill defines children as any user under the age of 18, this will result in an overly broad application of the law to properties intended for adults.

AB 2273 would deprive California's youth of access to and benefit from the Internet. The bill would prevent California's minors from accessing a wealth of information that otherwise would be at their fingertips. Shrinking the variety of content, viewpoints, voices, and information 17-year-olds can reach will not protect them, but instead will ensure they will not have the same experience with the Internet as their contemporaries living in other states. California's youth do not require a protectionist shield from information about the world. AB 2273 will turn off California minors' access to the greatest informational resource in modern history.

AB 2273's definition of "child" to include teens will make them lose access to future opportunities. The bill prohibits use of personal information about a child for any reason other than the reason the personal information was collected. This prohibition could functionally end access to information for California high school seniors, which would deprive them of the ability to learn about colleges, trade programs, military recruitment, and myriad opportunities for their future. California should not enact a law that could hurt minors' ability to plan for their futures.

AB 2273's terms conflict with existing California privacy law. California businesses have worked diligently to come into compliance with the CCPA and CPRA. CCPA and CPRA provide heightened protections for consumers under the age of 16. AB 2273's creation of a different age range constituting "children" will create conflicting and confusing requirements for businesses operating in California. AB 2273 does not align with existing California privacy law.

While we understand the need to protect children as they navigate the internet, AB 2273 is the wrong way to accomplish this goal. The over-broad definitions included in the bill mean that while intended to protect children, the bill will apply to many websites and applications with intended audiences outside of this scope. Imposing the bill's requirements onto most of the internet will decrease innovation, remove vital benefits of the internet for children, harm the consumer experience, and hamper the data driven economy.

We strongly and respectfully urge you to veto this bill.

Sincerely,

Christopher Oswald
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