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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 22. Child Sexual Abuse Material Hosted on a Social Media Platform [3273.65 - 3273.69]** ( *Title 22 added by Stats. 2023, Ch. 579, Sec. 2.*  )

**3273.65.** AS used in this title:

(a) "Child pornography" has the same meaning as defined in Section 2256 of Title 18 of the United States Code, as amended from time to time.

(b) "Child sexual abuse material" means either of the following:

(1) Child pornography.

(2) Obscene matter that depicts a minor personally engaging in, or personally simulating, sexual conduct.

(c) "Identifiable minor" has the same meaning as defined in Section 2256 of Title 18 of the United States Code, as amended from time to time.

(d) "Minor" has the same meaning as defined in Section 2256 of Title 18 of the United States Code, as amended from time to time.

(e) "Obscene matter" has the same meaning as defined in Section 311 of the Penal Code.

(f) "Reporting user" means a natural person who reports material to a social media platform using the means provided by the social media platform pursuant to Section 3273.61.

(g) (1) "Social media company" has, except as provided in paragraph (2), the same meaning as defined in Section 22675 of the Business and Professions Code.

(2) "Social media company" does not include a nonprofit organization exempt from federal income tax pursuant to Section 501(c)

(3) of the Internal Revenue Code.

(h) (1) "Social media platform" has, except as provided in paragraph (2), the same meaning as defined in Section 22675 of the Business and Professions Code.

(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. 2023, Ch. 579, Sec. 2. (AB 1394) Effective January 1, 2024. Operative January 1, 2025, as prescribed by Stats. 2023, Ch. 579, Sec. 5.)

**3273.66.** A social media platform shall do all of the following:

(a) Provide, in a mechanism that is reasonably accessible to users, a means for a user who is a California resident to report material to the social media platform that the user reasonably believes meets all of the following criteria:

(1) The reported material is child sexual abuse material.

(2) The reporting user is an identifiable minor depicted in the reported material.

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

(b) Collect information reasonably sufficient to enable the social media platform to contact, pursuant to subdivision (c), a reporting user.

(c) A social media platform shall contact a reporting user in writing by a method, including, but not limited to, a telephone number for purposes of sending text messages, or an email address, that meets both of the following criteria:

(1) The method is chosen by the reporting user.

(2) The method is not a method that is within the control of the social media company that owns or operates the social media platform.

(d) (1) Permanently block the instance of reported material from being viewable on the social media platform if the reported material meets all of the following criteria:

(A) There is a reasonable basis to believe that the reported material is child sexual abuse material.

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

(C) (i) The report contains basic identifying information, such as an account identifier, sufficient to permit the social media platform to locate the reported material.

(ii) A social media platform shall not require a report to contain a specific piece of information for purposes of this subparagraph.

(2) A social media platform shall make reasonable efforts to remove and block other instances of the same reported material blocked pursuant to this subdivision from being viewable on the social media platform.

(e) Provide written confirmation to a reporting user that the social media platform received that person's report that meets all of the following criteria:

(1) The written confirmation is provided to the reporting user within 36 hours of when the material was first reported.

(2) The written confirmation is provided using the information collected from the reporting user under subdivision (b).

(3) The written confirmation informs the reporting user of the schedule of regular written updates that the social media platform is required to make under subdivision (f).

(f) (1) Provide a written update to the reporting user as to the status of the social media platform's handling of the reported material using the information collected from the reporting user under subdivision (b).

(2) The written update required by this subdivision shall be provided seven days after the date on which the written confirmation required under subdivision (e) was provided and every seven days thereafter until the final written determination required by subdivision (g) is provided.

(g) Issue a final written determination to the reporting user, using the information collected from the reporting user under subdivision (b), stating one of the following:

(1) The reported material has been determined to be child sexual abuse material that was displayed, stored, or hosted on the social media platform and has been blocked on the social media platform.

(2) The reported material has been determined not to be child sexual abuse material.

(3) The reported material has been determined not to be displayed, stored, or hosted on the social media platform.

(h) (1) Except as provided in paragraph (2), comply with subdivisions (c) to (g), inclusive, no later than 30 days after the date on which material was first reported pursuant to this section.

(2) (A) If the social media platform cannot comply with subdivisions (c) to (g), inclusive, due to circumstances beyond the reasonable control of the social media platform, the social media platform shall comply with subdivisions (c) to (g), inclusive, no later than 60 days after the date on which material was first reported pursuant to this section.

(B) If this paragraph 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).

**3273.67.** (a) A social media company that fails to comply with the requirements of this title shall be liable to a reporting user for all of the following:

(1) Any actual damages sustained by the reporting user as a result of the violation.

(2) (A) (i) Subject to clauses (ii) and (iii), statutory damages of no more than two hundred fifty thousand dollars (\$250,000) per violation.

(ii) If a social media platform has permanently blocked the instance of the reported material pursuant to subdivision (d) of Section 3273.66 before a complaint is filed for a violation of this title, the maximum statutory damages awarded pursuant to clause (i) shall be one hundred twenty-five thousand dollars (\$125,000) per violation.

(iii) If a social media platform meets all of the following requirements, the maximum statutory damages awarded pursuant to clause (i) for a violation of subdivisions (d) to (g), inclusive, of Section 3273.66 shall be seventy-five thousand dollars (\$75,000) per violation:

(I) The social media platform registers with, and participates in, the National Center for Missing and Exploited Children's Take It Down service or its successor.

(II) The social media platform receives updated hash values for identified child sexual abuse material from the National Center for Missing and Exploited Children's Take It Down service, or its successor, at least once every 36 hours.

(III) Within 36 hours of receiving updated hash values for identified child sexual abuse material from the National Center for Missing and Exploited Children's Take it Down service, or its successor, pursuant to subclause (II), the social media platform removes child sexual abuse material identified by hash values from the social media platform.

(IV) The social media platform reports identified child sexual abuse material to the National Center for Missing and Exploited Children's CyberTipline, as required by Section 2258A of Title 18 of the United States Code.

(V) The social media platform provides to a reporting user both of the following when a user reports child sexual abuse material to the platform directly:

(ia) Written confirmation to the reporting user that the social media platform received that person's report within 36 hours after the child sexual abuse material was reported.

(ib) A final written determination to the reporting user within 30 days after the date on which the material was first reported.

(B) In determining the amount of statutory damages pursuant to this paragraph, a court shall consider the willfulness and severity of the violation and whether the social media platform has previously violated this title.

(3) Costs of the action, together with reasonable attorney's fees, as determined by the court.

(4) Any other relief that the court deems proper.

(b) The failure of a social media platform to comply with subdivisions (c) to (g), inclusive, of Section 3273.66 within 60 days after the date on which material was first reported pursuant to Section 3273.66 shall establish a rebuttable presumption that the reporting user is entitled to statutory damages under this section.

(c) This title shall not be construed to limit or impair in any way a cause of action under paragraph (1) of Section 1710.

**3273.68.** A waiver of the provisions of this title is contrary to public policy and is void and unenforceable.

**3273.69.** The provisions of this title are severable. If any provision of this title or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

*(Added by Stats. 2023, Ch. 579, Sec. 2. (AB 1394) Effective January 1, 2024. Operative January 1, 2025, as prescribed by Stats. 2023, Ch. 579, Sec. 5.)*