

AMENDED IN SENATE APRIL 25, 2024
AMENDED IN SENATE APRIL 10, 2024
AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1228

Introduced by Senator Padilla

February 15, 2024

An act to add Chapter 22.9 (commencing with Section 22684) to Division 8 of the Business and Professions Code, ~~and to amend Section 35 of the Code of Civil Procedure,~~ relating to ~~online social media~~ platforms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1228, as amended, Padilla. ~~Large online platforms: user~~ *User* identity authentication.

Existing law generally regulates online platforms, including by requiring a social media company, as defined, to post terms of service for each social media platform owned or operated by the social media company in a manner reasonably designed to inform all users of the social media platform of the existence and contents of the terms of service.

~~Existing law requires certain actions in cases involving the registration or denial of registration of voters, among others, to be placed on the calendar in the order of their date of filing and given precedence.~~

This bill would require a ~~large online social media~~ platform, as defined, to seek to verify the name, telephone number, and email address of an influential user, as defined, by a means chosen by the ~~large online social media~~ platform and would require the *social media* platform to seek to verify the identity of a highly influential user, as defined, by

asking to review the highly influential user’s government-issued identification.

This bill would require a ~~large online~~ *social media* platform to note on the profile page of an influential or highly influential user, in type at least as large and as visible as the user’s name, whether the user has been authenticated pursuant to those provisions, as prescribed, and would require the platform to attach to any post of an influential or highly influential user a notation that would be understood by a reasonable person as indicating that the user is authenticated or unauthenticated, as prescribed.

This bill would authorize the Attorney General or any district attorney or city attorney to seek injunctive or other equitable relief against a ~~large online social media~~ platform to compel compliance with the ~~bill and would require those actions to be placed on the calendar in the order of their date of filing and given precedence.~~ *bill.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 22.9 (commencing with Section 22684)
 2 is added to Division 8 of the Business and Professions Code, to
 3 read:

4
 5 CHAPTER 22.9. VERIFY OR FLAG
 6

7 22684. For the purposes of this chapter:

8 (a) “Highly influential user” means a user of a ~~large online~~
 9 *social media* platform that meets any of the following criteria:

10 (1) Content authored, created, or produced by the user has been
 11 seen by more than 100,000 users within a seven-day period over
 12 all of the accounts that they control or administer on the platform.

13 (2) Accounts controlled or administered by the user have more
 14 than 30,000 followers.

15 (3) The user ranks in the top 3 percent of users by amount of
 16 content viewed by users on the platform within a seven-day period
 17 over all of the accounts that the user controls or administers on the
 18 platform.

19 (b) “Influential user” means a user of a ~~large online~~ *social media*
 20 platform that meets any of the following criteria:

1 (1) Content authored, created, or produced by the user has been
2 seen by more than 50,000 users within a seven-day period over all
3 of the accounts that the user controls or administers on the platform.

4 (2) Accounts controlled or administered by the user have more
5 than 15,000 followers.

6 (3) The user ranks in the top 6 percent of users by amount of
7 content viewed by users on the platform within a seven-day period
8 over all of the accounts that the user controls or administers on the
9 platform.

10 ~~(e) “Large online platform” means a public-facing internet~~
11 ~~website, web application, or digital application, including a social~~
12 ~~network, video sharing platform, messaging platform, advertising~~
13 ~~network, or search engine that had at least 1,000,000 California~~
14 ~~users during the preceding 12 months.~~

15 ~~(d)~~

16 (c) “Sensitive personal information” has the same meaning as
17 defined in Section 1798.140 of the Civil Code.

18 (d) “*Social media platform*” has the same meaning as defined
19 in Section 22675.

20 22684.1. (a) (1) (A) ~~A large online social media~~ platform
21 shall seek to verify an influential user’s name, telephone number,
22 and email address by a means chosen by the large online platform.

23 (B) ~~A large online social media~~ platform shall seek to verify a
24 highly influential user’s identity by asking to review the highly
25 influential user’s government-issued identification.

26 (2) ~~A large online social media~~ platform shall not use the
27 identification information provided by a user for the purpose of
28 complying with this subdivision for any purpose other than
29 compliance with this subdivision.

30 (3) (A) Subject to subparagraph (B), ~~a large online social media~~
31 platform shall protect any identification information provided by
32 an influential user in compliance with this section using, at a
33 minimum, the standard of the industry used to protect the
34 confidential information of users unless the ~~large online social~~
35 ~~media~~ platform makes that information public in the normal course
36 of a user’s use of the ~~large online social media~~ platform.

37 (B) ~~A large online social media~~ platform shall not allow a user’s
38 sensitive personal information to become public.

1 (b) A ~~large online~~ *social media* platform shall note on the profile
2 page of an influential or highly influential user, in type at least as
3 large and as visible as the user's name, either of the following:

4 (1) "This user has been authenticated," or some similar phrase,
5 if the user has complied with the ~~large online~~ *social media*
6 platform's identification process required by subdivision (a).

7 (2) "This user is unauthenticated," or some similar phrase, if
8 the user has failed to comply with the ~~large online~~ *social media*
9 platform's identification process required by subdivision (a).

10 (c) (1) A ~~large online~~ *social media* platform shall attach to any
11 post of an influential or highly influential user a notation that would
12 be understood by a reasonable person as indicating that the user
13 is authenticated or unauthenticated.

14 (2) For a post from an unauthenticated influential or highly
15 influential user, the notation required by paragraph (1) shall be
16 visible for at least two seconds before the rest of the post is visible
17 and then shall remain visible with the post.

18 (d) A ~~large online~~ *social media* platform shall allow its users to
19 opt out of receiving any posts, information, or other distributions
20 from a user who is not authenticated.

21 (e) A ~~large online~~ *social media* platform shall maintain proof
22 that it has complied with the verification requirements of this
23 section but may refrain from storing or maintaining the verification
24 information or documentation.

25 22684.2. (a) The Attorney General or any district attorney or
26 city attorney may seek injunctive or other equitable relief against
27 a ~~large online~~ *social media* platform to compel compliance with
28 this chapter.

29 (b) In an action filed pursuant to this section, the court shall
30 award a prevailing plaintiff reasonable attorney's fees and costs.

31 22684.3. (a) This chapter does not preclude a ~~large online~~
32 *social media* platform from developing and implementing policies
33 that seek to verify the identity of users who are not influential or
34 highly influential users or from verifying the identity of influential
35 or highly influential users with additional proof.

36 (b) This chapter does not preclude a ~~large online~~ *social media*
37 platform from requiring that its users comply with any
38 identification verification required by the ~~company~~ *social media*
39 *platform*.

1 (c) This chapter does not preclude a ~~large online~~ *social media*
2 platform from requiring that all users, including influential or
3 highly influential users, be identified as either “this user has been
4 authenticated” or “this user is unauthenticated” or similar phrases.

5 (d) This chapter does not preclude a ~~large online~~ *social media*
6 platform from requiring or prohibiting its users to be publicly
7 identified.

8 (e) This chapter does not require that a ~~large online~~ *social media*
9 platform provide less exposure or visibility to the posts made or
10 digital media content created by users who decline to provide
11 identity verification.

12 (f) The provisions of this chapter are severable. If any provision
13 of this chapter or its application is held invalid, that invalidity shall
14 not affect other provisions or applications that can be given effect
15 without the invalid provision or application.

16 (g) *This chapter does not apply to a social media platform that*
17 *had less than 1,000,000 California users during the preceding 12*
18 *months.*

19 ~~SEC. 2.—Section 35 of the Code of Civil Procedure, as amended~~
20 ~~by Section 1 of Chapter 343 of the Statutes of 2023, is amended~~
21 ~~to read:~~

22 ~~35. (a) Proceedings in cases involving the registration or denial~~
23 ~~of registration of voters, the certification or denial of certification~~
24 ~~of candidates, the certification or denial of certification of ballot~~
25 ~~measures, election contests, actions under Section 20010 of the~~
26 ~~Elections Code, actions under Chapter 2 (commencing with Section~~
27 ~~21100) of Division 21 of the Elections Code, and actions under~~
28 ~~Chapter 22.9 (commencing with Section 22684) of Division 8 of~~
29 ~~the Business and Professions Code shall be placed on the calendar~~
30 ~~in the order of their date of filing and shall be given precedence.~~

31 ~~(b) This section shall remain in effect only until January 1, 2027,~~
32 ~~and as of that date is repealed, unless a later enacted statute, that~~
33 ~~is enacted before January 1, 2027, deletes or extends that date.~~

34 ~~SEC. 3.—Section 35 of the Code of Civil Procedure, as amended~~
35 ~~by Section 2 of Chapter 343 of the Statutes of 2023, is amended~~
36 ~~to read:~~

37 ~~35. (a) Proceedings in cases involving the registration or denial~~
38 ~~of registration of voters, the certification or denial of certification~~
39 ~~of candidates, the certification or denial of certification of ballot~~
40 ~~measures, election contests, actions under Chapter 2 (commencing~~

- 1 ~~with Section 21100) of Division 21 of the Elections Code, and~~
- 2 ~~actions under Chapter 22.9 (commencing with Section 22684) of~~
- 3 ~~Division 8 of the Business and Professions Code shall be placed~~
- 4 ~~on the calendar in the order of their date of filing and shall be given~~
- 5 ~~precedence.~~
- 6 ~~(b) This section shall become operative January 1, 2027.~~