

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2657 (Arambula) – As Amended March 21, 2024

SUBJECT: Social Media Commission

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, co-sponsored by Public Health Advocates and Children's Movement Fresno, proposes to establish the Social Media Commission (commission) for the purpose of bringing together experts and stakeholders—young people who use social media, educators, parents, and content experts in social media, technology, and mental health—to provide a comprehensive report with formal recommendations for regulation of social media as it relates to child and adolescent mental health and well-being. Proponents argue that a broad diversity of perspectives will result in more well-rounded recommendations to guide the Legislature.

There is no opposition on file. This bill was previously heard by the Assembly Health Committee, where it passed 15-0.

SUMMARY: Establishes the 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. Specifically, **this bill:**

- 1) Establishes the commission for the purpose of bringing together a diverse group of experts and invested stakeholders to provide a comprehensive report with formal recommendations for regulation of social media as it relates to child and adolescent mental health and well-being.
- 2) Requires the commission to be composed of seven subcommittees, each with five total members, including one subcommittee chair. Requires each subcommittee chair to be responsible for leading meetings and writing the subcommittee recommendation reports.
- 3) Requires the subcommittee chairs to consist of the following:
 - a) The Secretary of California Health and Human Services, or the secretary's designee, who shall serve as the chairperson and as subcommittee chair of one of the subcommittees.
 - b) Two subcommittee chair members, appointed by the Governor.
 - c) Two subcommittee chair members, appointed by the Senate Committee on Rules.
 - d) Two subcommittee chair members, appointed by the Speaker of the Assembly.

- e) Requires all appointees to have appropriate knowledge and experience regarding social media, or other relevant expertise.
- 4) Requires subcommittees to consist of the following:
- a) A subcommittee of parents, divided into two groups:
 - i) Requires the first group to consist of parents of children eight to 12 years of age, inclusive; and,
 - ii) Requires the second group to consist of parents of children 13 to 17 years of age, inclusive.
 - b) A subcommittee of adolescents 13 to 17 years of age, inclusive;
 - c) A subcommittee of educators, divided into two groups:
 - i) Educators of pupils in second grade to fifth grade, inclusive; and,
 - ii) Educators of pupils in sixth grade to twelfth grade, inclusive.
 - d) A subcommittee of researchers with expertise that collectively covers the following subject areas:
 - i) Communication;
 - ii) Human development;
 - iii) Psychology;
 - iv) Neuroscience;
 - v) Pediatrics;
 - vi) A subcommittee of media and technology experts in the following subject areas:
 - vii) Computer science;
 - viii) Data privacy; and,
 - ix) User experience researchers;
 - e) A subcommittee of policy experts in the following subject areas:
 - i) Communication law;
 - ii) Policy research; and,
 - iii) Economics;
 - f) A subcommittee of mental health professionals, consisting of the following:

- i) Therapists;
 - ii) Psychiatrists; and,
 - iii) Addiction specialists.
- 5) Requires the commission to meet for the first time on or before March 30, 2025, and to convene meetings at least quarterly at locations that are easily accessible to the public.
- 6) Requests the University of California to send, prior to the initial subcommittee meeting, an informational briefing to each committee's members for review that contains a summary document containing all of the following:
 - a) A list and description of proposed, enacted, and failed legislation by each state relating to social media and child or adolescent well-being;
 - b) A review of other countries' existing legislation relating to social media and child or adolescent well-being;
 - c) A review of research on the outcomes of enacted legislation on adolescent social media use and mental health;
 - d) A description of the goals and processes of the commission; and,
 - e) A description of the legislative process with respect to the commission's purpose.
- 7) Requires subcommittees to meet a minimum of two times prior to the first commission-wide chairs' meeting.
- 8) Requires, during the first commission-wide chairs' meeting, each subcommittee chair to share the thoughts of their respective committee and receive feedback from the group.
- 9) Requires a final subcommittee meeting to occur following the commission-wide chairs' meeting to discuss any new information or recommendations from other committees. Requires, at this final subcommittee meeting, subcommittees to draft their official recommendation report.
- 10) Requires, at a final commission-wide chairs' meeting, subcommittee chairs to create a summary of recommendations that will be sent to commission leaders to draft a final report.
- 11) Permits the commission to establish advisory committees that include members of the public with relevant knowledge and experience that support stakeholder engagement and an analytical process by which key design options are developed.
- 12) Requires the commission and each advisory committee to keep official records of all of their proceedings.
- 13) Requires, on or before April 1, 2026, the commission to submit a report to the Legislature and the Governor that includes both of the following:

- a) A summary and analysis of the robust, multidisciplinary research and current regulatory practices regarding child and adolescent social media use and mental health with special consideration for parental, youth, and industry perspectives; and,
- b) A formal set of policy recommendations for legislators on how to effectively regulate social media to enhance youth safety and well-being. Authorizes the recommendations to include identifying areas where further investigation is needed to provide ongoing governance recommendations, particularly as technology and research in adolescent well-being co-evolve.

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 2657 will identify ways to counteract the intentionally addictive design of social media platforms by establishing a commission to investigate the methods used by social media companies and to

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.

make recommendations on how to prevent future impacts on the mental health of children and adolescents.

3) **Analysis.** Under this bill, the commission, by April 1, 2026 must submit to the Legislature and Governor a report that includes both of the following:

- A summary and analysis of the robust, multidisciplinary research and current regulatory practices regarding child and adolescent social media use and mental health with special consideration for parental, youth, and industry perspectives.
- A formal set of policy recommendations for legislators on how to effectively regulate social media to enhance youth safety and well-being. The recommendations may also include identifying areas where further investigation is needed to provide ongoing governance recommendations, particularly as technology and research in adolescent well-being co-evolve.

The commission is composed of seven subcommittees, each with five members. These subcommittees involve a diverse array of experts and stakeholders—young people who use social media, educators, parents, and content experts in social media, technology, and mental health. These subcommittees can provide the commission perspectives arising from lived experience and expertise, leading to a well-rounded set of conclusions that should assist the Legislature in formulating policy to help young people engage with social media in healthier ways.

According to Youth Leadership Institute, which supports the bill, “[y]outh, parents, researchers, teachers, and government officials are deeply concerned of the safety and well-being of our community. Oftentimes individually we may feel isolated in our worries and solutions are out of reach. Through this approach, this will unify stakeholders and build human-centered approaches to solutions and recommendations.”

Oakland Privacy, in support of the bill, adds:

The commission proposed under AB 2657 will complement other initiatives by the state legislature to reduce harms caused by social media. The commission is an opportunity to address social media harms on teens through a holistic approach, with engagement from various stakeholders including youth. 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.

To ensure that the fullest array of voices are represented, the author may also wish to consider ensuring that the experts and stakeholders have diverse personal backgrounds reflective of California as a whole. Additionally, it should be noted that this Committee recently passed a similar bill, AB 1282 (Lowenthal, 2023), which would require a similar report from the Mental Health Services Oversight and Accountability Commission. To avoid duplicative efforts, the author is encouraged to work with the author of AB 1282 to find a common approach.

4) **Related legislation.** 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. AB 1282 is currently pending on the Senate Inactive File.

AB 2390 (Arambula, 2024) establishes the Social Media Harm Reduction Pilot Program. The bill is pending in this Committee.

ARGUMENTS IN SUPPORT:

Co-sponsor Public Health Advocates writes:

While most people will have a positive experience on social media platforms, 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, 37% of young people describe social media as a major and direct contributor to depression and anxiety. This is higher than traditional adolescent stressors of family and community expectations (18%), school pressure (16%) and bullying (8%).

As the risks are receiving greater attention, there is nationwide momentum to pass legislation to protect youth on social media. It is incumbent upon the state of California to review existing data and develop evidence-informed strategies to protect young people online.

AB 2390 establishes a commission to investigate the methods used by social media companies and to make recommendations on how to prevent future impacts on the mental health of children and adolescents. The design of this commission will ensure input from young people who use social media, educators, parents, and content experts in social media technology and mental health to fully consider the experience and existing research to develop recommendations to guide the California legislature.

The American Academy of Pediatrics writes:

Current laws such as the Cyberbullying Protection Act and the Online Violence Prevention Act have been important in regulating social media platforms. However, the rapidly evolving landscape of social media demands a more comprehensive approach that considers the profound impact these platforms have on the mental health and well-being of young people. The proposed Social Media Commission offers a promising solution by bringing together a diverse group of experts and stakeholders to provide formal recommendations for the regulation of social media. By including subcommittees composed of parents, adolescents, educators, researchers, and subject matter experts, the commission ensures that a wide range of perspectives and experiences will be considered in the decisionmaking process. The commission's focus on child and adolescent mental health and well-being is particularly crucial, given the growing body of research linking excessive social media use to various negative outcomes, including depression, anxiety, and cyberbullying. By empowering the Secretary of California Health and Human Services to chair the commission, AB 2657 demonstrates a commitment to prioritizing the health and safety of our youth. I commend the efforts of the bill's sponsors in recognizing the importance of proactive measures to address the challenges posed by social media platforms.

REGISTERED SUPPORT / OPPOSITION:

Support

Public Health Advocates (co-sponsor)
Youth Leadership Institute (co-sponsor)
American Academy of Pediatrics, California
Oakland Privacy

Opposition

None on file

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