

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2390 (Arambula) – As Amended March 21, 2024

SYNOPSIS

A recent report by the Centers for Disease Control points to a significant deterioration in high school students' mental health in the decade between 2011 and 2021. During that time, the percentage of male high school students who had experienced persistent feelings of sadness or hopelessness during the past year increased from 21% to 29%. For female students, the increase over the same period was tragically higher, from 36% to 57%. A number of studies suggest that social media use may be a contributing factor to young people's deteriorating mental health.

This bill would, until December 31, 2029, establish the Social Media Harm Reduction Pilot Program. The bill would require the California Health and Human Services Agency to designate a nonprofit organization to (1) establish a pilot peer-to-peer program to develop educational materials and methods related to social media harms, (2) evaluate those materials and methods, (3) recommend statewide standards for pupil use of social media, and (4) define best practices for expansion of the program.

The bill is co-sponsored by Public Health Advocates and Youth Leadership Institute. There is no opposition on file. This bill was previously heard by the Assembly Health Committee, where it passed 15-0.

SUBJECT: Social Media Harm Reduction Pilot Program

SUMMARY: Establishes, until December 31, 2029, the Social Media Harm Reduction Pilot Program, which would designate a nonprofit organization to manage a program related to pupils and social media use. Specifically, **this bill:**

- 1) Establishes the Social Media Harm Reduction Pilot Program.
- 2) Requires the California Health and Human Services Agency to designate a nonprofit organization to undertake the responsibilities of the program.
- 3) Requires the program to do the following:
 - a. Develop model educational materials and methods to leverage existing peer-to-peer support programs to inform pupils about the harms of social media, foster the development of healthy social media habits among pupils, and create a supportive environment in which they may do so.
 - b. Evaluate the impact of those educational materials and methods and the peer-to-peer support program through the establishment of statewide learning communities.
 - c. Recommend statewide standards for the use of online social networks by kindergarten and grades 1 to 12 pupils, inclusive.
 - d. Define best practices for expansion of the program.

- 4) Requires the program to coordinate with various specified existing laws to ensure consistency and avoid duplication of effort.
- 5) Provides that its provisions remain in effect only until December 31, 2029.

EXISTING LAW:

- 1) Establishes the California Health and Human Services Agency. (Gov. Code § 12806.)
- 2) Defines “social media platform” as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
 - a) A substantial function of the service or application is to connect users in order to allow them to interact socially with each other within the service or application. (A service or application that provides email or direct messaging services does not meet this criterion based solely on that function.)
 - b) The service or application allows users to do all of the following:
 - i) Construct a public or semipublic profile for purposes of signing into and using the service or application.
 - ii) Populate a list of other users with whom an individual shares a social connection within the system.
 - iii) Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Bus. & Prof. Code § 22675(e).)

FISCAL EFFECT: As currently in print the bill is keyed fiscal.

COMMENTS:

1) **Background.** When the Centers for Disease Control released its *Youth Risk Behavior Survey Data Summary & Trends Report 2011-2021* earlier this year, the report’s findings resonated nationwide. Among the most concerning results were the following:

- In the decade between 2011 and 2021, the percentage of male high school students who had experienced persistent feelings of sadness or hopelessness during the past year increased from 21% to 29%. For female students, the increase over the same period was tragically higher, from 36% to 57%.
- In 2021, 22% of high school students reported seriously considering attempting suicide during the past year.
- In 2021, 42% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities. Female students were

more likely than male students to experience persistent feelings of sadness or hopelessness.¹

The connection between findings such as these and teens' increased use of technologies such as smartphones and social media applications is increasingly the subject of both research and legislation. A meta-analysis of 20 research studies published worldwide between January 2010 and June 2020 revealed that "while social media can create a sense of community for the user, excessive and increased use of social media, particularly among those who are vulnerable, is correlated with depression and other mental health disorders."² And regulation of social media platforms, with an eye to ensuring children's well-being online, has been a topic of significant bipartisan interest in the Legislature for several years.

In 2022, concerns about children's health and its connection to their online activity prompted this Committee and the Assembly Arts, Entertainment, Sports, and Tourism Committee to hold a joint informational hearing on the topic of "Protecting Kids Online: Challenges & Opportunities in a Digital World." One of the most notable points made in the informational hearing background paper was the difficulty of disentangling the benefits from the harms of youths' online activity, and the consequent nuance that is required when policymaking in this area:

Though the harms of digital technology are substantial, they are not insurmountable, and are particular to certain types of content, patterns of internet use, and design features. Adequately addressing online media that are problematic to the wellbeing of young people could accordingly allow children to utilize the considerable advantages online media provide over traditional media without endangering their mental and physical health.³

2) **Author's statement.** According to the author:

The promise of social media was to build virtual communities that would bring people together to share information and ideas. In many ways, this promise has been fulfilled. Some platforms have billions of users and act as a digital thread connecting friends and families.

Unfortunately, social media companies have abused their position as facilitators of some of the most personal human interactions by prioritizing screen time and profits over the mental health of their users. Social media's addictive design exacerbates compulsive and obsessive behaviors detracting from real-world in-person engagement and contributing to social isolation.

Children and adolescents who use social media should be safe from harm. AB 2390 will address the mental health impacts resulting from the intentionally addictive design of social media platforms by establishing a pilot program to develop methods to mitigate the harm to youth and adolescents caused by modern social media platform design.

¹ The full report may be found at https://www.cdc.gov/healthyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf.

² Ulvi, et al., *Social Media Use and Mental Health: A Global Analysis*, *Epidemiologia* (Jan. 11, 2022), available at <https://pubmed.ncbi.nlm.nih.gov/36417264/>.

³ The background paper for the informational hearing (background paper), is available at https://privacyp.assembly.ca.gov/sites/privacyp.assembly.ca.gov/files/Background_032922pdf.pdf.

3) **Social media harm reduction program.** This bill requires HHS to designate a nonprofit organization that until December 31, 2029, will (1) establish a pilot peer-to-peer program to develop educational materials and methods related to social media harms, (2) evaluate those materials and methods, (3) recommend statewide standards for pupil use of social media, and (4) define best practices for expansion of the program. The purpose of the bill is to comprehensively examine the adverse mental health impacts associated with the use of social media by pupils.

Supporters point to the importance of incorporating youth perspective into such programs. Youth Leadership Institute, for instance, writes:

AB 2390 establishes a pilot program to develop methods to mitigate the harm to youth and adolescents caused by modern social media platform design. By implementing this approach, this bill will create a culture at school to talk openly about screen time usage and their experience navigating social media. We witnessed firsthand that by creating peer-to-peer programs and uplifting youth stories, youth will imagine how they would design the platform to meet the needs of young people online.

Oakland Privacy adds:

The pilot is an opportunity to address social media harms on youth through a holistic approach, with engagement from various stakeholders, including youth, that will propel data-driven policy. Youth's perspectives and participation in the discussions and decision-making process is essential and has been implemented in other systems that can impact youth, such as foster youth in the child-welfare system.

4) **Related legislation.** AB 2657 (Arambula, 2024) would establish the Social Media Commission and tasks it with producing a comprehensive report for regulating social media as it relates to child and adolescent mental health and well-being. The bill is pending in this Committee.

AB 1282 (Lowenthal, 2023) requires the Mental Health Services Oversight and Accountability Commission on or before July 1, 2026 to report to the relevant policy committees of the Legislature a statewide strategy to understand, communicate, and mitigate mental health risks associated with the use of social media by children and youth. The bill is pending on the Senate Inactive File.

ARGUMENTS IN SUPPORT:

Co-sponsor Public Health Advocates writes:

Social media is a new platform of engagement that has contributed to a major restructuring of social engagement and information sharing. It allows people to find and join communities with shared interests or identities with members beyond their immediate geographic setting. Most people will have a positive experience on the platforms; however, there are also risks. Young people spend considerable time daily on social media – averaging 4.8 hours per day – and through a combination of the content they encounter and social media replacing or competing with other activities, many young people describe social media as a major and direct contributor to depression and anxiety. Therefore, it is incumbent upon the state to develop strategies to protect young people online; parental support for efforts to improve

safety online is high and bipartisan, with parents seeking guidance for how to help their children appropriately and safety navigate their online activity.

AB 2390 establishes a pilot program using peer leadership to develop methods to maximize the benefits and minimize the harms to youth and adolescents. This bill is unique in focusing on the experience and leadership of young people to develop the safety standards to keep themselves and their peers safe.

Children Now write:

The promise of social media was to build virtual communities that would bring people together to share information and ideas. Unfortunately, social media companies have abused their position as facilitators of some of the most personal human interactions by prioritizing screen time and profits over the mental health of their users.

Because of the drastic increase in social media usage, today's teens and adolescents are in crisis at epidemic levels. Fifty percent of teens report at least one symptom of clinical dependency on social media, including restlessness, withdrawal from friends and family, neglecting responsibilities, and increasingly relying on social media as a coping mechanism. AB 2390 establishes a pilot program to develop methods to mitigate the harm to youth and adolescents caused by modern social media platform design

REGISTERED SUPPORT / OPPOSITION:**Support**

Public Health Advocates (co-sponsor)
Youth Leadership Institute (co-sponsor)
Children Now
Oakland Privacy

Opposition

None on file.

Analysis Prepared by: Josh Tosney / P. & C.P. / (916) 319-2200