

August 1, 2026

Hon. Sabrina Cervantes
Chair, Senate Appropriations Committee
Hon. Committee Members
1020 N Street, Room 104
Sacramento, CA 95817

RE: SUPPORT FOR AB 2 (LOWENTHAL)

Dear Chair Cervantes and Honorable Committee Members:

As pioneering Meta whistleblower Frances Haugen has stated:

“Until the incentives change, [Meta] will not change. Left alone, [Meta] will continue to make choices that go against the common good, our common good.”¹

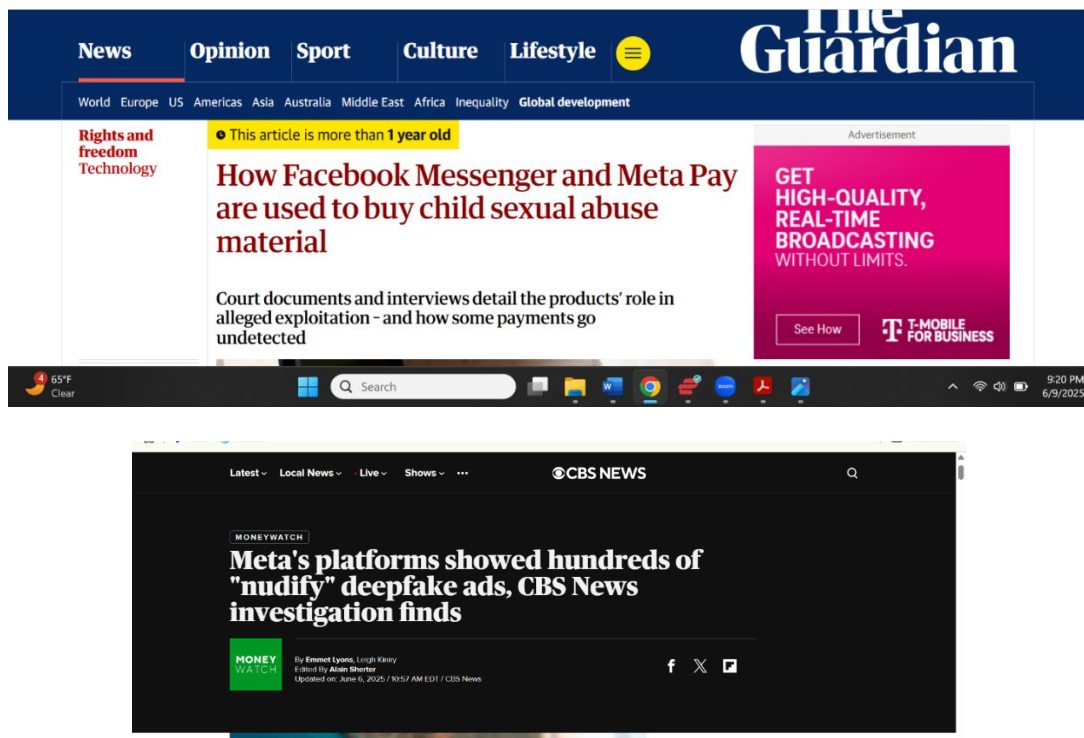
Child suicide. Knowingly facilitating child trafficking. Knowingly promoting eating disorders among girls. Deadly “challenges.” Fentanyl-laced drug sales causing child deaths. Record-shattering rates of child depression requiring hospitalization. The platforms know all this is happening. The platforms know they are a cause of it. The platforms know how to reduce these harms. They don’t.

This Legislature passes laws. Newspapers reveal scandals. Platforms say, “it’s against our policies!” but then slash content moderation resources, and children keep dying, keep getting harmed. And, Meta’s revenue soared 22% last year.

Here are some recent headlines:



¹ Facebook Whistleblower Frances Haugen Testifies on Children and Social Media Use: Full Senate Hearing Transcript, <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-childrensocial-media-use-full-senatehearing-transcript>.



It is respectfully time to acknowledge two things:

1. Nothing except making it far more costly to hurt children will cause Meta and the other platforms to stop purposefully and knowingly hurting millions of children every day, in the worst ways imaginable. That's what Haugen said when she highlighted "incentives." She's right.
2. Why did Haugen stress "incentives"? Because these platforms rightly do not predictably fear statutes that try, in lieu of taking the profit out of child harm, to regulate platform behavior, especially when those regulatory laws are enforced only by public prosecutors and offer penalties that are tiny compared to the profits to be made from harming children.

First, such regulatory statutes are the most vulnerable to facial legal challenges. Bills like AB 2 are the kind of legislation that are the least susceptible to facial legal challenges.

Second, whereas platforms can easily spend hundreds of millions in legal fees, tying up court cases for years, our public prosecutors are under-resourced and overworked, with many competing priorities, like prosecuting criminals. Big Tech knows this. In many of the cases filed against Big Tech related to child harm, dozens of state attorneys general have had to combine to have a prayer to match the resources of one or two corporations.

Every time a bill is amended to permit only public enforcement, Big Tech counts that as a win, and they are right to do so. These are not mom and pop stores that can be blackmailed into paying settlements. These are not even run-of-the-mill big corporations. The owner of Meta — one single

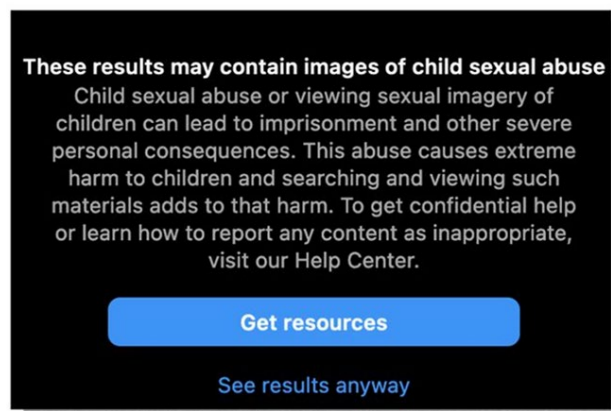
person — is worth \$253 billion. He made *\$29 billion in a single day*.² The sometimes-legitimate concerns about the filing of frivolous lawsuits that have the effect of unfairly bullying businesses into wasteful settlements do not apply to people and corporations earning such unimaginable sums. (As discussed below, even fines *in the billions* do not prompt Meta to amend its child-endangering behavior.)

Third, regulatory statutes we are sometimes enacting do not permit public prosecutors to collect enough money to make lawbreaking or harming children predictably unprofitable. So, even if a California public prosecutor brings a case and after years of litigation succeeds in getting a court to enforce a regulatory statute, these companies will pay what are *for them* tiny fines and violate the statute again, forcing another round of litigation, once again diverting law enforcement resources, all resulting in another tiny fine. (Again, this is not speculation. See discussion below.)

Respectfully, if legislation does not make it predictably unprofitable to hurt children, children will continue to be hurt. It is that simple.

How do we know this? Consider two examples:

Example 1: Consider the ethics of a company that knows it is efficiently distributing to paying pedophiles videos of children being raped **and videos of children having sexual relations with animals**.³ Does the company remove such content forever, or call the police? No. It does this:



Instead of doing what any halfway moral person would do – block these horrors from ever being seen – the company carefully deliberated and elected to permit customers to “See results” -- **child pornography, child rape, child bestiality** -- “anyway.” The company knew how to find this material and found it.

If you have the stomach for it, take a look at the public version of the complaint filed by the New

² <https://www.mercurynews.com/2024/02/02/mark-zuckerberg-made-29-billion-this-morning-after-meta-stock-makes-record-surge/>

³ On June 7, 2023, *The Wall Street Journal* published an investigative report titled “Instagram Connects Vast Pedophile Network.” The story documented how a mere three academics at Stanford University and the University of Massachusetts Amherst working part time with only the public’s access to Instagram were easily able to find, for one example, “[s]ome menus include prices for videos of children harming themselves and ‘imagery of the minor performing sexual acts with animals’” <https://www.wsj.com/tech/instagram-vast-pedophile-network-4ab7189?st=mbga8lpddd5dh> See also, <https://energycommerce.house.gov/posts/wsj-instagram-connects-vast-pedophile-network>

Mexico Attorney General against Meta for facilitating child sex abuse material and sex trafficking. It is here:

<https://nmdoj.gov/wp-content/uploads/2024/01/2023-12-05-NM-v.-Meta-et-al.-COMPLAINT-REDACTED.pdf>⁴

The photos are redacted. They will haunt you forever, anyway.

BOTTOM LINE: The only thing a “See results anyway” company will be motivated by is, paraphrasing Haugen, the “incentive” of money.

Example 2: Even paying billion-dollar fines, settlements, and verdicts is not enough to prompt this company to amend its behavior.

Here is the long list of fines assessed against it in just one year, 2019:

<https://slate.com/technology/2019/10/facebook-2019-fines-and-settlements.html>

One of the fines listed was for a record-setting \$5 billion issued by the FTC for violating the privacy of children. In response, the company’s stock *rose 1%*. “This is likely because, despite the penalty’s unprecedented size, it’s still just a drop in the ocean compared to the gigantic amount of cash Facebook regularly produces.”⁵

And, according to the FTC, even the \$5 billion fine was not enough to get Meta to alter its unlawful practices. As the FTC explained when it issued an unprecedented order forbidding Facebook from using child data:

FTC Proposes Blanket Prohibition Preventing Facebook from Monetizing Youth Data

The Federal Trade Commission proposed changes to the agency’s 2020 privacy order with Facebook after alleging that the company has failed to fully comply with the order, misled parents about their ability to control with whom their children communicated through its Messenger Kids app, and misrepresented the access it provided some app developers to private user data.

“Facebook has repeatedly violated its privacy promises,” said Samuel Levine, Director of the FTC’s Bureau of Consumer Protection. “The company’s recklessness has put young users at risk, and Facebook needs to answer for its failures.”

As part of the proposed changes, Meta, which changed its name from Facebook in October 2021, would be prohibited from profiting from data it collects, including through its virtual reality products, from users under the age of 18. It would also be

⁴ The Attorney General writes: “Meta’s recommendation algorithms, fueled by likes, comments, and searches, has created a marketplace – bigger, wider, and more active and open than any that could be fostered in the non-virtual world – to connect pedophiles, predators, and others engaged in the commerce of sex and allow them to hunt for, groom, sell, and buy sex with children and sexual images of children at an unprecedented scale.”

⁵ <https://www.businessinsider.com/facebook-stock-rose-news-5-billion-ftc-settlement-why-critics-2019-7>

subject to other expanded limitations, including in its use of facial recognition technology, and required to provide additional protections for users.

This is the third time the FTC has taken action against Facebook for allegedly failing to protect users' privacy. The Commission first filed a complaint against Facebook in 2011, and [secured an order](#) in 2012 barring the company from misrepresenting its privacy practices. But according to a subsequent complaint filed by the Commission, Facebook violated the first FTC order within months of it being finalized – engaging in misrepresentations that helped fuel the Cambridge Analytica scandal. In [2019, Facebook agreed to a second order](#)—which took effect in 2020—resolving claims that it violated the FTC's first order. Today's action alleges that Facebook has violated the 2020 order, as well as the Children's Online Privacy Protection Act Rule (COPPA Rule).⁶

BOTTOM LINE: The only thing a “See results anyway” company will be motivated by is the “incentive” of paying lots and lots of money.

AB 2: “It’s the American Way.”

AB 2 offers a simple, elegant, effective, and facially litigation-proof alternative to the government-only legislative approaches preferred by Big Tech.

AB 2 simply takes existing negligence law, which already applies to platforms, changes exactly nothing about how liability under that existing law is adjudicated, and then just makes it far more costly for platforms to hurt your constituents' children if and only if a court finds, based on the evidence, that they negligently did so.

Making platforms pay more if a court finds they have negligently hurt children is not in any way, shape, or form burdensome or unfair to stubbornly bad-acting platforms. As the former, long-time Chair of the Orange County Republican Party, Fred Whitaker, wrote in supporting a similar bill last year:

Thus, all the opposition to this bill needs to do to avoid any prospect of liability under the bill is simply exercise reasonable care not to harm children. Surely, a company like Meta which in 2021 earned an incredible \$100 billion profit (General Motors which we used to think of as a big company earned 10 billion) can afford to exercise such care. If it doesn't, it should pay for the harm it causes.

That's the American way.

Unbelievably, Platforms Are Cutting Back on Safety.

When it comes to social media corporations devoting urgently needed, life-preserving resources to prevent children from suffering such harms like sex trafficking, suicide, eating disorders, major

⁶ <https://www.ftc.gov/news-events/news/press-releases/2023/05/ftc-proposes-blanket-prohibition-preventing-facebook-monetizing-youth-data>

depression, and deaths from fentanyl, things are getting worse even as profits for platforms soar:

Big Tech companies reveal trust and safety cuts in disclosures to Senate Judiciary Committee

Snap disclosed that it had increased its trust and safety budget to “approximately \$164 million” by 2022, **but had slashed spending on trust and safety issues to \$135 million in 2023.** ...

Snap in particular has been criticized for the continued use of the platform by individuals accused of selling fentanyl to some minors who died from taking the drug. Parents of deceased children have been particularly vocal in advocating for tech regulation.⁷

These corporations have made these cuts notwithstanding (i) years of witheringly bad publicity repeatedly affirming their responsibility for spikes in child suicides, eating disorders, sex trafficking, bullying, fentanyl deaths, and major depression; (ii) rare bi-partisan fury; (iii) and thousands of lawsuits including those filed by nearly every state attorney general.

The platforms have made these cuts despite never being more profitable. In 2024, Meta Platforms generated a revenue of over \$164 billion, up from \$134 billion in 2023.⁸

Conclusion.

Mr. Whitaker was right. To avoid liability under AB 2, a platform must only do what they should be doing anyway, what every other company and person does all day and every day, and that is act with what the law describes as merely “ordinary care”.

Please let all your sympathy be with the children and their families, and let’s please do what is needed to protect them from further harm. Please vote for AB 2 (Lowenthal).

Sincerely,



Ed Howard

Senior Counsel, Children’s Advocacy Institute

P.S. Please heed parents like the one who wrote the op-ed below.

⁷ <https://www.nbcnews.com/tech/tech-news/big-tech-companies-reveal-trust-safety-cuts-disclosures-senate-judicia-rcna145435> See also: <https://www.washingtonpost.com/technology/2023/05/23/meta-layoffs-misinformation-facebook-instagram/> (“A half-dozen current and former employees told *The Washington Post* that they worry new layoffs this week could endanger content moderation.”); <https://www.cnbc.com/2023/05/26/tech-companies-are-laying-off-their-ethics-and-safety-teams-.html> (“Meta, Amazon, Alphabet and Twitter have all drastically reduced the size of their teams focused on internet trust and safety as well as ethics as the companies focus on cost cuts.”)

⁸ <https://www.statista.com/statistics/277229/facebooks-annual-revenue-and-net-income/>

COMMENTARY

If social media can flip fitness tips into an eating disorder, California law needs to intervene

BY NEVEEN RADWAN
MAY 7, 2025 UPDATED JULY 27, 2026

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Neeven Radwan

Neeven Radwan works with the Eating Disorders Resource Center and lives in San Jose.

When the pandemic forced our world to come to a halt in 2020, my then-16-year-old daughter decided to use her time at home to improve her health and stay in shape.

She wasn't binge-watching TV or endlessly gaming. She was trying to better herself. She wanted what so many young people want: to feel confident, strong and healthy.

But instead of finding positive guidance, she stumbled into a digital trap. She turned to Instagram and TikTok, searching for terms like "workouts," "healthy eating" and "glow-up." In return, the platforms served her a stream of dangerous content, like "[thinspiration](#)," videos promoting starvation and harmful, toxic challenges. In just days, her feed was flooded with pro-anorexia posts and extreme diet tips such as how to "stay under 500 calories a day" and disturbing mantras like how to be thin enough to "fit into a baby swing."

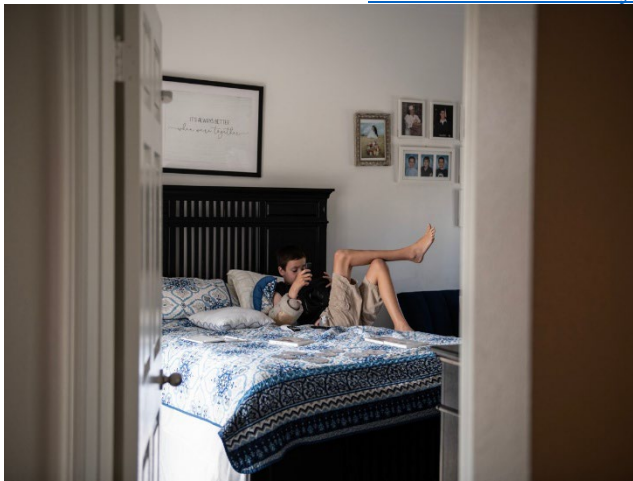
She never searched for this content specifically, but the platforms' algorithms aggressively pushed it on her.

What happened next was devastating, and a painful example of why we need [Assembly Bill 2](#), an accountability measure currently circulating the state Capitol. She transformed from a vibrant, healthy, athletic teen to someone we didn't recognize. My daughter began secretly restricting food, exercising obsessively and spiraling into what would become a full-blown eating disorder.

Within three months, she was hospitalized with a dangerously low heart rate. Over the next year, she endured multiple cardiac events, dissociative panic attacks and inpatient stays at hospitals and treatment centers, including one six-month, out-of-state stay that came only after she was airlifted

in critical condition.

Sadly, this story is nothing new. The tech giants that operate social media platforms, many of which are based in my backyard, Silicon Valley, are fully aware of the harm their platforms cause. Corporate whistleblowers have revealed internal research proving that 1 in 3 teenage girls reported that [Instagram worsened their body image issues](#). [Former U.S. Surgeon General Vivek Murthy](#) pushed for [warning labels on social media](#) because youth depression, anxiety, suicidal ideation and self-harm have [risen so dramatically](#) as social media use increased.



An estimated [84% of teens use social media regularly](#). While it can be a tool for connection and learning, right now, it's too often a weapon of harm. These platforms are designed to be addictive and keep kids scrolling regardless of what they're seeing.

Big Tech cannot profit off the pain of our children without consequence.

AB 2 was authored by Assemblymember [Josh Lowenthal](#), a Democrat from Long Beach, and offers a crucial step toward accountability. It strengthens California's existing negligence laws by adding serious financial penalties — up to \$1 million per child harmed — for large social media companies if they're found liable for harms caused by their platform features. This includes harms that come from a company's failure to use ordinary care to protect young users, intentional or not. This legislation will finally force companies to stop designing their platforms to exploit youth vulnerabilities. They'll be incentivized to implement age-appropriate safety features, time limits, mental health resources and algorithm safeguards that prevent harmful content from being funneled to kids like my daughter.

She nearly lost her life. My daughter missed years of school, friendships and milestones because an algorithm decided that her desire to be “healthy” was an opportunity to push toxic content. AB 2 can help prevent this from happening to other families. California needs to enact it and send a clear message that our children are more important than a tech giant's profits.