

TikTok Faces New Challenges from State AGs

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No, that is not a clock you hear – it’s just TikTok in the news again, as several states filed lawsuits or other legal challenges last week against the platform, alleging harmful and exploitative tactics affecting the mental health of children users.

Lawsuits

Last week, New York Attorney General Letitia James and California Attorney General Rob Bonta [co-led a bipartisan coalition of 14 attorneys general filing individual state lawsuits](#) against TikTok for violating state laws. [New York’s suit](#), for example, alleges violations of [Executive Law § 63\(12\)](#) for repeated and persistent fraudulent acts, deceptive business practices, and false advertising, among other violations. This includes claims that the platform is safe for young people, despite supposedly causing youth users poor mental health and body image issues, as well as introducing and promoting allegedly dangerous “challenges” that have led to injuries and even deaths. The lawsuits also allege that TikTok created addictive features that manipulated users into compulsive use, including a “for you” feed, push notifications, autoplay, endless scroll, and beauty filters and misrepresented the efficacy of its safety tools like screen time limits and content restrictions.

These latest lawsuits follow similar actions against TikTok, including (1) [two Indiana AG complaints](#) alleging TikTok misrepresents its audience maturity rating and makes misleading privacy and data security representations, (2) [a Nevada complaint](#) alleging TikTok misrepresents the safety of its platform, and (3) a recent [Texas lawsuit](#) brought under its SCOPE Act, alleging that TikTok “exploit[s] Texas children and fail[s] to prioritize minors’ online safety and privacy.”

Other State AG Investigations: Tennessee Motion

Also last week, Tennessee Attorney General Jonathan Skrmetti [filed a motion](#) requesting the court provide remedies to address TikTok’s failure to preserve and produce relevant evidence in response to its investigation of the company’s possible violation of Tennessee consumer protection laws. AG Skrmetti’s recent motion follows two previous motions to compel – in March 2023, AG Skrmetti filed a motion for an order compelling TikTok to comply with the AG’s Request for Information and in September 2023, AG Skrmetti filed a motion to compel TikTok’s compliance with the agreed order.

Previous court orders required TikTok to produce relevant evidence, but it is alleged that TikTok has failed or expressly refused to provide those materials to AG Skrmetti. AG Skrmetti requested the court impose a civil penalty on TikTok of \$1,000 and compel various productions in its investigation of unfair and deceptive conduct that may have harmed the mental health of Tennessee children.

Colorado and 21 other states filed an [amicus brief](#) supporting Tennessee’s efforts to compel TikTok’s compliance, stating that the documents TikTok is withholding are necessary to understand the

extent of TikTok’s allegedly unlawful conduct. This likely indicates the Tennessee action is once again being taken in part on behalf of this larger group as a [multistate investigation](#).

When it comes to state AGs taking action against “Big Tech” and social media, recent actions against TikTok, while newsworthy, are not unprecedented. For example in late 2023, complaints against a different social media platform alleged similar harm to users’ mental health, particularly that of children and teens. State AGs continue to discuss potential impacts of technology such as social media and AI on children, including at [recent conferences](#). We expect there to be continued attention as technology continues to evolve, as states can use their flexible general purpose UDAP laws to address novel applications.