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FLOOR ALERT: AB 1064 (Bauer-Kahan) – OPPOSE

The organizations listed above remain respectfully **opposed to AB 1064**, the “**Leading Ethical AI Development (LEAD) for Kids Act**,” despite the amendments adopted in the Assembly Appropriations Committee.

The bill’s vague and ambiguous definitions, unreasonable knowledge standards, and unclear compliance burdens would thwart innovation and put Californians’ privacy at risk—especially for children. The bill would also likely **violate the Constitution**. Children—including both 16- and 17-year-olds and younger children—have First Amendment rights to receive information. Much like the California legislation struck down by the Supreme Court in *Brown v. EMA* nearly 15 years ago, AB 1064 would interfere with children’s exercise of their rights based on evidence-free moral concerns about the impact of chatbots on children.

These fundamental flaws in the bill are exemplified by a variety of its provisions, including:

AB 1064 would not allow a “developer” (definition includes “deployer”) to “design, code, substantially modify, or otherwise produce a covered product that is intended to be used by or on a child,” including 16- and 17-year-old individuals. (Sec. 22757.22(c)(1)).

AB 1064 would not allow a “deployer” (definition includes “developer”) to “use a covered product for a commercial or public purpose if the covered product is intended to be used by or on a child in the state,” again including 16- and 17-year-old individuals. (Sec. 22757.22(c)(2)).

AB 1064 would require “developers” or “deployers” of “covered products” to “implement reasonable steps” to ensure that a covered product is not “used by or on” a child, including 16- and 17-year-old individuals. (Sec. 22757.22(d)).

AB 1064 does not define key terms such as “enable the processing of” or “harmful ongoing emotional attachment.” The term “enable” can include a wide range of meanings and, given the broad and inconsistent understanding of what constitutes “harm,” it will be impossible to comply with the latter without effectively denying all AI service to children. (Secs. 22757.22(e) and 22757.21(e)).