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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2] (*Division 8 added by Stats. 1941, Ch. 44.*)

CHAPTER 22.7. Digital Identity Theft [22670 - 22671] (*Chapter 22.7 added by Stats. 2024, Ch. 292, Sec. 1.*)

22670. (a) (1) "Covered material" means material that meets all of the following criteria:

(A) The material is an image or video created or altered through digitization that would appear to a reasonable person to be an image or video of any of the following:

- (i) An intimate body part of an identifiable person.
- (ii) An identifiable person engaged in an act of sexual intercourse, sodomy, oral copulation, or sexual penetration.
- (iii) An identifiable person engaged in masturbation.

(B) The reporting person is the person depicted in the material, and the reporting person did not consent to the use of the reporting person's likeness in the material.

(C) The material is displayed, stored, or hosted on the social media platform.

(2) "Covered material" does not include an image or video that contains only minor alterations that do not lead to significant changes to the perceived content or meaning of the content, including changes to brightness or contrast of images and other minor changes that do not impact the content of the image or video.

(b) "Reporting user" means a natural person who reports material to a social media platform using the mechanism provided by the social media platform pursuant to Section 22671.

(c) "Sexually explicit digital identity theft" means the posting of covered material on a social media platform.

(d) (1) "Social media platform" has, except as provided in paragraph (2), the same meaning as defined in Section 22675.

(2) "Social media platform" does not include either of the following:

(A) A stand-alone direct messaging service that provides end-to-end encrypted communication or the portion of a multiservice platform that uses end-to-end encrypted communication.

(B) An internet-based service or application owned or operated by a nonprofit organization exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code.

(*Added by Stats. 2024, Ch. 292, Sec. 1. (SB 981) Effective January 1, 2025.*)

22671. A social media platform shall do all of the following:

(a) Provide a mechanism that is reasonably accessible to a reporting user who is a California resident who has an account with the social media platform to report sexually explicit digital identity theft to the social media platform.

(b) Collect information reasonably sufficient to enable the social media platform to locate the instance of sexually explicit digital identity theft and to contact a reporting user with both of the following:

- (1) Confirmation that the social media platform received the reporting user's report within 48 hours of receipt of the report.

(2) Within seven days of the date on which the confirmation required by paragraph (1) is issued, a written update to the reporting user as to the status of the social media platform's handling of the reported sexually explicit digital identity theft.

(c) (1) Except as provided in paragraph (2), determine within 30 days of the date on which the confirmation required by paragraph (1) of subdivision (b) is issued whether there is a reasonable basis to believe that the reported sexually explicit digital identity theft is sexually explicit digital identity theft.

(2) (A) If the social media platform cannot comply with paragraph (1) within 30 days due to circumstances beyond the reasonable control of the social media platform, the social media platform shall comply with paragraph (1) no later than 60 days after the date on which the covered material was first reported.

(B) If subparagraph (A) applies, the social media platform shall promptly provide written notice of the delay, no later than 48 hours from the time the social media platform knew the delay was likely to occur, to the reporting user using the information collected from the reporting user under subdivision (b).

(d) (1) Temporarily block a reported instance of sexually explicit digital identity theft from being publicly viewable on the social media platform pending a determination pursuant to subdivision (c).

(2) Immediately remove a reported instance of sexually explicit digital identity theft from being publicly viewable on the social media platform if the social media platform determines there is a reasonable basis to believe the reported sexually explicit digital identity theft is sexually explicit digital identity theft.

(Added by Stats. 2024, Ch. 292, Sec. 1. (SB 981) Effective January 1, 2025.)