

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1282 (Lowenthal)  
Version: June 13, 2023  
Hearing Date: July 6, 2023  
Fiscal: Yes  
Urgency: No  
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**SUBJECT**

Mental health: impacts of social media

**DIGEST**

This bill requires the Mental Health Services Oversight and Accountability Commission to report, by July 1, 2025, to the Legislature a statewide strategy to understand, communicate, and mitigate mental health risks associated with the use of social media by children and youth, up to 26 years of age.

**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 used social media and estimates from 2018 put the number of teens on the sites at over 70 percent.

Given the reach of social media platforms and the increasing role they play in many children's lives, concerns have arisen over the connection between social media usage and mental health, especially as the data shows troubling trends for youth mental health in this country. This bill seeks to learn more about these impacts by enlisting the Mental Health Services Oversight and Accountability Commission (the commission) to report to the Legislature a statewide strategy for understanding, communicating, and mitigating mental health risks associated with the use of social media by young people up to 26 years of age. The bill is author-sponsored. It is supported by various organizations, including the California Academy of Family Physicians. There is no known opposition. It passed out of the Senate Health Committee on a 12 to 0 vote.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the Mental Health Services Act (MHSA), enacted by voters in 2004 as Proposition 63, to provide funds to counties to expand services, develop innovative programs, and integrated service plans for mentally ill children, adults, and seniors through a 1% income tax on personal income above \$1 million. (Proposition 63, 2004.)
- 2) Establishes the commission to oversee the Adult and Older Adult Mental Health System of Care Act; Human Resources, Education, and Training Programs; Innovative Programs; Prevention and Early Intervention Programs; and the Children’s Mental Health Services Act. (Welf. & Inst. Code § 5845.)
- 3) Provides that the Commission shall help provide technical assistance, adopt regulations, and report on outcomes in connection with mental health services provided in California, as provided. (Welf. & Inst. Code §§ 5845-5848.)
- 4) Defines “social media platform” to mean 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; and
  - 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 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.)
- 5) Establishes the federal Children’s Online Privacy Protection Act (COPPA) to provide protections and regulations regarding the collection of personal information from children under the age of 13. (15 U.S.C. § 6501 et seq.)
- 6) Establishes the Privacy Rights for California Minors in the Digital World (PRCMDW), which prohibits an operator of an internet website, online service, online application, or mobile application (“operator”) from the following:

- a) marketing or advertising specified products or services, such as firearms, cigarettes, and alcoholic beverages, on its internet website, online service, online application, or mobile application that is directed to minors;
  - b) marketing or advertising such products or services to minors who the operator has actual knowledge are using its site, service, or application online and is a minor, if the marketing or advertising is specifically directed to that minor based upon the personal information of the minor; and
  - c) knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile, the personal information of a minor with actual knowledge that the use, disclosure, or compilation is for the purpose of marketing or advertising such products or services to that minor, where the website, service, or application is directed to minors or there is actual knowledge that a minor is using the website, service, or application. (Bus. & Prof. Code § 22580.)
- 7) Requires, pursuant to the PRCMDW, certain operators to permit a minor user to remove the minor's content or information and to further inform the minor of this right and the process for exercising it. (Bus. & Prof. Code § 22581.)
- 8) Establishes the California Age-Appropriate Design Code Act, which places a series of obligations and restrictions on businesses that provide online services, products, or features likely to be accessed by children. (Civ. Code § 1798.99.28 et seq.)
- 9) Requires a business that provides an online service, product, or feature likely to be accessed by children ("covered business") to take specified actions, including to:
- a) undertake a Data Protection Impact Assessment for any online service, product, or feature likely to be accessed by children, as specified;
  - b) estimate the age of child users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business, or apply the privacy and data protections afforded to children to all consumers;
  - c) provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access that online service, product, or feature;
  - d) if the online service, product, or feature allows the child's parent, guardian, or any other consumer to monitor the child's online activity or track the child's location, provide an obvious signal to the child when the child is being monitored or tracked;

- e) enforce published terms, policies, and community standards established by the business, including, but not limited to, privacy policies and those concerning children; and
  - f) provide prominent, accessible, and responsive tools to help children, or if applicable their parent or guardian, exercise their privacy rights and report concerns. (Civ. Code § 1798.99.31.)
- 10) Provides that a covered business shall not engage in specified activity, including:
- a) 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;
  - b) profiling a child by default, except as specified;
  - c) collecting, selling, sharing, or retaining any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged, except as specified;
  - d) using the personal information of a child for any reason other than a reason for which that personal information was collected, except as specified;
  - e) collecting, selling, or sharing any precise geolocation information of children by default unless the collection of that precise geolocation information is strictly necessary to provide the service, product, or feature requested and then only for the limited time that the collection of precise geolocation information is necessary to provide the service, product, or feature; and
  - f) collecting, selling, or sharing any precise geolocation information without providing an obvious sign to the child for the duration of that collection that precise geolocation information is being collected. (Civ. Code § 1798.99.31.)

This bill:

- 1) Requires the Mental Health Services Oversight and Accountability Commission to report, by July 1, 2025, to the Senate and Assembly Committees on Health, the Senate Committee on Judiciary, the Assembly Committee on Privacy and Consumer Protection, and other relevant policy committees of the Legislature a statewide strategy to understand, communicate, and mitigate mental health risks associated with the use of social media by children and youth, up to 26 years of age.
- 2) Requires the report to include all of the following:
  - a) the degree to which individuals negatively impacted by social media are accessing and receiving mental health services;

- b) recommendations to strengthen children and youth resiliency strategies and California's use of mental health services to reduce the negative outcomes that may result from untreated mental illness, as specified; and
  - c) any barriers to receiving the data relevant to completing this report.
- 3) Provides that the commission shall explore the types of social media, the persons and populations that use social media, opportunities to support resilience, and negative mental health risks associated with social media, including:
- a) suicide;
  - b) eating disorders;
  - c) self-harm;
  - d) prolonged suffering;
  - e) depression;
  - f) anxiety;
  - g) bullying;
  - h) substance abuse; and
  - i) other mental health risks as determined by the commission.
- 4) Requires the commission to also explore the negative health risks associated with artificial intelligence. "Artificial intelligence" is defined as a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.
- 5) Provides that the commission shall prioritize the perspectives of children and youth through a robust engagement process with a focus on transition-age youth, at-risk populations, in-need populations, and underserved cultural and linguistic populations. The commission shall also consult with the California mental health community, including consumers, family members, providers, and other subject matter experts.
- 6) Provides that it is repealed as of January 1, 2029.

### 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, TikTok, Instagram, and Snapchat are the most popular social media sites, and 46 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 between such problematic use and depression and anxiety.

As pointed out by 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 20, 2023.

<sup>2</sup> Emily Vogels et al., *Teens, Social Media and Technology 2022* (Aug. 10, 2022) Pew Research Center, <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>; 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 recent 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>

Another paper recently released provides "Recommendations to the Biden Administration," and is relevant to the considerations here:

The Administration should work with Congress to develop a system of financial incentives to encourage greater industry attention to the social costs, or "externalities," imposed by social media platforms. A system of meaningful fines for violating industry standards of conduct regarding harmful content on the internet is one example. In addition, the Administration should promote greater transparency of the placement of digital advertising, the dominant source of social media revenue. This would create an incentive for social media companies to modify their algorithms and practices related to harmful content, which their advertisers generally seek to avoid.<sup>6</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.

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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>.

<sup>6</sup> Caroline Atkinson, et al., *Recommendations to the Biden Administration On Regulating Disinformation and Other Harmful Content on Social Media* (March 2021) Harvard Kennedy School & New York University Stern School of Business, [https://static1.squarespace.com/static/5b6df958f8370af3217d4178/t/6058a456ca24454a73370dc8/1616421974691/TechnologyRecommendations\\_2021final.pdf](https://static1.squarespace.com/static/5b6df958f8370af3217d4178/t/6058a456ca24454a73370dc8/1616421974691/TechnologyRecommendations_2021final.pdf).

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, 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>7</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.

“Aspects of Instagram exacerbate each other to create a perfect storm,” the research states.<sup>8</sup>

It is these types of features that are most concerning and that are at the heart of the bill. In addition to the “Explore page” there are various other features that are believed to contribute to excessive social media use and preoccupation and attendant mental health issues in children. 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>9</sup>

Another increasing prevalent issue is the connection between social media and drug use in children. Drug use among teenagers and young adults has surged, in part due to the mental health harms caused by the COVID-19 pandemic.<sup>10</sup> Teenagers and young adults appear to prefer using prescription pills over opioids like heroin, due to “a skittishness about syringes” and “the false imprimatur of medical authority” that comes with prescription medication.<sup>11</sup>

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<sup>7</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).

<sup>8</sup> *Ibid.*

<sup>9</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](http://www.theverge.com/2021/11/6/22766935/facebook-meta-aware-problematic-use-addiction-wellbeing).

<sup>10</sup> Hoffman, *Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug Deaths to Soar* (May 19, 2022) N.Y. Times, <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>.

<sup>11</sup> *Ibid.*

For many young people seeking pills, they need look no further than the social media apps on their smartphones. Large numbers of drug dealers now use social media apps – particularly those with encrypted or disappearing messages – to offer drugs and make sales.<sup>12</sup> Snapchat, a social media app with features that allow messages to disappear and to be locked with a password, has been particularly widely criticized for facilitating drug sales to minors over its platform,<sup>13</sup> but the DEA has identified other social media platforms – including Facebook, Instagram, and TikTok – that are also used for drug sales.<sup>14</sup> Drug dealers have been able to exploit the built-in features of these platforms, as well as inconsistent content moderation by the platforms, to the point that “gaining access to illicit drugs via social media...is nearly as convenient as using one’s phone to order a pizza or call an Uber.”<sup>15</sup>

Representatives from Snap (Snapchat’s parent company) and other social media companies say that they have taken steps to identify drug dealer accounts and limit the sales of drugs on their platforms.<sup>16</sup> Some argue, however, that the steps are inadequate to meaningfully reduce the problem.<sup>17</sup> Others report that social media platforms have been slow to cooperate with law enforcement officials investigating drug sales arranged over the platforms, further thwarting efforts to protect minors.<sup>18</sup> In February 2023, the House Energy and Commerce Committee held a roundtable to discuss the problem of drug sales over social media and whether federal legislation is needed to limit the liability protections given to online platforms for injuries caused by drug sales facilitated by those platforms.<sup>19</sup>

A recent report by the Centers for Disease Control and Prevention revealed some troubling trends for mental health among the nation’s youth:

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<sup>12</sup> *Ibid.*; Whitehurst, *Group urges feds to investigate Snapchat over fentanyl sales* (Dec. 22, 2022) L.A. Times, <https://www.latimes.com/business/story/2022-12-23/group-urges-feds-investigate-snapchat-over-fentanyl-sales>.

<sup>13</sup> Mann, *Social media platforms face pressure to stop online drug dealers who target kids* (Jan. 26, 2023) NPR, <https://www.npr.org/2023/01/26/1151474285/social-media-platforms-face-pressure-to-stop-online-drug-dealers-who-target-kids>.

<sup>14</sup> Whitehurst, *Group urges feds to investigate Snapchat over fentanyl sales* (Dec. 22, 2022) L.A. Times, <https://www.latimes.com/business/story/2022-12-23/group-urges-feds-investigate-snapchat-over-fentanyl-sales>.

<sup>15</sup> Colorado Department of Law, *Social Media, Fentanyl, & Illegal Drug Sales: A Report from the Colorado Department of Law* (2023), pp. 8-9.

<sup>16</sup> Mann, *Social media platforms face pressure to stop online drug dealers who target kids* (Jan. 26, 2023) NPR, <https://www.npr.org/2023/01/26/1151474285/social-media-platforms-face-pressure-to-stop-online-drug-dealers-who-target-kids>; Hoffman, *Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug Deaths to Soar* (May 19, 2022) N.Y. Times, <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>.

<sup>17</sup> Colorado Department of Law, *Social Media, Fentanyl, & Illegal Drug Sales: A Report from the Colorado Department of Law*, *supra* at p. 7.

<sup>18</sup> *Id.* at p. 87.

<sup>19</sup> Feiner, *Snapchat’s role in fentanyl crisis probed during house roundtable: ‘It’s a Snap-specific problem’* (Jan. 25, 2023) CNBC, <https://www.cnbc.com/2023/01/25/snapchats-role-in-fentanyl-crisis-probed-during-house-roundtable.html>.

- Nearly all indicators of poor mental health and suicidal thoughts and behaviors increased from 2011 to 2021. The percentage of students who experienced persistent feelings of sadness or hopelessness, seriously considered attempting suicide, made a suicide plan, and attempted suicide increased.
- The percentage of female students who seriously considered attempting suicide, made a suicide plan, and attempted suicide increased.
- In 2021, 42% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities.
- In 2021, 22% of high school students seriously considered attempting suicide during the past year.
- In 2021, 10% of high school students attempted suicide one or more times during the past year.<sup>20</sup>

## 2. Developing a strategy to address the youth mental health crisis

While a host of recent legislation has sought to hold social media platforms directly accountable for the emotional damage they cause children, this bill focuses on gaining more information and developing a state-wide strategy for understanding, communicating, and mitigating mental health risks associated with the use of social media. The report is to be sent to this Committee, the Senate and Assembly Committees on Health, the Assembly Committee on Privacy and Consumer Protection, and other relevant policy committees.

Included in the report will be data on how often youth that are negatively impacted by social media are accessing and receiving mental health services and ways to strengthen youth resiliency. The bill requires the report to include quantitative data regarding the various forms of social media, who uses it, and the negative mental health risks associated with it. The bill explicitly highlights some of these, including suicide, depression, anxiety, and substance abuse. This is particularly pertinent information given the discussion above.

Writing in support, the California Academy of Family Physicians states:

Studies have linked social media usage to leading factors in children and youth developing anxiety, depression, and young girls developing body

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<sup>20</sup> *Youth Risk Behavior Survey Data Summary & Trends Report 2011-2021*, Centers for Disease Control and Prevention, [https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS\\_Data-Summary-Trends\\_Report2023\\_508.pdf](https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf).

dysmorphic disorder. Without proper guardrails in place around social media usage, impressionable young children's mental health is at risk. AB 1282 brings awareness to children and youth struggles with mental health. This bill takes the necessary step to collect data and recommendations on the negative impact that social media has on children and youth and will aid in gathering recommendations on how to reduce the negative outcomes that may result from untreated mental illnesses.

The Commission also writes in support:

Assembly Bill 1282 will provide a much-needed statewide strategy to ensure children and youth are receiving the support and resources they deserve to create resilience and mitigate the negative mental health impacts associated with social media use. In addition, the report would elevate the voice of children and youth by prioritizing their perspectives with a focus on transition-age youth, at-risk populations, in-need populations and underserved cultural and linguistic populations. Lastly, by broadening the scope of the report to include the negative health risks associated with artificial intelligence, the state will be able to consider the effects of this rapidly growing technology that is transforming not just social media but many aspects of Californians' lives.

### **SUPPORT**

California Academy of Family Physicians  
Los Angeles County Office of Education  
Mental Health Services Oversight and Accountability Commission  
Nextgen California

### **OPPOSITION**

None known

### **RELATED LEGISLATION**

#### **Pending Legislation:**

SB 287 (Skinner, 2023) prohibits a social media platform from using a design, algorithm, or feature that the platform knows or should have known causes child users to experience specified harms, including purchasing a controlled substance and developing an eating disorder. SB 287 is on the Senate Floor.

SB 764 (Padilla, 2023) prohibits a social media platform from adopting or implementing a policy or practice related to the targeting of content to minors that prioritizes user

engagement of minor users over the safety, health, and well-being of the minor users if the social media platform knows or, should know that it has caused harm to minor users or it is reasonably foreseeable that it will cause harm to minor users. SB 764 is currently pending before the Senate Judiciary Committee.

SB 845 (Stern, 2023) requires large social media platforms, as defined, to create, maintain, and make available to third-party safety software providers a set of real-time application programming interfaces, through which a child or a parent or legal guardian of a child may delegate permission to a third-party safety software provider to manage the child's online interactions, content, and account settings on the large social media platform on the same terms as the child, and for other purposes. SB 845 is pending before the Senate Judiciary Committee.

AB 1394 (Wicks, 2023) requires social media platforms to provide a mechanism for users to report child sexual abuse material in which they are depicted. It also provides victims of commercial sexual exploitation the right to sue social media platforms for having deployed features that were a substantial factor in causing their exploitation. AB 1394 is currently in this Committee.

Prior Legislation:

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 587 (Gabriel, Ch. 269, Stats. 2022) required social media companies, as defined, to post their terms of service and report certain information to the Attorney General on a quarterly basis.

AB 1628 (Ramos, Ch. 432, Stats. 2022) required a social media platform, as defined, that operates in this state to create and publicly post a policy statement including specified information pertaining to the use of the platform to illegally distribute controlled substances, until January 1, 2028.

AB 2273 (Wicks, Ch. 320, Stats. 2022) established the California Age-Appropriate Design Code Act, placing a series of obligations and restriction on businesses that provide online services, products, or features likely to be accessed by a child.

AB 2408 (Cunningham, 2022) would have prohibited a social media platform from using a design, feature, or affordance that the platform knew, or which by the exercise of reasonable care it should have known, causes child users to become addicted to the platform. AB 2408 died in the Senate Appropriations Committee.

AB 2571 (Bauer-Kahan, Ch. 77, Stats. 2022) prohibited firearm industry members from advertising or marketing, as defined, firearm-related products to minors. AB 2571 restricted the use of minors' personal information in connection with marketing or advertising firearm-related products to those minors.

AB 2879 (Low, Ch. 700, Stats. 2022) required a social media platform to disclose its cyberbullying reporting procedures in its terms of service and to have a mechanism for reporting cyberbullying that is available to individuals whether or not they have an account on the platform.

AB 1114 (Gallagher, 2021) would have required a social media company located in California to develop a policy or mechanism to address content or communications that constitute unprotected speech, including obscenity, incitement of imminent lawless action, and true threats, or that purport to state factual information that is demonstrably false. AB 1114 died in the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee.

SB 388 (Stern, 2021) would have required a social media platform company, as defined, that, in combination with each subsidiary and affiliate of the service, has 25,000,000 or more unique monthly visitors or users for a majority of the preceding 12 months, to report to the Department of Justice by April 1, 2022, and annually thereafter, certain information relating to its efforts to prevent, mitigate the effects of, and remove potentially harmful content. SB 388 died in the Senate Judiciary Committee.

**PRIOR VOTES:**

Senate Health Committee (Ayes 12, Noes 0)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 11, Noes 0)

Assembly Health Committee (Ayes 15, Noes 0)

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