



## **AB 2408 (Cunningham and Wicks): *The Social Media Platform Duty to Children Act* – Social Media Titans Should Not Legally Be Allowed To Addict Our Children.**

**Problem:** American children and teens are in crisis. Over the past decade, rates of suicide, hospitalizations from self-harm, and depression have soared, with suicides and self-harm hospitalizations doubling in that short span.

Shocking secret Instagram research exposed by Facebook whistleblower Frances Haugen revealed that social media platforms are part of the reason for this child and teen mental health crisis – *and at least one of them knows it*. As Ms. Haugen testified, “Facebook’s internal research is aware that there are a variety of problems facing children on Instagram, they know that severe harm is happening to children.” According to Instagram’s own leaked research “Among teen users [of Instagram] who reported suicidal thoughts, 13% of British users and 6% of American users traced the desire to kill themselves to Instagram.” Teens themselves identify social media as a cause of their mental health challenges and report being unable to stop using social media. “Facebook has studied a pattern that they call problematic use,” Haugen testified, “what we might more commonly call addiction. It has a very high bar for what it believes [problematic use] is. It [means] you self-identify that you don’t have control over your usage and that it is materially harming your health, your schoolwork or your physical health.”

“**An addict’s narrative**” -- this is how Facebook’s own researchers described the problem in a leaked document, echoing research identifying social media addiction as a behavioral addiction like gambling. With an estimated 22 million children on Instagram, the scope of the potential child harm is vast.

As it stands now, everyone pays for the harms caused by this addiction – the therapy bills, the hospital bills, the missed work, the anguish of a parent watching a mere child suffer from an addiction, the self-harm, the deaths -- except for some of the most profitable companies the world has ever known; companies that at their fingertips have the power and data to prevent the addictions from ever occurring. **And, parental controls aren’t the answer to addiction.** We wouldn’t applaud a tobacco company that handed out cigarettes to children and then later gave parents nicotine patches. The answer is to prevent children from becoming addicted in the first place not forcing parents to fight for control with their addicted teens.

**Solution:** AB 2408 first makes it illegal for social media companies earning \$100 million or more a year to make addicts of their child customers. Second, it empowers California’s public prosecutors to enforce this new law. Third, it provides a safe harbor from some penalties for companies that take obvious steps to avoid addiction and specifically does not impose liability upon social media companies for uploaded content but only for the techniques they adopt that make addicts of America’s children.

**Sponsors:** Co-sponsored by Common Sense Media and the Children’s Advocacy Institute at the University of San Diego School of Law. (Learn more: [www.sandiego.edu/cai/advocacy/legislation/ab2408.php](http://www.sandiego.edu/cai/advocacy/legislation/ab2408.php))