

AMENDED IN ASSEMBLY JUNE 18, 2024

AMENDED IN SENATE APRIL 25, 2024

AMENDED IN SENATE MARCH 19, 2024

**SENATE BILL**

**No. 976**

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**Introduced by Senator Skinner**

**(Coauthors: Senators Allen, Ashby, Durazo, ~~Rubio, and Wilk~~) and  
Rubio)**

*(Coauthor: Assembly Member Lowenthal)*

January 29, 2024

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An act to add Chapter 23 (commencing with Section 27000) to Division 20 of the Health and Safety Code, relating to youth addiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Skinner. Protecting our Kids from Social Media Addiction Act.

Existing law, the California Age-Appropriate Design Code Act, requires, beginning July 1, 2024, a business that provides an online service, product, or feature likely to be accessed by children to comply with certain requirements. The act requires the business to complete a data protection impact assessment addressing, among other things, whether the design could harm children and whether and how the online product, service, or feature uses system design features to increase, sustain, or extend use of the online product, service, or feature by children, including the automatic playing of media, rewards for time spent, and notifications. Existing law prohibits the business from 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.

Existing law, the Privacy Rights for California Minors in the Digital World, prohibits an operator of an internet website, online service, online application, or mobile application from specified conduct when minors are involved, including the marketing or advertising of alcoholic beverages, firearms, or certain other products or services. Existing law sets forth other related protections for minors, including under the California Consumer Privacy Act of 2018 and the California Privacy Rights Act of 2020.

This bill, the Protecting our Kids from Social Media Addiction Act, would make it unlawful for the operator of an addictive internet-based service or application, as defined, to provide an addictive feed to a user, unless the operator does not have actual knowledge that the user is a minor; commencing January 1, 2027, has reasonably determined that the user is not a minor; or has obtained verifiable parental consent to provide an addictive feed to the user who is a minor.

The bill would define “addictive feed” as an internet website, online service, online application, or mobile application, in which multiple pieces of media generated or shared by users are recommended, selected, or prioritized for display to a user based on information provided by the user, or otherwise associated with the user or the user’s device, as specified, unless any of certain conditions are met.

The bill would make it unlawful for the operator of an addictive internet-based service or application, between the hours of 12 a.m. and 6 a.m., inclusive, in the user’s local time zone, and between the hours of 8 a.m. and 3 p.m., Monday through Friday from September through May in the user’s local time zone, to send notifications to a user if the operator has actual knowledge that the user is a minor or, commencing January 1, 2027, has not reasonably determined the user is not a minor, unless the operator has obtained verifiable parental consent to send those notifications, as specified. The bill would set forth related provisions for certain access controls determined by the verified parent through a mechanism provided by the operator.

Under the bill, a parent’s provision of consent or use of a mechanism, as described above, would not waive, release, otherwise limit, or serve as a defense to, any claim that the parent, or that the user who is a minor or was a minor at the time of using the internet-based service or application, might have against the operator regarding any harm to the mental health or well-being of the user.

The bill would require an operator to annually disclose the number of minor users of its addictive internet-based service or application, and

of that total the number for whom the operator has received verifiable parental consent to provide an addictive feed, and the number of minor users as to whom the access controls are or are not enabled.

The bill would require, on or before January 1, 2027, the Attorney General to adopt regulations to further the purposes of these provisions. The bill would make these provisions severable.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares ~~both~~ of the  
2 following:

3 (a) Social media provides an important tool for communication  
4 and information sharing. ~~However,~~ *Approximately 95 percent of*  
5 *13- to 17-year-olds, inclusive, say they use at least one social*  
6 *media platform, and more than one-third report using social media*  
7 *almost constantly.*

8 (b) *However,* some social media platforms have evolved to  
9 include addictive features, including the algorithmic delivery of  
10 content, that pose a significant risk of harm to the mental health  
11 and well-being of children and adolescents.

12 (c) *As the United States Surgeon General has reported, recent*  
13 *evidence has identified “reasons for concern” about social media*  
14 *usage by children and adolescents. This evidence includes a study*  
15 *concluding that the risk of poor mental health outcomes doubles*  
16 *for children and adolescents who use social media at least three*  
17 *hours a day and research finding that social media usage is linked*  
18 *to a variety of negative health outcomes, including low self-esteem*  
19 *and disordered eating, for adolescent girls.*

20 (d) *Heavier usage of social media also leads to less healthy*  
21 *sleep patterns and sleep quality, which can in turn exacerbate both*  
22 *physical and mental health problems.*

23 (e) *Further, social media usage is more strongly associated*  
24 *with negative mental health outcomes, including depressive*  
25 *symptoms and self-harm behaviors, than is consumption of other*  
26 *forms of media such as television or electronic games.*

27 (f) *Both California and the country as a whole are facing an*  
28 *ongoing youth mental health crisis, with rates of adolescent*

1 *suicides, depressive episodes, and feelings of sadness and*  
2 *hopelessness on the rise in recent years.*

3 ~~(b) It is essential, given the ongoing youth mental health crisis,~~

4 *(g) For these reasons, it is essential that California act to ensure*  
5 *that social media platforms obtain parental consent before exposing*  
6 *children and adolescents to these harmful and addictive social*  
7 *media features.*

8 SEC. 2. Chapter 23 (commencing with Section 27000) is added  
9 to Division 20 of the Health and Safety Code, to read:

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11 CHAPTER 23. SOCIAL MEDIA YOUTH ADDICTION

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13 27000. This chapter shall be known, and may be cited, as the  
14 Protecting our Kids from Social Media Addiction Act.

15 27000.5. For purposes of this chapter, the following terms have  
16 the following meanings:

17 (a) “Addictive feed” means an internet website, online service,  
18 online application, or mobile application, or a portion thereof, in  
19 which multiple pieces of media generated or shared by users are,  
20 either concurrently or sequentially, recommended, selected, or  
21 prioritized for display to a user based, in whole or in part, on  
22 information provided by the user, or otherwise associated with the  
23 user or the user’s device, unless any of the following conditions  
24 are met, alone or in combination with one another:

25 (1) The information, including search terms entered by a user,  
26 is not persistently associated with the user or user’s device, and  
27 does not concern the user’s previous interactions with media  
28 generated or shared by others.

29 (2) The information consists of user-selected privacy or  
30 accessibility settings, technical information concerning the user’s  
31 device, or device communications or signals concerning whether  
32 the user is a minor.

33 (3) The user expressly and unambiguously requested the specific  
34 media or media by the author, creator, or poster of the media,  
35 provided that the media is not recommended, selected, or  
36 prioritized for display based, in whole or in part, on other  
37 information associated with the user or the user’s device, except  
38 as otherwise permitted by this chapter and, in the case of audio or  
39 video content, is not automatically played.

1 (4) The media consists of direct, private communications  
2 between users.

3 (5) The media recommended, selected, or prioritized for display  
4 is exclusively the next media in a preexisting sequence from the  
5 same author, creator, poster, or source and, in the case of audio or  
6 video content, is not automatically played.

7 (b) “Addictive internet-based service or application” means an  
8 internet website, online service, online application, or mobile  
9 application, including, but not limited to, a “social media platform”  
10 as defined in Section 22675 of the Business and Professions Code,  
11 that offers or provides users an addictive feed ~~that is not incidental~~  
12 ~~to the provision of~~ *as a significant part of the service provided by*  
13 that internet website, online service, online application, or mobile  
14 application.

15 (c) “Media” means text, audio, an image, or a video.

16 (d) “Minor” means an individual under 18 years of age who is  
17 located in the State of California.

18 (e) “Operator” means a person who operates or provides an  
19 internet website, an online service, an online application, or a  
20 mobile application.

21 (f) “Parent” means a parent or a legal guardian.

22 (g) “User” means a person who uses an internet website, online  
23 service, online application, or mobile application. “User” does not  
24 include the operator or a person acting as an agent of the operator.

25 27001. (a) It shall be unlawful for the operator of an addictive  
26 internet-based service or application to provide an addictive feed  
27 to a user unless either of the following is met:

28 (1) (A) Except as provided in subparagraph (B), the operator  
29 does not have actual knowledge that the user is a minor.

30 (B) Commencing January 1, 2027, the operator has reasonably  
31 determined that the user is not a minor, including pursuant to  
32 regulations promulgated by the Attorney General.

33 (2) The operator has obtained verifiable parental consent to  
34 provide an addictive feed to the user who is a minor.

35 (b) Information collected for the purpose of determining a user’s  
36 age pursuant to this chapter shall not be used for any purpose other  
37 than compliance with this chapter or with another applicable law.  
38 *The information collected shall be deleted immediately after it is*  
39 *used to determine a user’s age, except as necessary to comply with*  
40 *state or federal law.*

1 27002. (a) (1) Except as provided in paragraph (2), it shall  
2 be unlawful for the operator of an addictive internet-based service  
3 or application, between the hours of 12 a.m. and 6 a.m., in the  
4 user's local time zone, and between the hours of 8 a.m. and 3 p.m.,  
5 from Monday through Friday from September through May in the  
6 user's local time zone, to send notifications to a user if the operator  
7 has actual knowledge that the user is a minor unless the operator  
8 has obtained verifiable parental consent to send those notifications.

9 (2) Commencing January 1, 2027, it shall be unlawful for the  
10 operator of an addictive internet-based service or application,  
11 between the hours of 12 a.m. and 6 a.m., in the user's local time  
12 zone, and between the hours of 8 a.m. and 3 p.m., from Monday  
13 through Friday from September through May in the user's local  
14 time zone, to send notifications to a user the operator has not  
15 reasonably determined is not a minor, including pursuant to  
16 regulations promulgated by the Attorney General, unless the  
17 operator has obtained verifiable parental consent to send those  
18 notifications.

19 (b) The operator of an addictive internet-based service or  
20 application shall provide a mechanism through which the verified  
21 parent of a user who is a minor may do any of the following:

22 (1) Prevent their child from accessing or receiving notifications  
23 from the addictive internet-based service or application between  
24 specific hours chosen by the parent. This setting shall be set by  
25 the operator as on by default, in a manner in which the child's  
26 access is limited between the hours of 12 a.m. and 6 a.m., in the  
27 user's local time zone.

28 (2) Limit their child's access to the addictive internet-based  
29 service or application to a length of time per day specified by the  
30 verified parent. This setting shall be set by the operator as on by  
31 default, in a manner in which the child's access is limited to one  
32 hour per day unless modified by the verified parent.

33 (3) Limit their child's ability to view the number of likes or  
34 other forms of feedback to pieces of media within an addictive  
35 feed. This setting shall be set by the operator as on by default.

36 (4) Require that the default feed provided to the child when  
37 entering the internet-based service or application be one in which  
38 pieces of media are not recommended, selected, or prioritized for  
39 display based on information provided by the user, or otherwise

1 associated with the user or the user’s device, other than the user’s  
2 age or status as a minor.

3 (5) Set their child’s account to private mode, in a manner in  
4 which only users to whom the child is connected on the addictive  
5 internet-based service or application may view or respond to  
6 content posted by the child. This setting shall be set by the operator  
7 as on by default.

8 27003. (a) This chapter shall not be construed as requiring the  
9 operator of an addictive internet-based service or application to  
10 give a parent any additional or special access to, or control over,  
11 the data or accounts of their child.

12 (b) This chapter shall not be construed as preventing any action  
13 taken in good faith to restrict access to, or availability of, media.

14 27004. (a) An operator may choose not to provide services to  
15 minors. However, the operator of an addictive internet-based  
16 service or application shall not withhold, degrade, lower the quality  
17 of, or increase the price of, any product, service, or feature, other  
18 than as required by this chapter, due to a user or parent availing  
19 themselves of the rights provided by this chapter, or due to the  
20 protections required by this chapter.

21 (b) A parent’s provision of consent as described in Section  
22 27001 or 27002, or the use by a parent of a mechanism as described  
23 in Section 27002, does not waive, release, otherwise limit, or serve  
24 as a defense to, any claim that the parent, or that the user who is  
25 a minor or was a minor at the time of using the internet-based  
26 service or application, might have against the operator of an  
27 addictive internet-based service or application regarding any harm  
28 to the mental health or well-being of the user.

29 (c) The protections provided by this chapter are in addition to  
30 those provided by any other applicable law, including, but not  
31 limited to, the California Age-Appropriate Design Code Act (Title  
32 1.81.47 (commencing with Section 1798.99.28) of Part 4 of  
33 Division 3 of the Civil Code).

34 27005. An operator of an addictive internet-based service or  
35 application shall publicly disclose, on an annual basis, the number  
36 of minor users of its addictive internet-based service or application,  
37 and of that total the number for whom the operator has received  
38 verifiable parental consent to provide an addictive feed, and the  
39 number of minor users as to whom the controls set forth in Section  
40 27002 are or are not enabled.

1 27006. The Attorney General shall adopt regulations to further  
2 the purposes of this chapter, including regulations regarding age  
3 ~~verification~~ *assurance* and parental consent on or before January  
4 1, 2027.

5 27007. If any provision of this chapter, or application thereof,  
6 to any person or circumstance is held invalid, that invalidity shall  
7 not affect other provisions or applications of this chapter that can  
8 be given effect without the invalid provision or application, and  
9 to this end the provisions of this chapter are declared to be  
10 severable.