

California attorney general seeks to help parents shield kids from social media

By Eric He

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This Pro Bill Analysis covers two bills: [SB 976](#) and [AB 1949](#)

A pair of proposals backed by California Attorney General [Rob Bonta](#) aiming to protect children from the harms of social media are advancing with bipartisan support through the state Legislature.

The measures are the latest in state lawmakers' efforts to clamp down on platforms such as Meta and X, though [prior laws](#) have run into legal challenges. This year, Bonta is calling to require parental consent before platforms can present an [algorithmic feed to minors](#) or [collect their data](#). He also wants to limit the hours that platforms can send notifications to children. Both bills are opposed by tech interests, opening up the possibility for legal challenges if they do not reach an agreement on language with the Legislature.

Bonta said in an introductory news briefing in January that he wants his three young? kids to “have healthy experiences online and to not be faced with addictive approaches and experiences that hurt their mental health.”

“This is a very pro-parent and pro-child set of actions,” Bonta said. “It puts the power to drive the experience in the hands of our children and our parents, and protect them from what we know is very harmful.”

WHAT'S IN THE BILL?

This Pro Bill Analysis is based on the [text of SB 976](#) as amended on July 3.

The bill, known as the Protecting Our Kids from Social Media Addiction Act, states in its declarations that social media algorithms pose a “significant risk of harm to the mental health and well-being of children and adolescents,” and that heavy use of social media can lead to less healthy sleep patterns and sleep quality (Secs. 1, 2).

The measure would make it illegal for social media platforms to provide minors with an “addictive feed” without verifiable parental consent. The measure would require that any information collected to verify a user’s age be deleted immediately afterwards, except to comply with any other state or federal law.

The bill would also ban social media platforms from sending notifications to minors without verifiable parental consent between the hours of 12 a.m. and 6 a.m., and 8 a.m. and 3 p.m. from September through May – when kids would typically be in school.

Platforms would have to provide a way for parents to:

- Prevent their child from accessing or receiving notifications between specific hours as chosen by the parent, with the default setting between the hours of 12 a.m. and 6 a.m.
- Limit their child’s access to any “addictive feed” from the platform for a certain period of time, with the default setting to one hour per day
- Limit their child’s ability to view the number of likes or other forms of feedback, with the default setting to “on”
- Ensure that the child is not by default shown content that is based off an algorithm
- Set their child’s account to private mode, so only the child’s friends on an app can view or respond to their content, with the default setting as “on.”

The bill would define an “addictive feed” as a website, online or mobile platform where media is shared to users via an algorithm, or based on information that is provided by the users or otherwise associated with the users or their device.

There would be an exceptions for: — Search terms and other information entered by a user that is not “persistently” associated with their device and is not related to their prior content they generated or shared

- Information is related to privacy or accessibility settings selected by the user
- Content specifically requested by a user
- Direct, private communications between users
- Content that is next in the queue from the same source, and is not automatically played

The bill would explicitly state that it is not intended to give parents any additional control other than what is currently proposed over their child’s social media or prevent any “good faith” action to restrict access to content.

Social media companies would not be allowed to lower the quality or increase the price of any feature if a parent decides to use the restrictions stated in the measure. Platforms would be allowed to withhold providing services to children outright.

Parents and children would still be able to sue platforms over any alleged damage to mental health or well-being, regardless of whether they provided consent for platforms to use algorithms.

The measure would apply on top of other relevant social media regulations such as the [California Age-Appropriate Design Code Act](#).

Platforms would have to disclose annually:

- The number of minors under the age of 18 who use their services
- How many minors have parents who consented to the platforms using an algorithm
- The breakdown of how many minors have the time restriction settings enabled and not enabled

Beginning in 2027, the attorney general would have to adopt regulations regarding age verification and parental consent. Prior to then, there would be an exception for platforms to comply if they do not have actual knowledge that the user is a minor, but beginning in 2027, the platform would have to reasonably demonstrate the user is not a minor pursuant to the regulations.

The measure would contain a severability clause, so that if one part of the bill is ruled unconstitutional, the other parts would still become law (Sec. 2).

This Pro Bill Analysis is based on the [text of AB 1949](#) as amended on July 3.

The measure would amend the [California Consumer Privacy Act of 2020](#) to prevent platforms from collecting, sharing, selling, using or disclosing the personal information of children, but only if they have actual knowledge that a user is under the age of 18. Parents would have to provide consent for children under 13, but minors between 13 and 18 years of age can provide consent on their own.

Businesses that “willfully disregard” the user’s age would be determined to have actual knowledge. The bill would amend these provisions into the “actual knowledge” standard (Sec. 1-3, 6).

For sharing or selling information, the bill would raise the age restriction to 18 from 16, which is the current law (Sec. 2). For using or disclosing information, the bill would allow for short-term use of personal information that is not used to build a profile of the user. The information would need to be used in a manner that is “necessary and proportional” to the purpose, and would not be retained for any other reason (Sec. 3).

If users indicate that they are under age 18, the bill would explicitly require businesses to treat them as such (Sec. 4).

The bill would require the California Attorney General to issue regulations for how a minor or parent can specify that the user is under the age of 18 (Sec. 5).

WHO ARE THE POWER PLAYERS?

California Attorney General **Rob Bonta**, who has repeatedly [pushed to regulate](#) social media's impact on kids, worked with Assemblymember [Buffy Wicks](#) (D-Oakland) and Sen. [Nancy Skinner](#) (D-Berkeley) — lawmakers who have also targeted platforms in the past with legislation.

Skinner's bill, SB 976, is coauthored by Senators [Ben Allen](#) (D-Santa Monica), [Angelique Ashby](#) (D-Natomas), [María Elena Durazo](#) (D-Los Angeles) and [Susan Rubio](#) (D-Baldwin Park), and Assemblymembers [Rebecca Bauer-Kahan](#) (D-Orinda) and [Josh Lowenthal](#) (D-Long Beach).

Skinner said at the Assembly Privacy and Consumer Protection committee hearing in July that the measure takes platforms back to "Facebook 101, where the feeds were chronological."

Lowenthal, who has [his own proposal](#) that would fine social media companies for harming kids, is the lone co-author on Wicks' proposal.

Amy Alley, Bonta's director of legislative affairs, said at the July Senate Judiciary hearing that the "collection and exploitation of children's personal information is in large part what enables businesses to harness the algorithmic delivery of content designed to lead to social media addiction in children and drive up company profits in the process."

"In addition to adverse consequences of the time spent online, the collection of children's data by these giant companies itself also puts our kids at grave risk, leaving them vulnerable to having their location and other personal data track," Alley said.

The **Chamber of Commerce, Computer & Communications Industry Association** and **Electronic Frontier Foundation** are among the tech groups opposing both bills, though formal opposition has not been updated since the June amendments to Wicks' bill.

A coalition of tech trade groups in April [called Skinner's bill unconstitutional](#), saying it was a "de facto ban on providing content suggestions and recommendations, unless a user's age can be verified or their parent consents," which would likely violate "platforms' protected discretion to present content on their sites." The **Chamber of Progress** also urged Gov. [Gavin Newsom](#) to veto the bill, [claiming it would](#) "prevent platforms from downranking harmful content."

"Personalized feeds are essential for platforms to protect users from toxic content, like posts that promote self-harm, eating disorders, and suicide," wrote **Todd O'Boyle**, Chamber of Progress' senior director of technology policy. "Without algorithmic content curation, users are likely to be exposed to more of this type of harmful content, worsening the problem that SB 976 is trying to address."

WHAT'S HAPPENED SO FAR?

Skinner amended her bill in the Assembly Privacy and Consumer Protection Committee to limit the parent's control to solely their child's access to the addictive feed, or algorithm, in an attempt to alleviate concerns over giving parents too much control over their kids, especially for LGBTQ+ children living with parents who might deny them access to supportive content and services.

The Trevor Project, LGBT Tech, Woodhull Freedom Foundation and the Chamber of Progress [wrote a letter](#) asking for Assembly Speaker [Robert Rivas](#) (D-Hollister) to oppose the bill, arguing in part that consent laws have a disparate impact on marginalized youth.

California was the first state to pass the [Age Appropriate Design Code Act](#), modeled on a U.K. law that requires companies to make their websites child safe by default. That includes limiting data collection and making product design choices in the best interest of children.

That law is on hold. Last September, federal district judge Beth Labson Freeman granted an injunction from NetChoice, a tech industry lobbying group, which had sued claiming the AADC violates the First Amendment.

In July, a federal appeals court aligned itself with the lower court's ruling, echoing concerns that the law's requirements infringe upon the speech rights of private companies. "The objective is one we can only laud, but we are dealing with the

First Amendment here,” said Judge Milan Smith, arguing the law “forces the private parties to opine” what type of content harms kids.

An adverse ruling would be a blow to Newsom. The governor [pushed NetChoice to drop its lawsuit](#) in an open letter accusing the industry of downplaying the “real harms our children face on the internet” by “callously mocking this law,” and first partner Jennifer Siebel Newsom [has publicly assailed](#) the challenge.

The Ninth Circuit also heard X’s challenge to a [law requiring social media platforms](#) to share their content moderation policies. Newsom has been [publicly battling with](#) X owner Elon Musk after the tech titan threatened to relocate two of his companies’ headquarters from California to Texas in response to a new state law aimed at protecting the privacy of transgender schoolchildren.

Still, [states are moving forward](#) with the age appropriate design frameworks in addition to other protective measures to safeguard kids. NetChoice has filed lawsuits against three other states, including Arkansas’ law requiring parental consent for kids to use social media, which was also [blocked by a federal judge](#).

California has been at the forefront of data privacy regulation. But with its latest bills, it seems to be taking notes from other states.

The two new bills borrow aspects of Utah’s parental consent laws, which also set time restrictions for use of apps at night by kids. NetChoice is also suing over those laws. The California measures are also similar to [New York’s Stop Addictive Feeds Exploitation for Kids Act](#), which if passed would prohibit companies from serving minors’ addictive, algorithm driven feeds without express consent.

WHAT’S NEXT?

Wicks agreed to an amendment during the July 2 Senate Judiciary Committee to put language requiring that platforms have “actual knowledge” of a user’s age back into the bill. A prior version of the measure would have eliminated the actual knowledge provision for children under 16 years of age, which would have put more of a broad liability on platforms.

But at the early July hearing Senate Judiciary Chair [Tom Umberg](#) (D-Santa Ana) sought to add the actual knowledge standard back into the bill, which currently raises the standard to all minors under the age of 18.

Wicks said at the July hearing that she would continue to work with Umberg to ensure “the term cannot be interpreted and applied to afford blanket immunity to the platform.”

Both bills are set to be heard in each chamber’s respective appropriation committees in August before they would face floor votes by the end of the month.

WHAT ARE SOME STORIES ON THE BILL?

Read POLITICO news on [SB 976](#) and [AB 1949](#).

Jeremy White, Ruth Reader and Rebecca Kern contributed to this report.