

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 5, 2022

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

RE: AB 2408 (Cunningham and Wicks) Child users: addiction- SUPPORT (As amended June 30, 2022)

Dear Senator Portantino:

Attorney General Bonta is pleased to support Assembly Bill 2408 (Cunningham and Wicks), the Social Media Duty to Children Act. This important legislation seeks to protect the mental and physical health of California children from social media platform addiction by holding large social media platforms accountable for knowingly or negligently addicting children who use them.

As children spend more time on social media platforms, it is apparent that addiction to such platforms is a burgeoning problem, particularly among adolescent children. For example, social media platform addiction has been found to have a negative impact on healthy socialization in children and contribute to feelings of social isolation in young people.¹ Other research studies indicate that time spent on social media is correlated with rates of suicide and depression among teens, especially girls.² Conversely, research also shows that reducing social media usage can result in positive health outcomes. In one experimental study, college students randomly

¹ Brian A. Primack et al., *Social Media Use and Perceived Social Isolation Among Young Adults in the U.S.*, 53 *American Journal of Preventive Medicine*. 1 (2017).

² Elia Abi-Jaoude et al., *Smartphones, Social Media Use and Youth Mental Health*, 192 *Canadian Med. Assn. Journal*. E136 (Feb. 2020). RSPH, *Instagram Ranked Worst for Young People's Mental Health*, <https://www.rsph.org.uk/about-us/news/instagram-ranked-worst-for-young-people-s-mental-health.html> (Viewed August 1, 2022).

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assigned to limit their social media use displayed reductions in loneliness and depression after only three weeks, as compared to those who did not limit their usage.³

Because operators of social media platforms primarily earn their revenue through digital advertising to their users rather than charging fees for access, they have a strong financial incentive to design their platforms to maximize the time users spend on their platforms, including child users. Unfortunately, however, this dynamic can lead to--or perhaps is designed to lead to--social media platform addiction in children, which is harmful to their physical and mental health.

At the California Department of Justice, we recognize the need to ensure safer online environments for children to learn, explore, and play. As you may know, last fall my office announced a nationwide investigation into whether Meta Platform, Inc. (formerly known as Facebook), provided and promoted its social media platform — Instagram — to children and young adults, despite knowing that such use is associated with increased risks of physical and mental health harm to young people, including depression, eating disorders, and even suicide.

As amended June 30, 2022, AB 2408 would prohibit a social media platform from using a design, feature, or affordance that the platform knew, or by which the exercise of reasonable care should have known, causes child users to become addicted to the platform. Instead of a private right of action, the bill exclusively authorizes public prosecutors to bring actions for violations seeking civil penalties, as specified, including a civil penalty of up to \$250,000 per violation for knowing and willful violations.

A platform would have an affirmative defense against such an action only if it: (1) conducted regular audits (no less than quarterly) to detect practices or features that have the potential to cause or contribute to the addiction of child users, and (2) corrected within 30 days anything revealed by the audit to present more than a de minimis risk of violating the above prohibition.

Attorney General Bonta reaffirms the need for strong and enforceable safeguards in California that protect not only the privacy rights of children, but that address real, demonstrated harms to the physical and mental health of children associated with the addictive use of social media. The Attorney General urges your support for AB 2408, and pledges to keep working with the author's office and Legislature to ensure strong protections for children online.

Sincerely,

A handwritten signature in cursive script that reads "Anthony Lew". The signature is written in black ink and is positioned above the typed name.

ANTHONY LEW
Deputy Attorney General

³ Melissa Hunt, et al., *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*. 37 *Journal of Social and Clinical Psychology* 10. (Dec. 2018.)

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Office of Legislative Affairs

For ROB BONTA
Attorney General