



## State AGs Focus on Social Media and its Impact on Youth

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As we have [discussed](#), the NAAG President, Oregon Attorney General Ellen Rosenblum, formally announced her 2024 Presidential Initiative focusing on America's youth. As we noted, this was consistent with a broader priority for 2024 among many state attorneys general (AGs) across the country.

Last week we saw a flurry of activity from State AGs relating to children's privacy and safety in advance of the January 31, 2024, [Senate Judiciary Committee hearing](#) on *Big Tech and the Online Child Sexual Exploitation Crisis*. Related to the hearing, Florida Attorney General Ashley Moody [called on Congress](#) to push child-safety initiatives and hold Big Tech companies that target our kids "accountable for the problems they have created."

California Attorney General Rob Bonta and members of the California legislature announced two bills: the Protecting Youth from Social Media Addiction Act (SB 976), and the California Children's Data Privacy Act (AB 1949). These bills were [described](#) as "seeking to protect youth online" and touted as part of Attorney General Bonta's ongoing efforts.

SB 976 describes the legislative intent as acting to ensure platforms obtain parental consent before exposing children to "addictive" features. Among other things, it:

- Bans social media operators from providing a so-called "addictive feed" unless privacy settings are available to detect minors, the user selected the information themselves, or it involves private communication between users, among other exemptions
- Requires verifiable parental consent for minors under 18 to use such a feed
- Sets specific restrictions on notifications by default during what is described in the press release as nighttime and "school hours" without parental consent, among other notification and access default restrictions
- Requires operators to provide settings to limit the ability to view numbers of likes or other user feedback and set child accounts to private by default
- Requires operators, who continue to provide services to minors, to provide the same standards, without altering the price for users taking advantage of the bill's rights
- Requires ongoing reporting regarding statistics of minor users and number of parental consents

- Provides the AG the ability to adopt further regulations, especially pertaining to age verification and parental consent

AB 1949 proposes to amend the California Consumer Privacy Act to ban businesses from collecting, selling, or sharing the personal information from users under 18 without either informed consent of a teen or a parent for younger children. The amendment would also require the California Privacy Protection Agency to adopt rules relating to child-specific opt-outs and age verification.

Last week, we also saw [Nevada announce](#) yet another AG-led action in its suit against five social media platforms alleging they were designed to addict children. The causes of action include violations of the state's UDAP law, as well as negligence, unjust enrichment, and product liability claims. Nevada followed other states in bringing only state court claims in an individual state case, contrasted with the multistate coalition of 33 states that [filed suit](#) together in October 2023 in federal court asserting violations of COPPA against one of the platforms, in addition to violations of state law.

While the impact of these recent bills and actions may seem limited to a few big players, companies should take note that State AGs are willing to take aggressive action against any businesses they believe are taking advantage of youth. If children or teens are part of your key demographic, you should look closely at how your data practices, advertising, or services impact your audience. The AGs will be looking closely, too.