

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 56 (Bauer-Kahan)  
Version: May 1, 2025  
Hearing Date: July 1, 2025  
Fiscal: Yes  
Urgency: No  
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**SUBJECT**

Social media: warning labels

**DIGEST**

This bill requires social media platforms to clearly display warning labels about the harms associated with social media when users enter the platform and after extended use, as provided.

**EXECUTIVE SUMMARY**

In 2005, five percent of adults in the United States used social media. In just six years, that number jumped to half of all Americans. Today, over 70 percent of adults use at least one social media platform. Facebook alone is used by 69 percent of adults, and 70 percent of those adults say they use the platform on a daily basis. However, this explosion is not limited to adults. Survey data found that overall screen use among teens and tweens increased by 17 percent from 2019 to 2021, with the number of hours spent online spiking sharply during the pandemic. A recent survey found almost 40 percent of tweens stated that they use social media and estimates from 2018 put the number of teens on the sites at over 70 percent.

Given the reach of social media and the increasing role they play in many children's lives, concerns have arisen over the connection between social media usage and mental health, drug use, and other self-harming conduct. The former U.S. Surgeon General Vivek Murthy has called for warning labels on social media platforms given the harms posed. This bill requires such labels on social media platforms in the form and manner specified.

The bill is sponsored by Attorney General Rob Bonta. It is supported by a variety of groups, including the California Medical Association and Common Sense Media. The bill is opposed by a variety of industry associations, including Technet. Should this bill pass out of this Committee, it will be referred to the Senate Health Committee.

**PROPOSED CHANGES TO THE LAW**

Existing constitutional law:

- 1) Provides a right to free speech and expression. (U.S. Const., 1st amend; Cal. Const., art 1, § 2.)

Existing state law:

- 1) Defines “social media platform” as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
  - a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone.
  - b) The service or application allows users to do all of the following:
    - i. Construct a public or semipublic profile for purposes of signing into and using the service or application.
    - ii. Populate a list of other users with whom an individual shares a social connection within the system.
    - iii. Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Bus. & Prof. Code § 22675(e).)
- 2) Establishes the Protecting Our Kids from Social Media Addiction Act, which prohibits an operator of an addictive internet-based service or application from providing an addictive feed to a user unless they have actual knowledge that the user is not a minor or the operator has obtained parental consent. (Health & Saf. Code § 27000 et seq.)

This bill:

- 1) Establishes the Social Media Warning Law.
- 2) Requires a social media platform, for each calendar day in which a user uses the platform, to display a black box warning to the user when the user initially accesses the platform. The warning shall be displayed clearly and continuously for a duration of at least 10 seconds, unless the user affirmatively dismisses the warning by clicking on a conspicuous “X” icon. The warning shall be displayed in a manner that occupies at least 25 percent of the screen or window that the user is using to access the social media platform.

- 3) Requires a social media platform to display the black box warning after three hours of cumulative active use in a given day and thereafter at least once per hour of cumulative active use. The warning shall be displayed clearly and continuously for a duration of at least 90 seconds, without providing the ability to bypass or click through the warning, in a manner that occupies between 75 percent and 100 percent of the screen or window that the user is using to access the platform.
- 4) Provides that the black box warning consist of the following text displayed clearly, conspicuously, and legibly in black text on a white background:

“The Surgeon General has warned that while social media may have benefits for some young users, social media is associated with significant mental health harms and has not been proven safe for young users.”
- 5) Authorizes the Director of the State Department of Public Health to adopt regulations to modify the warning in furtherance of the purposes hereof.
- 6) Provides that the provision of the notice required by this section or a user affirmatively dismissing the notice does not waive, release, otherwise limit, or serve as a defense to, any claim, including claims premised on failure to warn, other than a claim premised on a violation hereof.
- 7) Defines “social media platform” as an internet website or internet medium that meets all of the following criteria:
  - a) The internet website or internet medium permits a person to become a registered user, establish an account, or create a profile for the purpose of allowing the user to create, share, and view user-generated content through that account or profile.
  - b) The internet website or internet medium enables one or more users to generate content that can be viewed by other users of the internet website or internet medium.
  - c) The internet website or internet medium primarily serves as a medium for users to interact with content generated by other users of the internet website or internet medium.

## COMMENTS

### 1. Social media and children

The effects of social media on our mental health and what should and can be done about it are pressing policy and societal questions that have become increasingly urgent. Evidence shows that engagement on social media has a clear effect on our emotions.

Researchers conducted a massive experiment on Facebook involving almost 700,000 users to test the emotional effects of social networks:

The results show emotional contagion. [For] people who had positive content reduced in their News Feed, a larger percentage of words in people's status updates were negative and a smaller percentage were positive. When negativity was reduced, the opposite pattern occurred. These results suggest that the emotions expressed by friends, via online social networks, influence our own moods, constituting, to our knowledge, the first experimental evidence for massive-scale emotional contagion via social networks [. . .] and providing support for previously contested claims that emotions spread via contagion through a network.<sup>1</sup>

Research has shown that amongst American teenagers, YouTube, Instagram, and Snapchat are the most popular social media sites, and 45 percent of teenagers stated that they are "online almost constantly."<sup>2</sup> A meta-analysis of research on social networking site (SNS) use concluded the studies supported an association between problematic SNS use and psychiatric disorder symptoms, particularly in adolescents.<sup>3</sup> The study found most associations were with depression and anxiety.

As pointed out by recent Wall Street Journal reporting, the companies' employees are aware of the dangers:

A Facebook Inc. team had a blunt message for senior executives. The company's algorithms weren't bringing people together. They were driving people apart.

"Our algorithms exploit the human brain's attraction to divisiveness," read a slide from a 2018 presentation. "If left unchecked," it warned, Facebook would feed users "more and more divisive content in an effort to gain user attention & increase time on the platform."

That presentation went to the heart of a question dogging Facebook almost since its founding: Does its platform aggravate polarization and tribal behavior?

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<sup>1</sup> Adam D. I. Kramer et al., *Experimental Evidence of Massive-Scale Emotional Contagion through Social Networks* (June 17, 2014) Proceedings of the National Academy of Sciences, vol. 111, No. 24, <https://www.pnas.org/doi/full/10.1073/pnas.1320040111>. All internet citations are current as of June 18, 2025.

<sup>2</sup> Zaheer Hussain and Mark D Griffiths, *Problematic Social Networking Site Use and Comorbid Psychiatric Disorders: A Systematic Review of Recent Large-Scale Studies.*" (December 14, 2018) Frontiers in psychiatry vol. 9 686, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6302102/pdf/fpsy-09-00686.pdf>.

<sup>3</sup> *Ibid.*

The answer it found, in some cases, was yes.<sup>4</sup>

A New York Times article on leadership at Facebook elaborates:

To achieve its record-setting growth, [Facebook] had continued building on its core technology, making business decisions based on how many hours of the day people spent on Facebook and how many times a day they returned. Facebook's algorithms didn't measure if the magnetic force pulling them back to Facebook was the habit of wishing a friend happy birthday, or a rabbit hole of conspiracies and misinformation.

Facebook's problems were features, not bugs.<sup>5</sup>

A series of startling revelations unfolded after a Facebook whistle-blower, Frances Haugen, began sharing internal documents. The Wall Street Journal published many of the findings:

About a year ago, teenager Anastasia Vlasova started seeing a therapist. She had developed an eating disorder, and had a clear idea of what led to it: her time on Instagram.

She joined the platform at 13, and eventually was spending three hours a day entranced by the seemingly perfect lives and bodies of the fitness influencers who posted on the app.

"When I went on Instagram, all I saw were images of chiseled bodies, perfect abs and women doing 100 burpees in 10 minutes," said Ms. Vlasova, now 18, who lives in Reston, Va.

Around that time, researchers inside Instagram, which is owned by Facebook Inc., were studying this kind of experience and asking whether it was part of a broader phenomenon. Their findings confirmed some serious problems.

"Thirty-two percent of teen girls said that when they felt bad about their bodies, Instagram made them feel worse," the researchers said in a March 2020 slide presentation posted to Facebook's internal message board,

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<sup>4</sup> Jeff Horowitz & Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive* (May 26, 2020) Wall Street Journal, <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

<sup>5</sup> Sheera Frenkel & Cecilia Kang, *Mark Zuckerberg and Sheryl Sandberg's Partnership Did Not Survive Trump* (July 8, 2021) The New York Times, <https://www.nytimes.com/2021/07/08/business/mark-zuckerberg-sheryl-sandberg-facebook.html>.

reviewed by The Wall Street Journal. “Comparisons on Instagram can change how young women view and describe themselves.”

For the past three years, Facebook has been conducting studies into how its photo-sharing app affects its millions of young users. Repeatedly, the company’s researchers found that Instagram is harmful for a sizable percentage of them, most notably teenage girls.

“We make body image issues worse for one in three teen girls,” said one slide from 2019, summarizing research about teen girls who experience the issues.

“Teens blame Instagram for increases in the rate of anxiety and depression,” said another slide. “This reaction was unprompted and consistent across all groups.”

Among teens who reported suicidal thoughts, 13% of British users and 6% of American users traced the desire to kill themselves to Instagram, one presentation showed.

Expanding its base of young users is vital to the company’s more than \$100 billion in annual revenue, and it doesn’t want to jeopardize their engagement with the platform.

More than 40% of Instagram’s users are 22 years old and younger, and about 22 million teens log onto Instagram in the U.S. each day . . . .<sup>6</sup>

The released documents from Instagram make clear that “Facebook is acutely aware that the products and systems central to its business success routinely fail”:

The features that Instagram identifies as most harmful to teens appear to be at the platform’s core.

The tendency to share only the best moments, a pressure to look perfect and an addictive product can send teens spiraling toward eating disorders, an unhealthy sense of their own bodies and depression, March 2020 internal research states. It warns that the Explore page, which serves users photos and videos curated by an algorithm, can send users deep into content that can be harmful.

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<sup>6</sup> Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show* (September 14, 2021) The Wall Street Journal, [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=article\\_inline](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=article_inline).

“Aspects of Instagram exacerbate each other to create a perfect storm,” the research states.<sup>7</sup>

The referenced documents revealed that Facebook’s own internal research found “1 in 8 of its users reported compulsive social media use that interfered with their sleep, work, and relationships— what the social media platform calls ‘problematic use’ but is more commonly known as ‘internet addiction.’”<sup>8</sup>

There are various features of social media that are believed to contribute to excessive social media use and preoccupation and attendant mental health issues in children and that are repeatedly highlighted as the most problematic for users, especially children. They are pinpointed by academic research,<sup>9</sup> and lawsuits brought by most states’ Attorneys General,<sup>10</sup> as the core of the problem. These include the display of “likes” and other feedback on posted media that drive minors’ unhealthy comparisons to others and their obsessive usage.

In addition, the constant notifications that are sent to users nudge them back onto a platform throughout the day and night to seek the next hit of dopamine. The biggest and most central of them all is the algorithmic feeds that are fueled by a user’s own information and inferences drawn from their past behavior and data collected from other sources. While these features can effectively serve up content curated for a user’s personal tastes and create social connections among users, it is these types of features that are most concerning to advocates for reform.

Former U.S Surgeon General Vivek Murthy appropriately encapsulated these issues:

In these digital public spaces, which [are] privately owned and tend to be run for profit, there can be tension between what’s best for the technology company and what’s best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring that users engage with one another in safe and healthy ways. This translates to technology companies focusing on maximizing time spent, not time well spent.<sup>11</sup>

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<sup>7</sup> *Ibid.*

<sup>8</sup> Kim Lyons, *Facebook reportedly is aware of the level of ‘problematic use’ among its users* (November 6, 2021) The Verge, [www.theverge.com/2021/11/6/22766935/facebook-meta-aware-problematic-use-addiction-wellbeing](https://www.theverge.com/2021/11/6/22766935/facebook-meta-aware-problematic-use-addiction-wellbeing).

<sup>9</sup> Kirsten Weir, *Social media brings benefits and risks to teens. Here’s how psychology can help identify a path forward* (September 1, 2023) American Psychological Association, <https://www.apa.org/monitor/2023/09/protecting-teens-on-social-media>.

<sup>10</sup> Matt Richtel, *Is Social Media Addictive? Here’s What the Science Says* (October 25, 2023) The New York Times, <https://www.nytimes.com/2023/10/25/health/social-media-addiction.html>.

<sup>11</sup> Vivek H. Murthy, *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* (2021) U.S. Dept. of Health & Human Services, <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

2. Warning the public about the harms of social media

United States Surgeon General Vivek Murthy testified before the United States Senate Committee on Finance in 2022 on what he termed a “crisis of loneliness and hopelessness” and identified the key factors driving this for young people:

The recent ubiquity of technology platforms, especially social media platforms, has had harmful effects on many children. Though undoubtedly a benefit to our lives in important ways, these platforms have also exacerbated feelings of isolation and futility for some youth. They’ve reduced time for positive in-person activities, pitted kids against each other, reinforced negative behaviors like bullying and exclusion, impeded healthy habits, and undermined the safe and supportive environments kids need to thrive.

This increase in social media use has also contributed to a bombardment of messages that undermine this generation’s sense of self-worth – messages that tell our kids with greater frequency and volume than ever before that they’re not good looking enough, not popular enough, not smart enough, not rich enough.<sup>12</sup>

Last year, he went further, calling for a warning label on social media platforms:

The mental health crisis among young people is an emergency – and social media has emerged as an important contributor. Adolescents who spend more than three hours a day on social media face double the risk of anxiety and depression symptoms, and the average daily use in this age group, as of the summer of 2023, was 4.8 hours. Additionally, nearly half of adolescents say social media makes them feel worse about their bodies.

It is time to require a surgeon general’s warning label on social media platforms, stating that social media is associated with significant mental health harms for adolescents. A surgeon general’s warning label, which requires congressional action, would regularly remind parents and adolescents that social media has not been proved safe. Evidence from tobacco studies show that warning labels can increase awareness and change behavior. When asked if a warning from the surgeon general would prompt them to limit or monitor their children’s social media use, 76 percent of people in one recent survey of Latino parents said yes.<sup>13</sup>

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<sup>12</sup> Statement of Vice Admiral Vivek H. Murthy (February 8, 2022) United States Senate Committee on Finance, <https://www.finance.senate.gov/download/020822-murthy-testimony>.

<sup>13</sup> Vivek H. Murthy, *Surgeon General: Why I’m Calling for a Warning Label on Social Media Platforms* (June 17, 2024) The New York Times, <https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html>.



This bill carries out that call and requires the following warning, for children and parents and other users of social media platforms, to be displayed clearly, conspicuously, and legibly in black text on a white background:

“The Surgeon General has warned that while social media may have benefits for some young users, social media is associated with significant mental health harms and has not been proven safe for young users.”

The bill requires social media platforms to display the warning when a user first accesses the platform each day. It must occupy at least one quarter of the screen or window and last for at least 10 seconds. However, a user can dismiss it or “X” it out. In addition, after three hours of use in a single day, the warning must again be given. This time it must occupy at least three quarters of the screen or window and last for at least 90 seconds. The bill requires that this latter warning not provide the ability to bypass it or click through it. This warning must be repeated at least every hour thereafter for the remainder of the day. The California Department of Public Health is authorized to promulgate regulations to modify the warning, so long as they further the purposes of the bill.

According to the author:

We are in the midst of a global mental health crisis. In the last decade or so, young people around the world, have experienced a dramatic spike rates of depression, anxiety, self-harm, and suicide. The crisis is real, urgent, and getting worse. Mounting evidence shows that online addiction in children is a widespread problem, with troubling implications for their mental health and well-being. More time on social media tends to be correlated with depression, anxiety, eating disorders, and interference with daily life, including establishing healthy sleep patterns. With AB 56 we’re responding to the U.S. Surgeon General Vivek Murthy’s call that all users of social media be warned about the risks associated with heavy social media use. This education is critical for both children and parents alike.

### 3. First Amendment concerns

Given that this bill compels the speech of social media platforms, this bill would likely face a constitutional challenge pursuant to the First Amendment if enacted. Commercial speech is protected under the state and federal guarantees of free speech, but to a lesser degree than noncommercial speech.<sup>14</sup> There are numerous examples of mandated commercial disclosures that have been upheld by the court, including food labeling requirements and warnings on cigarette boxes.

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<sup>14</sup> See *Gerawan Farming, Inc. v. Lyons* (2004) 33 Cal.4th 1, 22.

The prevailing framework to analyze a First Amendment claim involving compelled commercial disclosures is found in *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio* (1985) 471 U.S. 626 (“*Zauderer*”). The test has been specifically applied to laws that involve health and safety warnings.<sup>15</sup> Determining whether a given disclosure qualifies for the more lenient standard under *Zauderer* requires an assessment of whether the required disclosure is:

- “purely factual and uncontroversial information”;
- “is reasonably related to a substantial governmental interest”; and
- not “unjustified or unduly burdensome.”<sup>16</sup>

A coalition of industry groups in opposition, including the Computer and Communications Industry Association, argue the bill will not withstand judicial scrutiny:

While we appreciate the intent of this bill to protect adolescent social media users, we have several concerns regarding this bill. First, the bill raises several constitutional concerns as it requires a government-mandated label on user-generated speech. The label isn’t narrowly tailored to address the stated risk of harm to youth mental health. For example, the bill requires a 10 second warning upon accessing a social media platform, followed by a 90 second, unskippable warning after 3 hours of use to be applied to every site that meets the bill’s definition of social media, for every user regardless of whether they are actually a minor. It doesn’t apply to specific content, accounts, or even platforms that are most likely to pose risks of harm to minor users.

Additionally, the bill infringes on the speech rights of minors and adults alike by creating a significant barrier to access information and communicate with others. Some studies have shown that 40% of users will give up waiting for a website to load after just 3 seconds. It is highly likely that users will navigate away from these sites or will find workarounds to prevent this label from appearing.

Second, the warning label is unlikely to be accurate in the majority of situations. It obviously is inapplicable to adults, particularly those without children, trying to access social media, but for most minors trying to communicate with friends or access useful or educational information the label tells them nothing about what kinds of content or online behaviors are most likely to impact their mental health. Courts would examine the government’s interest in compelling platforms to provide an inaccurate

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<sup>15</sup> See also, *Am. Bev. Ass’n v. City & Cty. of San Francisco* (9th Cir. 2019) 916 F.3d 749, 756.

<sup>16</sup> *Ibid.*, *Zauderer*, 471 U.S. at 651; *Nat’l Ass’n of Wheat Growers v. Bonta*, (9th Cir. 2023) 85 F.4th 1263, 1275.

label, one that would apply regardless of the user demographics, content, or safety features the platform had implemented. As a result, the label is clearly not the least restrictive means to improve youth mental health.

The author and proponents respond, making the case that the bill will be subject to and pass the *Zauderer* test:

Social media warning labels are an equitable, effective, and transparent way to deliver public health information. By requiring warning labels on social media platforms, AB 56 provides families, children, and others information about the risks of social media use. Such warning labels are commonplace on toys and other products targeted for children and there are countless similar safety limitations in the law that protect people only under a certain age, like the sale of cigarettes. (Bus & Prof. Code, § 22950.5, et seq.) That these warning labels are viewed by adults does not necessarily make that warning label impermissible compelled speech.

Warning labels are constitutional under the *Zauderer* standard when they are factual, noncontroversial, and do not unduly burden protected expression. As stated on page 17 of the Assembly Privacy Committee analysis, the warning label required by AB 56 restates the conclusion of the nation's top doctor based on his review of numerous generally accepted, peer-reviewed research studies and scientific studies about the ample association between social media use and youth mental health impacts. The current version of the warning label incorporating the April 21 amendments also acknowledges that social media may have benefits for some young users. As a result, a court could readily conclude that the warning is factual and uncontroversial and that it does not unduly burden any protected expression.

Just as smoking rates were reduced in part through the global adoption of health warning labels that built awareness of the negative effects of smoking, the warning label required by AB 56 can help raise public awareness and turn the tide in a growing public health crisis.

In order to reduce the burden imposed by the bill, and specifically the longer warning that cannot be bypassed, the author has agreed to an amendment that allows for the warning required by Section 28002(a)(2)(A) to be the shorter, smaller version provided for in Section 28002(a)(1)(B) that can be bypassed if the platform has actual knowledge that a user is 18 or older. This targets the longer, non-bypassable warning at minor users of these platforms.

4. Stakeholder positions

Attorney General Rob Bonta, a sponsor of the bill states:

On September 10, 2024, Attorney General Bonta joined a bipartisan coalition of 42 attorneys general in sending a letter to Congress supporting the Surgeon's General's advocacy for warning labels. The attorneys general argued that by mandating a surgeon general's warning on algorithm-driven social media platforms, Congress can address the growing crisis and protect future generations of Americans.

Accordingly, AB 56 would require social media platforms to periodically display a specified black box warning label informing users that the Surgeon General has warned that social media is associated with significant mental health harms and has not been proven safe for young users, while it may have benefits for some of them. Recent Assembly amendments to the bill provide that the initial warning shall be displayed clearly and continuously for a duration of at least 10 seconds, unless the user affirmatively dismisses the warning by clicking on a conspicuous "X" icon.

The California Medical Association writes in support:

Mounting evidence shows that online addiction in children is a widespread problem, with troubling implications for their mental health and well-being. As the United States Surgeon General has reported, recent evidence has identified "reasons for concern" about social media usage by children and adolescents. This evidence includes a study concluding that the risk of poor mental health outcomes doubles for children and adolescents who use social media at least three hours a day and research finding that social media usage is linked to a variety of negative health outcomes, including low self-esteem and disordered eating, for adolescent girls.

Approximately 95 percent of 13 to 17-year-olds, inclusive, say that they use at least one social media platform, and more than one-third report using social media almost constantly. More time on social media tends to be correlated with depression, anxiety, eating disorders, susceptibility to addiction, and interference with daily life, including learning. Heavier usage of social media also leads to less healthy sleep patterns and sleep quality, which can in turn exacerbate both physical and mental health problems. Social media companies are not transparent about these harms.

Social media warning labels are an equitable, effective, and transparent way to ensure public health information gets to the public.

Internet Works writes in an oppose unless amended position, arguing for a narrowed definition that “can be achieved by using language utilized in AB 587 ([Gabriel, Ch. 269, Stats.] 2022) and SB 976 ([Skinner, Ch. 321, Stats.] 2024)” and adding additional carve outs.

Currently the bill utilizes a different definition of “social media platform” than that provided for under current law. In order to harmonize the laws, the author has agreed to an amendment that applies the bill to “covered platforms.” The definition for covered platform utilizes the definitions referenced above from AB 587 and SB 976. It will cross-reference “addictive internet-based service or application” in existing Health and Safety Code Section 27000.5. Included within that definition are “social media platforms” as defined in existing law pursuant to AB 587, which includes all of the largest social media platforms, including Facebook, Instagram, Snap, TikTok, X, and YouTube.

Internet Works further asserts:

AB 56 also places a disproportionate burden on productive and vulnerable users – students, researchers, entrepreneurs, and people with disabilities – many of whom rely on these platforms for outreach, learning, accessibility, and income. For these users, interruptions translate to barriers. The economic impact would be significant on small and mid-size platforms, especially those with relatively low user engagement or use for specific, limited purposes, such as commercial activity. Many online platforms provide critical infrastructure for job searching, marketing, and customer service. A default delay – even once – can mean lost productivity, lower customer conversion, and real financial losses, particularly for time-sensitive tasks.

### **SUPPORT**

Attorney General Rob Bonta (sponsor)  
California Medical Association  
California School Nurses Organization  
Children’s Advocacy Institute  
Common Sense Media  
County Behavioral Health Directors Association  
Former Surgeon General of California, Dr. Nadine Burke Harris  
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties  
Organization for Social Media Safety

Public Health Advocates

## **OPPOSITION**

Calbroadband

California Chamber of Commerce

Computer & Communications Industry Association

Internet Works

Technet

## **RELATED LEGISLATION**

### **Pending Legislation:**

AB 2 (Lowenthal, 2025) increases the penalties that can be sought against a social media platform, as defined, if the platform fails to exercise ordinary care or skill and injures a child. AB 2 is currently in this Committee and is being heard the same day as this bill.

AB 1043 (Wicks, 2025) establishes the Digital Age Assurance Act, which creates a signaling infrastructure that allows developers to rely on a real-time, secure indicator of a user's age bracket for purposes of complying with other California laws that require age verification or parental consent. It provides that a developer that receives a signal indicating a user's age shall be deemed to have actual knowledge of the user's age even if the developer willfully disregards the signal and requires a developer to treat a signal indicating a user's age as the primary indicator of a user's age for purposes of determining the user's age. AB 1043 is currently in this Committee.

### **Prior Legislation:**

SB 976 (Skinner, Ch. 321, Stats. 2024) prohibited operators of "internet-based services or applications" from providing "addictive feeds," as those terms are defined, to minors without parental consent and from sending notifications to minors at night and during school hours without parental consent, as provided. SB 976 required operators to make available to parents a series of protective measures for controlling access to and features of the platform for their children. It also required reporting on data regarding children on their platforms, as specified. This law is the subject of ongoing litigation.

AB 3172 (Lowenthal, 2024) was substantially similar to this bill but was amended to limit these enhanced remedies to actions brought by public prosecutors and raised the standard of care necessary to seek such remedies. AB 3172 died on the Senate Floor.

SB 287 (Skinner, 2023) would have subjected social media platforms to civil liability for damages caused by their designs, algorithms, or features, as provided. It would have

provided a safe harbor where certain auditing practices are carried out. SB 287 was held in the Senate Appropriations Committee.

AB 1394 (Wicks, Ch. 579, Stats. 2023) required social media platforms to provide a reporting mechanism for suspected child sexual abuse material and requires them to permanently block the material, as provided. It also prohibits platforms from knowingly facilitating, aiding, or abetting minor's commercial sexual exploitation.

SB 1056 (Umberg, Ch. 881, Stats. 2022) required a social media platform, as defined, to clearly and conspicuously state whether it has a mechanism for reporting violent posts, as defined; and allows a person who is the target, or who believes they are the target, of a violent post to seek an injunction to have the violent post removed.

AB 2273 (Wicks, Ch. 320, Stats. 2022) established the California Age-Appropriate Design Code Act, placing a series of obligations and restrictions on businesses that provide online services, products, or features likely to be accessed by children. This includes a prohibition on using the personal information of any child in a way that the business knows or has reason to know is materially detrimental to the physical health, mental health, or well-being of a child. This law is the subject of ongoing litigation.

**PRIOR VOTES:**

Assembly Floor (Ayes 50, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 1)

Assembly Judiciary Committee (Ayes 10, Noes 1)

Assembly Privacy and Consumer Protection Committee (Ayes 11, Noes 1)

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