

AMENDED IN SENATE JULY 3, 2024  
AMENDED IN ASSEMBLY APRIL 10, 2024  
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3048**

---

---

**Introduced by Assembly Member Lowenthal**

February 16, 2024

---

---

An act to add Section 1798.136 to the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 3048, as amended, Lowenthal. California Consumer Privacy Act of 2018: opt-out preference signal.

The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with respect to personal information that is collected or sold by a business, as defined, including the right to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information, as specified. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA and establishes the California Privacy Protection Agency (agency) and vests the agency with full administrative power, authority, and jurisdiction to enforce the CCPA.

This bill would prohibit a business from developing or maintaining a browser that does not include a setting that enables a consumer to send an opt-out preference signal to ~~a business~~ *businesses* with which the consumer interacts through the browser and ~~would~~ *would, only upon adoption of certain regulations by the agency*, prohibit a business from developing or maintaining a ~~device~~ *mobile operating system, as defined,*

through which a consumer interacts with a business that does not include a setting that enables the consumer to send an opt-out preference signal to that ~~business pursuant to regulations adopted by the California Privacy Protection Agency.~~ *business*. The bill would ~~also~~ authorize the agency to adopt regulations as necessary to implement and administer those provisions, including to update the definitions of “browser” and “~~device~~” “*mobile operating system*” to address changes in technology, data collection, obstacles to implementation, or privacy concerns.

This bill would declare that its provisions further the purposes and intent of the California Privacy Rights Act of 2020.

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. Section 1798.136 is added to the Civil Code, to  
 2 read:  
 3 1798.136. (a) (1) A business shall not develop or maintain a  
 4 browser that does not include a setting that enables a consumer to  
 5 send an opt-out preference signal to ~~a business~~ *businesses* with  
 6 which the consumer interacts through the browser.  
 7 (2) The setting required by paragraph (1) shall be easy for a  
 8 reasonable person to locate and enable.  
 9 (b) (1) A business shall not develop or maintain a ~~device~~ *mobile*  
 10 *operating system* through which a consumer interacts with a  
 11 business that does not include a setting that enables the consumer  
 12 to send an opt-out preference signal to that ~~business pursuant to~~  
 13 ~~regulations adopted by the California Privacy Protection Agency.~~  
 14 *business*.  
 15 (2) *This subdivision shall become operative only upon the*  
 16 *adoption of regulations by the California Privacy Protection*  
 17 *Agency that outline the requirements and technical specifications*  
 18 *for an opt-out preference signal to be used by a mobile operating*  
 19 *system*.  
 20 (c) The California Privacy Protection Agency may adopt  
 21 regulations as necessary to implement and administer this section,  
 22 ~~including to update~~ *including, but not limited to, ensuring that the*  
 23 *setting described by subdivision (a) is easy for a reasonable person*  
 24 *to locate and enable and updating the definitions of “browser”*  
 25 *and “~~device~~” “mobile operating system” to address changes in*

1 technology, data collection, obstacles to implementation, or privacy  
2 concerns.

3 (d) As used in this section, ~~“browser” means an interactive~~  
4 ~~software application that is primarily used by consumers to access~~  
5 ~~internet websites.~~ *section:*

6 (1) *“Browser” means an interactive software application that*  
7 *is primarily used by consumers to access internet websites.*

8 (2) *“Mobile operating system” means an operating system in*  
9 *use on a smartphone or tablet.*

10 SEC. 2. The Legislature finds and declares that this act furthers  
11 the purposes and intent of the California Privacy Rights Act of  
12 2020.