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**CIVIL CODE - CIV**

**DIVISION 3. OBLIGATIONS [1427 - 3273.69]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*  )

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69]** ( *Part 4 enacted 1872.*  )

**TITLE 1.81.26. Security of Connected Devices [1798.91.04 - 1798.91.06]** ( *Title 1.81.26 added by Stats. 2018, Ch. 860, Sec. 1.*  )

**1798.91.04.** (a) A manufacturer of a connected device shall equip the device with a reasonable security feature or features that are all of the following:

- (1) Appropriate to the nature and function of the device.
- (2) Appropriate to the information it may collect, contain, or transmit.
- (3) Designed to protect the device and any information contained therein from unauthorized access, destruction, use, modification, or disclosure.

(b) Subject to all of the requirements of subdivision (a), if a connected device is equipped with a means for authentication outside a local area network, it shall be deemed a reasonable security feature under subdivision (a) if either of the following requirements are met:

- (1) The preprogrammed password is unique to each device manufactured.
- (2) The device contains a security feature that requires a user to generate a new means of authentication before access is granted to the device for the first time.

(c) A manufacturer of a connected device may elect to satisfy the requirements of subdivision (a) by ensuring the connected device does all of the following:

- (1) Meets or exceeds the baseline product criteria of a NIST conforming labeling scheme.
- (2) Satisfies a conformity assessment as described by a NIST conforming labeling scheme that includes a third-party test, inspection, or certification.
- (3) Bears the binary label as described by a NIST conforming labeling scheme.

*(Amended (as added by Stats. 2018, Ch. 860, Sec. 1) by Stats. 2022, Ch. 785, Sec. 2. (AB 2392) Effective January 1, 2023. See similar section in the Title 1.81.26 added by Stats. 2018, Ch. 886.)*

**1798.91.05.** For the purposes of this title, the following terms have the following meanings:

- (a) "Authentication" means a method of verifying the authority of a user, process, or device to access resources in an information system.
- (b) "Connected device" means any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or Bluetooth address.
- (c) "Manufacturer" means the person who manufactures, or contracts with another person to manufacture on the person's behalf, connected devices that are sold or offered for sale in California. For the purposes of this subdivision, a contract with another person to manufacture on the person's behalf does not include a contract only to purchase a connected device, or only to purchase and brand a connected device.

(d) "NIST conforming labeling scheme" means a labeling scheme conforming to the Cybersecurity White Paper titled "Recommended Criteria for Cybersecurity Labeling for Consumer Internet of Things (IoT) Products" published by the National Institute of Standards and Technology (NIST) on February 4, 2022, including any revisions or successor publications.

(e) "Security feature" means a feature of a device designed to provide security for that device.

(f) "Unauthorized access, destruction, use, modification, or disclosure" means access, destruction, use, modification, or disclosure that is not authorized by the consumer.

*(Amended (as added by Stats. 2018, Ch. 860, Sec. 1) by Stats. 2022, Ch. 785, Sec. 3. (AB 2392) Effective January 1, 2023. See similar section in the Title 1.81.26 added by Stats. 2018, Ch. 886.)*

**1798.91.06.** (a) This title shall not be construed to impose any duty upon the manufacturer of a connected device related to unaffiliated third-party software or applications that a user chooses to add to a connected device.

(b) This title shall not be construed to impose any duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications, to review or enforce compliance with this title.

(c) This title shall not be construed to impose any duty upon the manufacturer of a connected device to prevent a user from having full control over a connected device, including the ability to modify the software or firmware running on the device at the user's discretion.

(d) This title shall not apply to any connected device the functionality of which is subject to security requirements under federal law, regulations, or guidance promulgated by a federal agency pursuant to its regulatory enforcement authority.

(e) This title shall not be construed to provide a basis for a private right of action. The Attorney General, a city attorney, a county counsel, or a district attorney shall have the exclusive authority to enforce this title.

(f) The duties and obligations imposed by this title are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law.

(g) This title shall not be construed to limit the authority of a law enforcement agency to obtain connected device information from a manufacturer as authorized by law or pursuant to an order of a court of competent jurisdiction.

(h) A covered entity, provider of health care, business associate, health care service plan, contractor, employer, or any other person subject to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191) or the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1) shall not be subject to this title with respect to any activity regulated by those acts.

(i) This title shall become operative on January 1, 2020.

*(Added by Stats. 2018, Ch. 860, Sec. 1. (AB 1906) Effective January 1, 2019. Operative January 1, 2020, by its own provisions. See similar section in the Title 1.81.26 added by Stats. 2018, Ch. 886.)*