

June 17, 2026

Hon. Chris Cabaldon
Chair, Senate Privacy, Digital Technologies,
& Consumer Protection Committee
Hon. Committee Members
1020 N Street, Room 568
Sacramento, CA 95814

Hon. Thomas J. Umberg
Chair, Senate Judiciary Committee
Hon. Committee Members
1021 O Street, Room 3240
Sacramento, CA 95814

RE: AB 1709 – CHANGE OF POSITION TO SUPPORT

Dear Chairs and Honorable Committee Members:

The Children's Advocacy Institute at the University of San Diego School of Law (CAI), which has sought to advance the well-being of California's children through legal education, advocacy, and litigation for over 30 years, changes its position from support if amended to support.

CAI HAS CHANGED ITS MIND ABOUT AGE VERIFICATION. HERE IS WHY.

Until recently, CAI might have opposed this bill. CAI has a record of not typically supporting bills proposing to age-gate social media.

Analogizing social media to a neighborhood park, CAI's preference has been to make the park safe for children to play in on their own without parental hovering. Likewise, CAI has in the past acknowledged that children from marginalized populations who may not be embraced by their parents – LGBTQ+ children especially – may find supportive communities through social media.

Two things have changed our minds:

- The unbroken record of social media platforms (i) aggressively suing to block or delay the implementation of any meaningful child protecting social media reform laws, (ii) simply flouting such laws when they don't sue, daring someone to enforce them.¹ Indeed, of the dozens of state laws passed by states

¹ See, e.g., *Cruelty by Design* documenting platform efforts at evading two recent laws passed by this Legislature: AB 1394 (Wicks and Flora) and SB 1504 (Stern): https://catcher.sandiego.edu/items/usdlaw/08112025-Child_Cruelty_By_Design_Report.pdf

including by this Legislature, we are unaware of the platforms obeying any of them if such laws would require them to stop or alter practices that harm children.

- The horrifying facts forcibly disclosed in the social media lawsuits that remove any doubt about (i) how ambitiously they gaslight the public about their safety practices and (ii) whether they know their offerings are harmful, even deadly, to children – they know. Take just this one jaw-dropping example: ***Meta had a policy of not removing accounts that facilitated sex trafficking – including child sex trafficking – until it somehow documented 17 instances of the account violating its company prohibition against such trafficking: “That means that you could incur 16 violations for prostitution and sexual solicitation, and upon the 17th violation, your account would be suspended.”***²

When the horrifying facts that have come out in discovery in the recent lawsuits (and only a fraction of it has been made public) is combined with the platforms’ stubborn refusal to comply with any of the child-protecting, practice-altering laws you enact, the evidence is overwhelming and one directional: the platforms will repeatedly, with full and complete knowledge of what they are doing, consistently imperil the lives and well-being of children if there is profit in doing so, even if the law dictates otherwise.

In short: we have learned in the last year or so that social media corporations are far more dangerous to children – emotionally vulnerable children especially -- than we knew.

Hence, our change of position. True, the platforms could violate AB 1709 too. Some businesses violate the law by selling alcohol to minors. Law is all we have.

At the mercy of these richly resourced, unrepentant, technologically savvy, AI-enhanced, multi-billion dollar corporations, the risk of an emotionally vulnerable child being (i) addicted to an AI-driven product where a child’s differences are cruelly and publicly mocked, (ii) where their emotional precariousness is exploited by blackmailers and traffickers and drug dealers, (iii) where their fragile self-esteem is pummeled by pro-eating disorder imagery, and where (iv) their addiction fosters isolation and returning again and again to a too often deadly place, is simply too great. In our view the risks as we now know them overwhelm whatever the dwindling but real benefits social media might offer some children.

You and your colleagues should continue to try to make the neighborhood social media “park” safe for children. Maybe one day it can be and AB 1709 can be repealed. It would be wonderful if the product that connected LGBTQ+ and other marginalized children were not in the hands of those who have provably shown a willingness to damage an entire generation of children – some dying -- for money. It would be great if marginalized children were also not those most vulnerable

² *In re Soc. Media Adolescent Addiction/Pers. Injury Prods. Liab. Litig.*, No. 4:22-md-03047-YGR (N.D. Cal. filed Nov. 21, 2025) at 61-62 (Pls.’ Omnibus Opp’n to Defs.’ Mots. for Summ. J.). (citing Ex. 2B at 459:9-23 & Ex. 199 at 7242) (Hereinafter MDL). Vaishnavi Jayakumar, Instagram’s then-new Head of Safety and Wellbeing, testimony and Meta’s internal documentation confirmed this fact.

to suicide, being groomed, bullied, shamed, and forever psychological scarred by AI-driven social media business practices.

While the bill would be better if those directly harmed by it being violated were not prohibited from enforcing it, CAI has nevertheless chosen to join the verdict of an ever-increasing number of nations and support the age limitation embraced by AB 1709.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Howard', with a stylized, cursive script.

Ed Howard
Senior Counsel, Children's Advocacy Institute