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March 8, 2024

The Honorable Tom Umberg  
Chair, Senate Judiciary Committee  
Hon. Members of the Committee  
State Capitol, Room 2187  
Sacramento, CA 95814

## **RE: SB 976 (SKINNER) – SUPPORT**

Dear Chair Umberg and Honorable Committee Members:

The Children's Advocacy Institute at the University of San Diego School of Law, which for over 30 years through legal education, advocacy, and litigation has sought to advance the well-being of California's children, is pleased to support SB 976 (Skinner) and respectfully asks that you and your Committee colleagues support this urgently needed measure.

A tiny handful of companies are, in the words of one U.S. Senator, taking a page from the playbook of Big Tobacco, robbing children of their childhoods, and causing anguish and pain for millions of American families:

Facebook has taken **big tobacco's playbook ... It's chosen growth over children's mental health and well-being, greed over preventing the suffering of children.**<sup>1</sup>

The urgency of enacting this measure is underscored by recent and blunt comments from U.S. Surgeon General Dr. Vivek Murthy:

[T]here is mounting evidence suggesting that there are significant and immediate risks involved for youth when using social media for frequent and extended periods of time, and we cannot take a 'wait and see' approach to this issue ... We didn't wait to sound the alarm for other harms to youth, such as vaping, alcohol and drug use, and this should be no different.<sup>2</sup>

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<sup>1</sup> [Facebook Head of Safety Testimony on Mental Health Effects: Full Senate Hearing Transcript](#), REV.

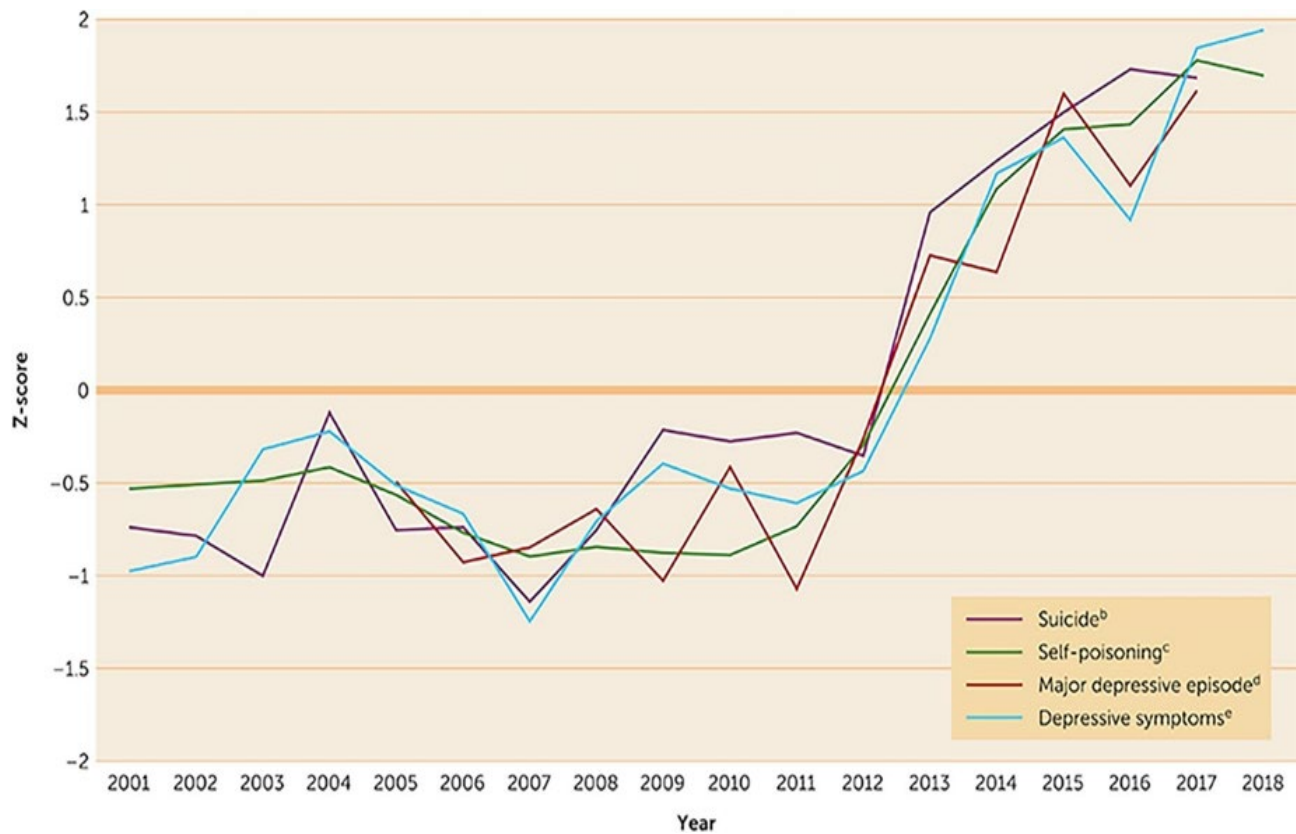
<sup>2</sup> *Surgeon general's advisory on social media and youth mental health comes amid 'real-time experiment'*, Fox News (May 26, 2023) <https://www.foxnews.com/health/surgeon-generals-advisory-social-media-youth-mental-health-comes-real-time-experiment>.

**The Case For Urgent Action To Address An Unprecedented Crisis In Two Charts.**

“Adolescence is ... associated with an increased risk for ... addictive disorders.”<sup>3</sup> Nobody seriously contests that we are in an unprecedented teen and youth mental crisis. Suicides, self-harm, major depression are spiking in ways never before seen, especially among teen girls.

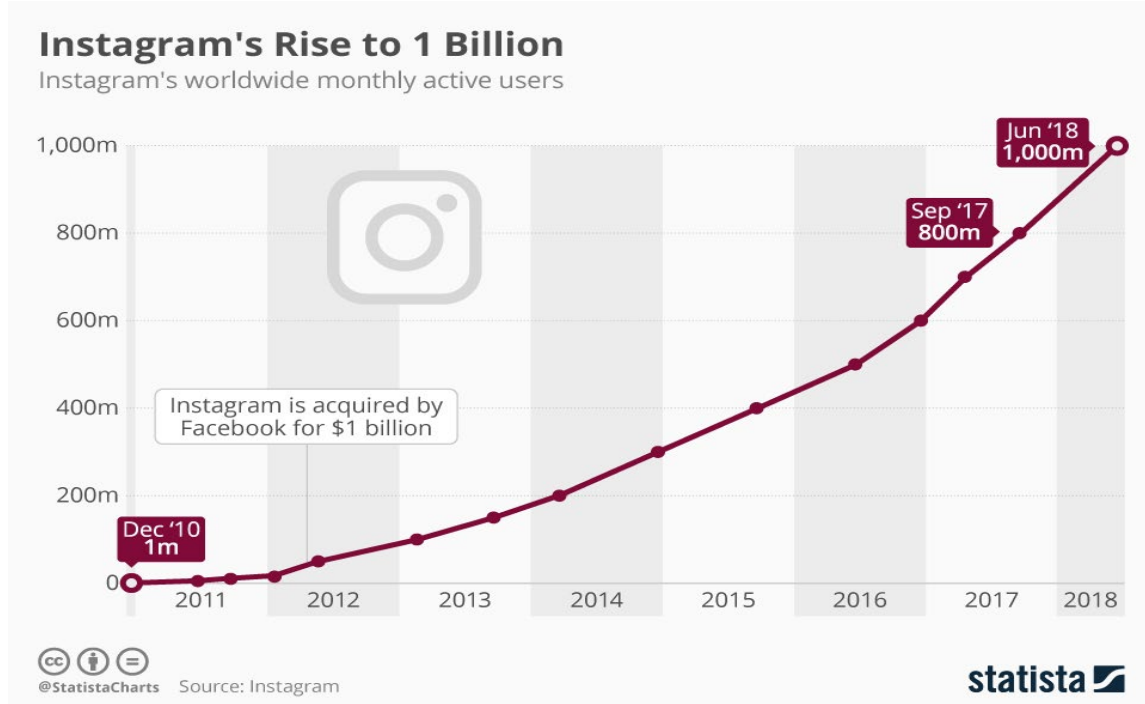
**INCREASES IN DEPRESSION, SELF-HARM, AND SUICIDE AMONG U.S. ADOLESCENTS**

**FIGURE 1. Indicators of poor mental health among U.S. girls and young women, 2001–2018 (note, before COVID)<sup>4</sup>**



<sup>3</sup> Christopher J. Hammond et al., *Neurobiology of Adolescent Substance Use and Addictive Behaviors: Prevention and Treatment Implications*, 25 ADOLESC. MED. STATE ART. REV. 15 (Apr. 2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4446977/>. See, e.g., the chart at the end of this letter.

<sup>4</sup> Psychiatric Research & Clinical Practice, Jean M. Twenge, Ph.D., *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2012 and Links to Technology Use: Possible Mechanisms*, (Sept. 9, 2020) <https://onlinelibrary.wiley.com/doi/10.1176/appi.prp.20190015>.



Research affirms the cause-and-effect relationship between these charts. For example, excessive use of digital and social media has a documented connection to increases in suicide-related outcomes in teens and children, such as suicidal ideation, plans, and attempts.<sup>5</sup> Indeed, during the rise of social media use among the very young, between 2011 and 2020, there has been a 146% increase in children ages 10 to 14 using firearms to die by their own small hands.<sup>6</sup>

And, as this Committee has previously observed:

A meta-analysis of research on social networking site (SNS) use concluded the studies supported an association between problematic SNS use and psychiatric disorder symptoms, particularly in adolescents. The study found most associations were between such problematic use and depression and anxiety.<sup>7</sup>

### **Social Media Addiction Documented by Facebook Itself.**

To deny the never-before-seen child and teen mental health crisis we are currently engulfed in is at least partly the cause of social media addiction bizarrely requires denying the research conducted by the world's largest social media company about its very own operations. **“An addict’s**

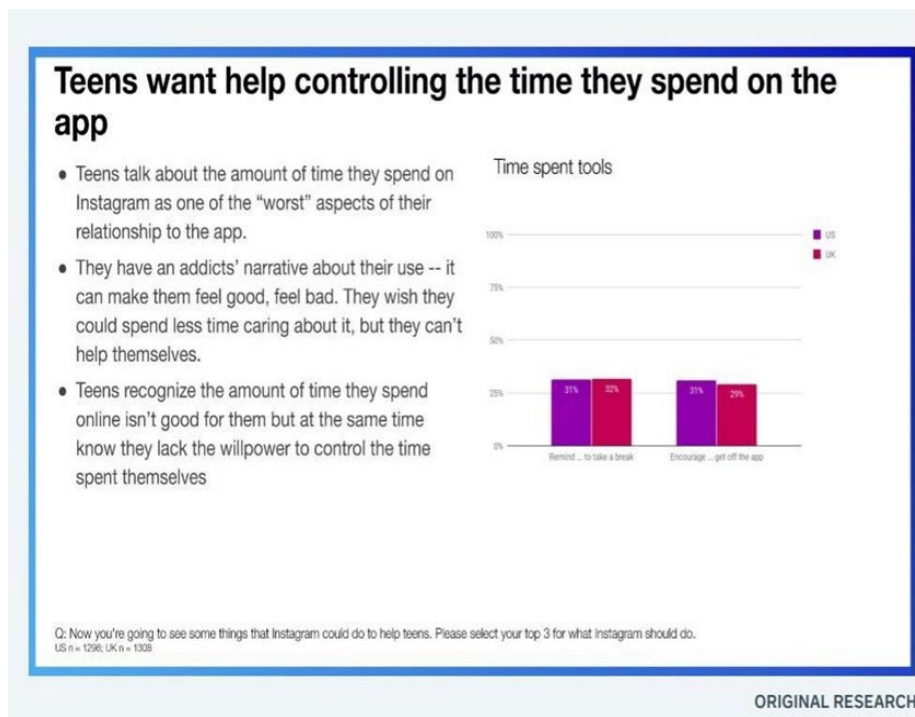
<sup>5</sup> Elizabeth J. Ivie et al., *A Meta-Analysis of the Association Between Adolescent Social Media Use and Depressive Symptoms*, 275 J. OF AFFECTIVE DISORDERS 165, 165–174 (2020), <https://tinyurl.com/bdzu6h8h>; Alan Mozes, *As Social Media Time Rises, So Does Teen Girls’ Suicide Risk*, U.S. NEWS (Feb. 16, 2021), <https://tinyurl.com/49hzmm9v>.

<sup>6</sup> *The Rise Among Firearm Suicide Among Young Americans*, (June 2, 2022) <https://everytownresearch.org/report/the-rise-of-firearm-suicide-among-young-americans/>.

<sup>7</sup> Senate Judiciary Committee analysis of SB 287 (Skinner), April 2023, at p, 7.

**narrative**—**“they can’t help themselves”**—this how Facebook’s (now called “Meta”) own researchers described the responses of the teens surveyed about their use of Instagram.

Here is one of the secret charts seen by Facebook executives leaked by former Facebook executive turned whistleblower Frances Haugen:



There is more. Several former Facebook executives have acknowledged that design features they invented intentionally and neuroscientifically exploit weaknesses in human psychology. Leah Pearlman, co-inventor of Facebook’s “like” button, admitted that she herself had become hooked on Facebook because she had begun basing her sense of self-worth on the number of “likes” she had.<sup>8</sup> Sean Parker, Facebook’s first president, admitted that user interface designers “exploit[ed] a vulnerability in human psychology” by rewarding users with “a little dopamine hit” to ensure Facebook would “consume as much of [the users’] time and conscious attention as possible.”<sup>9, 10</sup> The inventor of the infinite scroll at Mozilla has said that behind each phone home screen, there are teams of engineers working on increasing addictiveness.

To stress the point made by the above-quoted former Big Tech executives, this use of neuroscience that can be addictive is all done on purpose. Until recently, some design leaders boasted openly

<sup>8</sup> Hilary Andersson, *Social Media Apps “deliberately” Addictive to Users*, BBC NEWS (Jul. 3, 2018), <https://www.bbc.com/news/technology-44640959>.

<sup>9</sup> Olivia Solon, *Ex-Facebook President Sean Parker: Site Made to Exploit Human “Vulnerability,”* THE GUARDIAN, <http://www.theguardian.com/technology/2017/nov/09/facebook-sean-parker-vulnerability-brain-psychology> (Nov. 9, 2017).

<sup>10</sup> Andersson, *supra* note 8.

about such tactics in such industry bestsellers like *Hooked: How to Build Habit-Forming Products*<sup>11</sup> and *Evil by Design*.<sup>12</sup> As the BBC explained:

“And to do this, [the social media companies] build features into their apps that manipulate our brain chemistry. These tricks are borrowed straight from casinos and slot machines, which are widely considered to be some of the most addictive machines ever invented.”<sup>13</sup>

Of course, the platforms’ competitors for the attention of children are not hiring neuroscientists to addict their child customers. Marvel Studios, for example, does not pump vaporized heroin into theaters. It and all other businesses must compete with social media platforms that make addicts of their child customers.

The result? Let’s once more turn to the world’s expert—Facebook:

- “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.**” – Former Facebook Executive and Whistleblower Frances Haugen.
- “Among teen users [of Instagram] **who reported suicidal thoughts**, 13% of British users and **6% of American [teen] users traced the desire to kill themselves to Instagram.**” –Internal slide of Facebook’s research.
- “Facebook has studied a pattern that they call problematic use, 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.**” – Frances Haugen, former Facebook Executive.
- “**We make body image issues worse for one in three teen girls,**” said one slide from 2019. “Teens blame Instagram for increases in the rate of anxiety and depression,” said another slide. “**This reaction was unprompted and consistent across all groups.**”<sup>14</sup>

### **It Isn’t Just Facebook. TikTok Knows It Is Making Addicts of Children.**

Children on TikTok do not have control over what they see. Like Facebook, TikTok’s powerful machine-learning, AI-powered algorithms select content to feed child users to maximize their engagement with the platform instead of simply responding to searches by child users. TikTok

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<sup>11</sup> Nir Eyal & Ryan Hoover, *Hooked: How to Build Habit-Forming Products* (2014).

<sup>12</sup> Chris Nodder, *Evil by Design: Interaction Design to Lead Us Into Temptation* (2013).

<sup>13</sup> Catherine Price, *Trapped – the secret ways social media is built to be addictive (and what you can do to fight back)* (October 29, 2018), <https://perma.cc/6DKR-NTAZ>.

<sup>14</sup> Georgia Wells, Jeff Horwitz, and Deepa Seetharaman, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show* “The Facebook Files,” WALL STREET JOURNAL (Sept. 14, 2021), at <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

uses “a machine-learning system that analyzes each video and tracks user behavior to serve up a continually refined, never-ending stream of TikToks optimized to hold [users’] attention.”<sup>15</sup> As another commentator put it, “**you don’t tell TikTok what you want to see. It tells you.**”<sup>16</sup>

The result? An estimated 90–95% of the content viewed on TikTok comes from its algorithms as opposed to what a child seeks out.<sup>17</sup>

This, TikTok knows, will result in addiction for some child users. An internal document titled “TikTok Algo 101” frankly explains that in the pursuit of the company’s “ultimate goal” of adding daily active users, it has chosen to optimize for two closely related metrics in the stream of videos it serves: “retention”—that is, whether a user comes back—and “time spent.”<sup>18</sup>

As the founder of Algo Transparency remarked, “rather than giving [people] what they really want,” TikTok’s “algorithm tries to get people addicted[.]”<sup>19</sup>

Indeed, a recent study by TikTok based on brain imaging boasts to potential advertisers that those using TikTok engaged with the product about ten times a minute, twice as often as with peer apps.<sup>20</sup> (“Neuro-Insight is a neuroanalytics company that uses unique in-lab, privacy-safe brain imaging technology to measure how the brain responds to communications.”)

Observe: *TikTok is boasting to advertisers that it is using brain imaging to validate its product’s value to advertisers.*

Medical experts agree. Researchers at the Brown University School of Public Health explained, “the infinite scroll and variable reward pattern of TikTok likely increase the addictive quality of the app as they may induce a flow-like state for users that is characterized by a high degree of focus and productivity at the task at hand.”<sup>21</sup> And, as Dr. Julie Albright, a Professor at the University of Southern California, similarly explained, TikTok is so popular because child users will “just be in this pleasurable dopamine state, carried away. It’s almost hypnotic, you’ll keep watching and watching.” Users “keep scrolling,” according to Dr. Albright, “because sometimes you see something you like, and sometimes you don’t. And that differentiation—very similar to a

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<sup>15</sup> Jia Tolentino, *How TikTok Holds Our Attention*, THE NEW YORKER (Sept. 30, 2019), <https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

<sup>16</sup> Drew Harwell, *How TikTok Ate the Internet*, WASHINGTON POST (Oct. 14, 2022), <https://www.theday.com/business/20221015/how-tiktok-ate-the-internet/>.

<sup>17</sup> *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, WALL STREET JOURNAL (Jul. 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigationhow-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>.

<sup>18</sup> Ben Smith, *How TikTok Reads Your Mind*, N.Y. TIMES (Dec. 5, 2021), <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

<sup>19</sup> *Id.*

<sup>20</sup> TikTok Ads Break Through Better Than Tv and Drive Greater Audience Engagement, TikTok, <https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf>.

<sup>21</sup> Sophia Petrillo, *What Makes TikTok So Addictive? An Analysis of the Mechanisms Underlying the World’s Latest Social Media Craze*, BROWN UNDERGRADUATE J. OF PUB. HEALTH (Dec. 13, 2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

slot machine in Vegas—is key.”<sup>22</sup>

### **What do children—Especially Girls—See When Addicted to a TikTok screen?**

In one experiment, *The Wall Street Journal* found that once TikTok’s algorithm determined that its bots would watch videos related to weight loss, TikTok “speedily began serving more, until weight-loss and fitness content made up more than half their feeds—even if the bot never sought it out.” Indeed, TikTok’s algorithm recommended **over 32,000 weight-loss videos over a two-month period, “many promoting fasting, offering tips for quickly burning belly fat and pushing weight-loss detox programs and participation in extreme weight-loss competitions.”**<sup>23</sup> (Note in the footnote the title of the article: “The Corpse Bride Diet”)

Others confirm *The Wall Street Journal’s* research. Recently Center for Countering Digital Hate researchers set up new accounts in the United States, United Kingdom, Canada, and Australia at the minimum age TikTok allows; 13 years old. “These accounts paused briefly on videos about body image and mental health and liked them. What we found was deeply disturbing. Within 2.6 minutes, TikTok recommended suicide content. Within 8 minutes, TikTok served content related to eating disorders. Every 39 seconds, TikTok recommended videos about body image and mental health to teens.”<sup>24</sup> Indeed, girls were delivered videos advertising breast enhancement oil and weight loss patches—without having followed any other accounts or having searched for terms related to these topics.”<sup>25</sup>

Alyssa Moukheiber, a treatment center dietitian, explained that TikTok’s algorithm can push children into unhealthy behaviors or trigger a relapse of disordered eating. Teenage girls interviewed by *The Wall Street Journal* reported developing eating disorders or relapsing after being influenced by extreme diet videos TikTok promoted to them. Katie Bell, a co-founder of the Healthy Teen Project, explained that “the majority of her 17 teenage residential patients told her TikTok played a role in their eating disorders.” And Stephanie Zerwas, an Associate Professor of Psychiatry at the University of North Carolina at Chapel Hill, could not even recount how many of her young patients told her that “I’ve started falling down this rabbit hole, or I got really into this or that influencer on TikTok, and then it started to feel like eating-disorder behavior was normal, that everybody was doing that.”<sup>26</sup>

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<sup>22</sup> John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, FORBES (Jan. 18, 2020), <https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=32fdcd4e78be>.

<sup>23</sup> Tawnell D. Hobbs, ‘*The Corpse Bride Diet*’: How TikTok Inundates Teens With Eating-Disorder Videos, WALL STREET JOURNAL (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848?mod=tech\\_lista\\_pos3](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848?mod=tech_lista_pos3).

<sup>24</sup> Center for Countering Digital Hate, *Deadly by Design*, (2022), at [https://counterhate.com/wp-content/uploads/2022/12/CCDH-Deadly-by-Design\\_120922.pdf](https://counterhate.com/wp-content/uploads/2022/12/CCDH-Deadly-by-Design_120922.pdf).

<sup>25</sup> Petition for Rulemaking to Prohibit the Use on Children of Design Features that Maximize for Engagement, FED. TRADE COMM’N (Nov. 17, 2022) at 10, <https://tinyurl.com/3mursy95>.

<sup>26</sup> Tawnell D. Hobbs, ‘*The Corpse Bride Diet*’: How TikTok Inundates Teens with Eating-Disorder Videos, WALL STREET JOURNAL (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848?mod=tech\\_lista\\_pos3](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848?mod=tech_lista_pos3).

**It Isn't Just Facebook and TikTok. Snap Knows It Is Making Addicts of Children, Too.**



The cartoons from Snap above are obviously directed at young children.

Research shows that Snapchat's daily users are using Snapchat more constantly than other platforms. For example (remembering how young Snapchat's users are), users are most likely to use Snapchat "right when I wake up," "before work/school," "during work/school," "after work/school," "on vacations," and "when I'm with others[.]"<sup>27</sup>

In a December 2022 statement to advertisers, Snap claimed that "Snapchat delivers on the emotions that Gen Z seeks, and it does so consistently across the platform[.]"<sup>28</sup> To bolster this claim, Snapchat "used a neuroscience measurement ... to measure reactions to different brand messaging" "through variations in heart rate rhythm collected by smartwatches."<sup>29</sup>

Snapchat includes a variety of techniques designed psychologically to arm-twist children to stay on the platform; products such as Snapscores, Snapstreaks, and Snap Awards reward users when they engage with Snapchat and punish them when they fail to engage with Snapchat.

**Snapscore** keeps a running profile score based on a user's Snapchat activity levels, such as the number of Snaps sent.<sup>30</sup> The sole purpose of Snapscore—again, remember this is mostly a platform used by children and teens—is to increase product use and drive revenue.<sup>31</sup> Snapscores are especially important to child users because they operate as a form of social validation like an Instagram "Like."

**Snap awards** include "Charms." Charms cleverly reward users for achieving certain milestones together to leverage relationships into multiple children being on the platform. For example, if two users exchange frequent Snaps, they may unlock a "BFF (Best

<sup>27</sup> Multi-District Litigation Complaint, Snap evidence, SNAP0000103 at 0113.

<sup>28</sup> Snap for Business, *What Does Gen Z Want from Brands?* (Dec. 15, 2022), <https://forbusiness.snapchat.com/en-US/blog/what-does-gen-z-want>.

<sup>29</sup> *Id.*

<sup>30</sup> Snapchat Support, *What is a Snapscore?* ("Your Snapchat score is determined by a supersecret, special equation... 🤖") <https://support.snapchat.com/en-US/a/my-score> ("Your Snapchat score is determined by a supersecret, special equation... 🤖").

<sup>31</sup> Brad Barbz, \*2020 NEW \* How To Increase Snapscore By Up To 1000 Per Minute On IOS And Android - Working 2020, YouTube (Dec. 4, 2019), [https://www.youtube.com/watch?v=Mo\\_tajuofLA](https://www.youtube.com/watch?v=Mo_tajuofLA).

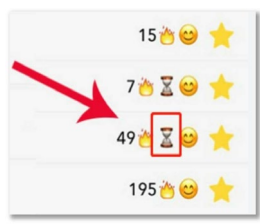
Friends Forever)” Charm. Conversely, Charms may be awarded to friends who are infrequently in contact to prompt both to stay on the platform, as seen above.

**Snapstreaks** are maybe the most addictive of Snap’s offerings to teens, maybe the most addicting for children of all platform inventions.<sup>32</sup> Two child users achieve a Snapstreak when they exchange at least one Snap in three consecutive 24-hour periods. When the “Streak” is achieved, users receive a fire emoji next to their profile avatar. For a Streak of 100 days, for example, each child receives a “100” emoji.

No less an authority on social media addiction than Facebook, in internal documents, has acknowledged how addictive Streaks are for teens, observing: “Streaks are a very important way for teens to stay connected. They are usually with your closest friends, and they are addictive.”<sup>33</sup>

Indeed, the peer pressure not to break a Streak can be enormous. **Researchers have found that losing a Streak can cause friends to feel betrayed. This is especially true of teen girls who reported “negative” feelings when losing a Streak with one of their friends.**<sup>34</sup> In 2018, Snap conducted its own internal research on Snapstreaks, which found that over a third of users reported it was “extremely” or “very important” to keep a Streak going, and that some users reported that the stress to keep a Streak was “intolerable” or “large.”<sup>35</sup>

Snap sends ominous notifications to child users with an hourglass emoji when Streaks are about to expire:



Unsurprisingly, one study of over 2,000 UK residents found 68% of respondents who used Snapchat reported that “the platform prevented them from sleeping.”

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<sup>32</sup> See Cathy Becker, *Experts Warn Parents How Snapchat Can Hook in Teens with Streaks*, ABC NEWS (July 27, 2017), <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>; Avery Hartmans, *These are the Sneaky Ways Apps Like Instagram, Facebook, Tinder Lure You in and Get You ‘Addicted’*, BUS. INSIDER (Feb. 17, 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>; see generally, Virginia Smart & Tyana Grundig, *‘We’re designing minds’: Industry insider reveals secrets of addictive app trade*, CBC (Nov. 3, 2017), <https://www.cbc.ca/news/science/marketplace-phones-1.4384876>; Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, VICE (May 17, 2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

<sup>33</sup> MultiDistrict Litigation Master Complaint, citing Haugen\_00008303 at 8307.

<sup>34</sup> Hristoya et al., “Why did we lose our snapchat streak?” *Social media gamification and metacommunication. Computers in Human Behavior Reports*, 5, 100172 (2022), available at <https://www.sciencedirect.com/science/article/pii/S2451958822000069>.

<sup>35</sup> MultiDistrict Litigation Master Complaint, citing SNAP0000008.

## **Facebook, TikTok, and Snap Do Not Have To Deliver Content In A Way That Causes Child Addiction.**

Addiction is not inevitable. These companies if properly motivated could, for example:

- *Put children entirely in control of what they see rather than an AI.* This is how Google operates. Google delivers content on the basis of projected relevance to the user and we return to it again and again, to its enormous profit, because of this value. Google does not deliver content based on an AI analysis of what will spark child anxieties and keep the child online longer.
- *Eliminate infinite scroll.*
- *Eliminate streaks and other efforts to peer pressure and shame children to going back to their product over and over.*
- *Prevent the most addictive content from being delivered unsolicited to children.* The platforms know how to find and screen out content when they are motivated to do so. Ever see pornography on Facebook? No because the company cares about finding it and preventing it from being seen. Ever try to upload a video with a copyrighted song to YouTube? YouTube is able effectively to block such content.

## **Bipartisan Consensus: Addicting Children Is Immoral and Must Be Stopped.**

Rarely do our parties see eye-to-eye in our current political climate but on whether social media addiction is real and harmful to vast numbers of children, there is rare political convergence, even outrage. Consider these bluntly written excerpts from the United States Senate's Republican Policy Committee:

The screenshot shows the header of the Senate RPC website with navigation links: ABOUT, POLICY PAPERS, LEGISLATIVE NOTICES, ISSUES, SCHEDULE, CONTACT US, and a search icon. Below the header, it indicates 'POLICY PAPERS' and the date 'OCTOBER 5, 2021'. The main title of the document is 'SOCIAL MEDIA AND MENTAL HEALTH'. At the bottom of the page, there are social media sharing options: 'f share', 'tweet', 'email', and 'print'.

### **KEY TAKEAWAYS**

#### **AN ADDICTION MACHINE**

- Social media companies use artificial intelligence to determine people's interests and desires, and then they feed users content that fulfills those desires. Experts say

this can be particularly problematic for adolescents, who may lack the self-discipline and maturity needed to stop watching the content.

- Research has suggested that some people experience addiction to social media in ways that are similar to addiction to drugs and other substances. ...
- One study found excessive use of social media, particularly features like “likes” and “comments,” can activate release of dopamine, sometimes called the “pleasure chemical,” similar to opioids or cocaine. Studies have also found scrolling through a Facebook feed can produce reactions similar to those experienced through cocaine use or gambling. This addiction can have severe consequences. A decade-long study found that as the time teen girls spent on social media goes up, so does their long-term risk of suicide.
- One former Facebook executive, who quit the company and doesn’t allow his children to use social media, has said, “the short-term, dopamine-driven feedback loops that we have created are destroying how society works.” ...<sup>36</sup>

As Frances Haugen instructed, “*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.*”<sup>37</sup>

What are the incentives she speaks of? We used to think of General Motors as a huge company. In 2021, GM posted a net profit of \$10 billion dollars.<sup>14</sup> In 2021, Facebook netted a profit of over three times that amount; nearly \$40 billion dollars, a whopping 35% increase from the year before.

### **SB 976 (Skinner)**

Befitting a bill sponsored by the Attorney General, AB 1949 surgically targets the technologies that are invented and deployed by the platforms that are addictive to children—this is different than targeting the substantive content delivered. SB 976 if enacted would:

- Prohibit social media platforms from serving content to children through a manipulative, addictive algorithmic feed. The bill would require that social media platforms—by default—serve children content through a chronological feed from people they’ve already followed and information that they’ve searched for. The bill would allow the use of algorithmic feeds on children only after a parent provides verifiable consent.
- Prohibit social media platforms from sending notifications between 12:00 a.m. and 6:00 a.m. to users who are not established to be over age 18, unless a parent or guardian has provided consent.

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<sup>36</sup> Senate Republican Policy Committee, *Social Media and Mental Health*: <https://perma.cc/S6ER-R24A>.

<sup>37</sup> Facebook Whistleblower Frances Haugen Testifies on Children and Social Media Use: Full Senate Hearing Transcript, REV <https://perma.cc/77GE-WU55>.

- Require social media platforms to provide parents and guardians the ability to:
  - Prevent notifications during other hours—for example, when the child should be at school or doing homework.
  - Limit the length of time a child can spend on the social media platform as determined by the parent or guardian, with a default of one hour per day.
  - Limit the visibility of likes and other engagement metrics that contribute to an addictive social media experience.
  - Select a private mode, where only the user’s connections can view or respond to content posted by the child.
  - Select a feed that’s not recommended, selected, or prioritized based on information collected from that child.
- Require the majority of these to be turned on by default. Both because safety should be the default, and because the alternative—requiring parents to manually choose safety—would give platforms an incentive to employ dark patterns and design confusing, deceptive, and hard to use user controls.

### **Conclusion**

Please support SB 976 (Skinner). A tiny handful of companies are making billions by knowingly, medically addicting children to their products. It must stop.

Sincerely,



Ed Howard  
Senior Counsel,  
Children’s Advocacy Institute