

Date of Hearing: May 6, 2025

Fiscal: No

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 656 (Schiavo) – As Amended March 24, 2025

PROPOSED AMENDMENTS

SUBJECT: Account cancellation

SYNOPSIS

Social media platforms have been a force for good in many ways, providing spaces for community, enabling users to stay connected with friends, and allowing many to build small businesses. However, not everyone has benefited equally. For some, the constant stream of content and pressure to stay connected has become overwhelming, leading them to want to leave these platforms. Yet, social media companies often make it difficult for users to delete their accounts.

These platforms profit by commodifying users' attention. They employ various strategies to foster user dependence and discourage departure. Recent studies highlight that social media platforms use a range of techniques, known as dark patterns, that are specifically designed to prevent users from easily deleting or deactivating their accounts. In some cases, platforms make it impossible to delete an account unless accessed in a specific way, or they bury the deletion option deep within settings, requiring step-by-step guides to locate and complete the process.

This bill, sponsored by the Consumer Federation of California and is supported by the Children's Advocacy Institute at the University of San Diego School of Law, would require social media platforms to display a clear and conspicuous clickable message on every screen, allowing users to delete or suspend their accounts. The bill permits platforms to request a confirmation message before completing the deletion or suspension process.

The bill is supported by Oakland Privacy and opposed by a coalition of technology trade organizations, including the Computer and Communications Industry Association and TechNet. Opponents argue that the bill places an undue burden on social media companies.

Some of these concerns are addressed in Committee amendments outlined in Comment #6. The amendments revise the bill to require a clear and conspicuous "Delete Account" button within the platform's settings, rather than a message on every screen. The button must be accessible regardless of how the user accesses the platform (e.g., via web or mobile app). Additionally, the amendments mandate that platforms delete all personal information collected about a user upon account deletion. Finally, the amendments remove the option for platforms to offer account suspension as an alternative to deletion.

THIS BILL:

- 1) Defines "social media platform" to mean a public or semipublic internet-based service or application that has users in California and that meets all of the following criteria:

- a. A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application.
 - 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.
 - c. Generates more than one hundred million dollars (\$100,000,000) per year in gross revenues.
 - d. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone.
- 2) Requires social media platform to clearly and conspicuously post a message that states on each screen visible to a user, that, by clicking on the message, the user may delete or suspend the user's account.
- 3) Requires the social media platform shall permit a user to complete a deletion or suspension of the user's account but may seek confirmation of the request to delete or suspend the account through an email, text message, telephone call, or message if a user clicks on the message.

EXISTING LAW:

- 1) Defines "clear and conspicuous" or "clearly and conspicuously" to mean in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. (Bus. & Prof. Code § 17601.)
- 2) Prohibits any business that makes an automatic renewal offer or continuous service offer to a consumer in this state to include any information in the contract that interferes with, detracts from, contradicts, or otherwise undermines the ability of consumers to provide their affirmative consent to the automatic renewal or continuous service. (Bus. & Prof. Code § 17602(a)(5).)
- 3) Defines "dark pattern" to mean a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decisionmaking, or choice, as further defined by regulation. (Civ. Code. § 1798.140 (l).)
- 4) Broadly provides consumers the right to delete their data held by businesses. (Civ. Code. § 1798.1405.)

COMMENTS:

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

Social media addiction is harming our youth on a daily basis. From impacts to self-esteem to even more dire consequences, California needs to ensure that those struggling to escape the cycle of addiction can do so easily. Unfortunately, because social media platform revenue relies on continued engagement of users, the mechanisms for account deletion is not always straightforward, leading many who begin the process to give up part way through. For those already struggling with addiction to a platform, this means returning to a harmful habit. AB 656 will follow recent efforts to simplify subscription cancellation to social media platforms, making it easier for individuals to escape a harmful situation.

2) **Discontent creators.** Social media has grown immensely over the past two decades, now encompassing everything from social networking to forums, chat rooms, content-sharing platforms, and even job-seeking tools. With its wide range of functionalities, over 80% of Americans are active on at least one platform.¹ Recent reports show that the average American spends nearly 2.5 hours per day on social media.² People turn to these platforms for a variety of reasons; some use them as news and information sources, others to grow small businesses, and many to maintain relationships and build community. Social media has even given rise to a new economic model in the form of influencers and the attention economy. However, the benefits of social media are not universal. Many users feel compelled to stay online out of fear of missing out, only to find themselves losing valuable time to mindless scrolling instead of meaningful social interaction.

In fact, the Oxford Word of the Year for 2024 was “brain rot,” defined as “the supposed deterioration of a person’s mental or intellectual state, especially viewed as the result of overconsumption of material (now particularly online content) considered to be trivial or unchallenging. Also: something characterized as likely to lead to such deterioration.”³ Brain rot has come to describe both the consumption of endless, low-quality content on social media and the negative mental impact that consumption creates. Research supports these concerns. A meta-analysis of 15 studies found that problematic internet usage is linked to a reduction in grey matter, the region of the brain responsible for processing information.⁴ The areas most affected were those involved in reward processing and impulse control, which could lead to increased susceptibility to addictive behaviors. Moreover, social media use has been tied to reduced attention spans. In the past 20 years, the average human attention span has dropped from 2.5 minutes to just 47 seconds.⁵ These neurological changes have real-world consequences, impacting mental health and overall well-being. As a result, many individuals are seeking to detox from their phones and social media use. Unfortunately, the platforms themselves often make this process exceedingly difficult.

¹ Jeffrey Gottfried, “Americans’ Social Media Use”, *Pew Research Center* (Jan. 31, 2024), <https://www.pewresearch.org/internet/2024/01/31/americans-social-media-use/>.

² Robin Geuens, “What is the average time spent on social media each day?”, *Soax* (Sept. 5, 2024), <https://soax.com/research/time-spent-on-social-media>.

³ “‘Brain rot’ named Oxford Word of the Year 2024”, *Oxford University Press* (Dec. 2, 2024), <https://corp.oup.com/news/brain-rot-named-oxford-word-of-the-year-2024/>.

⁴ Jeremy E. Solly et al., “Structural gray matter differences in Problematic Usage of the Internet: a systematic review and meta-analysis”, *Molecular Psychiatry* volume 27, pages1000–1009 (2022), <https://doi.org/10.1038/s41380-021-01315-7>.

⁵ Sandee LaMotte, “If you think you can’t focus for long, you’re right”, *CNN* (May 15, 2024), <https://www.cnn.com/2023/01/11/health/short-attention-span-wellness>.

3) **Dark patterns.** Social media usage and its impact on users is highly polarized. Beyond the ever-present fear of missing out that these platforms perpetuate, one might reasonably ask: why do users not simply unplug? The answer lies in the way social media platforms are designed. Engagement drives revenue, and these platforms have found ways to commodify user attention in the pursuit of profit. As a result, they increasingly employ tactics known as *dark patterns*, deceptive interface designs that manipulate users into making decisions they might not otherwise choose. Dark patterns were defined in the California Consumer Privacy Act (CCPA) through the passage of Proposition 24, the California Privacy Rights Act, in 2020. They are described as “a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice, as further defined by regulation.”⁶ This definition was added by voter initiative to ensure that consent for the collection, sharing, or sale of consumer data is actual consent and not obtained through manipulative design.

For users seeking to reduce their screen time or delete their accounts altogether, dark patterns often interfere, subtly nudging them toward staying. A comprehensive 2022 study from the University of Chicago explored how these manipulative designs make it difficult for users to leave platforms.⁷ The study found that many social media apps, including Instagram, Reddit, and Twitch, did not even offer a way to delete accounts through their mobile applications. Instead, users were forced to switch to a web browser. Considering that many people interact with these platforms exclusively through their mobile apps, this design choice effectively blocks account deletion by default.

Even when deletion options are available, the process is often obscured by vague or misleading language. Phrases like “Close Account” may suggest deletion, when in fact the account remains recoverable. Facebook, at the time of the study, used a “Delete After Closing” model, which freezes accounts for a set period before deletion occurs, leaving a window during which users might change their minds, intentionally or otherwise. These practices subtly pressure users to stay connected, even when they have expressed a desire to leave.

More troubling than vague language are the various emotional and psychological tactics used to dissuade users from following through. One common strategy is *confirm shaming*, in which platforms prompt users with an additional verification step, such as a text or email confirmation, to ensure they truly want to delete their accounts. While this step can prevent accidental deletions, it is also frequently used for emotional manipulation. For example, the video streaming service Vimeo features a large sad face on the confirmation page as a form of guilt-tripping users into staying.⁸

Ultimately, the University of Chicago study revealed that over 33% of the 200 participants were unable to delete a social media account due to the process being overly burdensome or

⁶ (Civ. Code. § 1798.140 (l).)

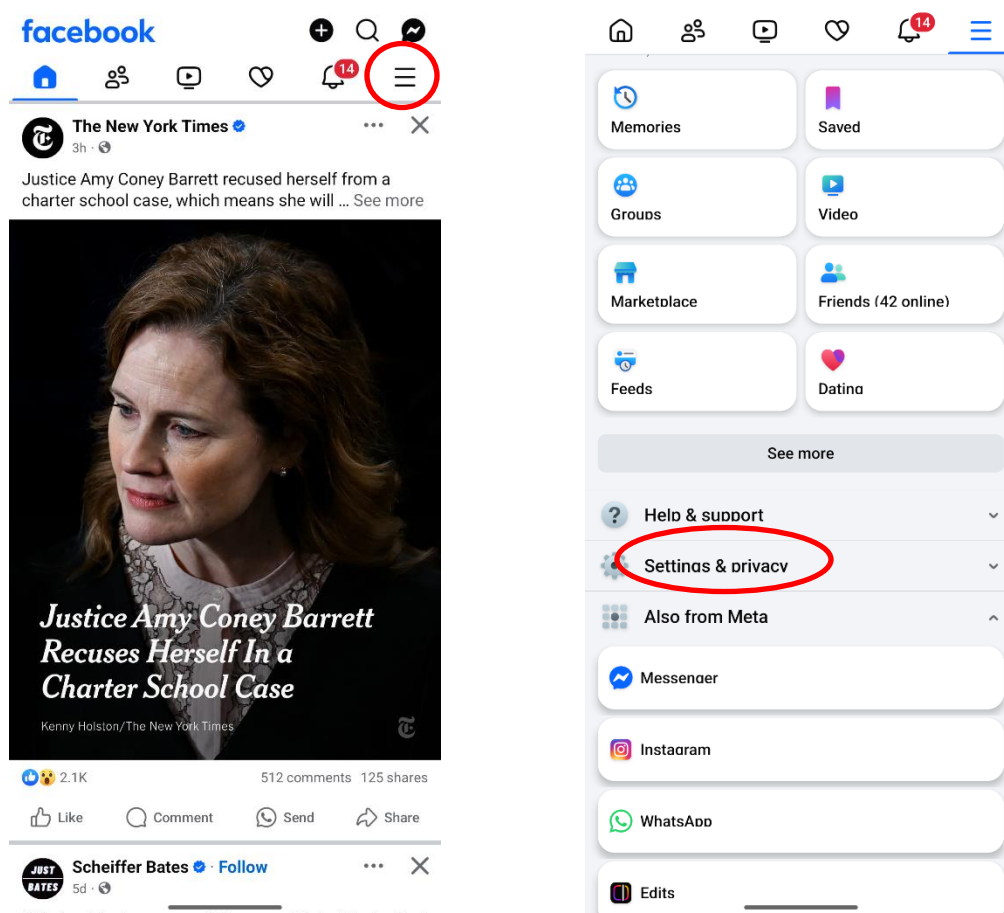
⁷ Brennan Schaffner, Neha A. Lingareddy, Marshini Chetty, “Understanding Account Deletion and Relevant Dark Patterns on Social Media”, *Proceedings of the ACM on Human-Computer Interaction*, Volume 6, Issue CSCW2 Article No.: 417, Pages 1 – 43, <https://doi.org/10.1145/3555142>.

⁸ *Ibid.*

confusing.⁹ 85% of those surveyed concluded that these design choices exist primarily to retain users, even those actively trying to leave.¹⁰

4) **How hard is it to delete?** At the heart of the issue lies a simple question: how difficult is it, really, to delete a social media account? A quick internet search yields countless websites and blogs devoted to guiding users through the complex process of account deletion across various platforms. For instance, in their support letter, the Consumer Federation of California highlights the convoluted, 20-plus-step process required to delete a Facebook account. To assess just how challenging this process truly is, staff attempted to delete a Facebook account without relying on any outside assistance or guides. A description of this endeavor follows.

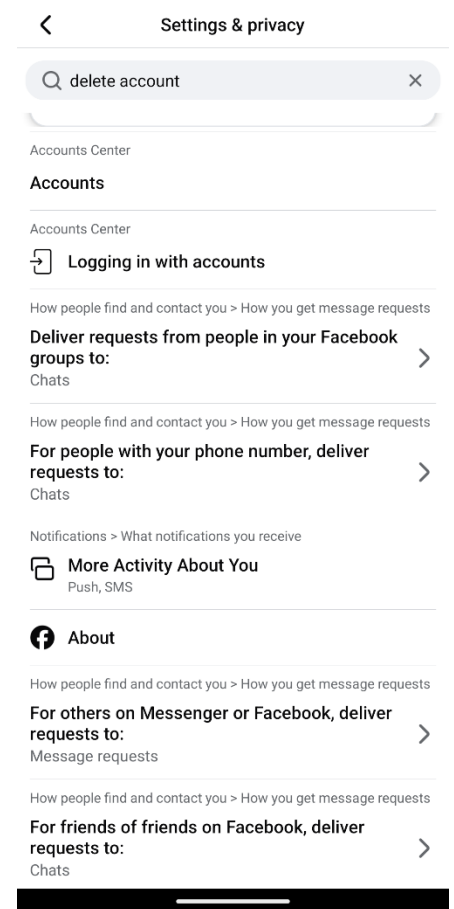
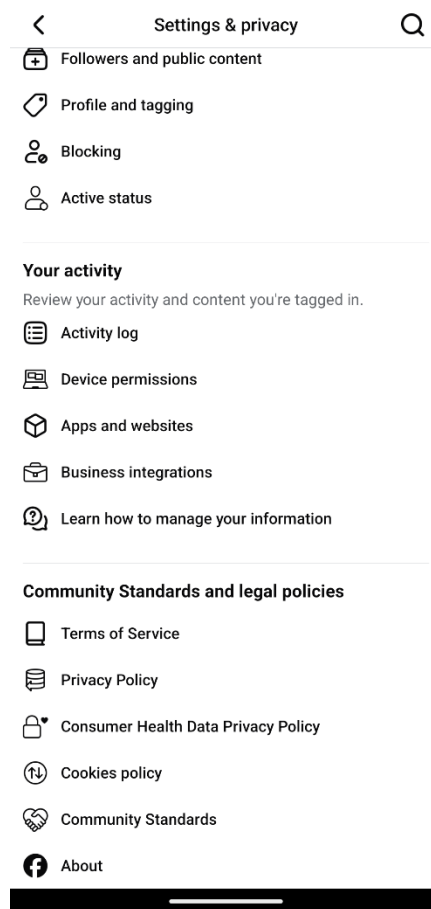
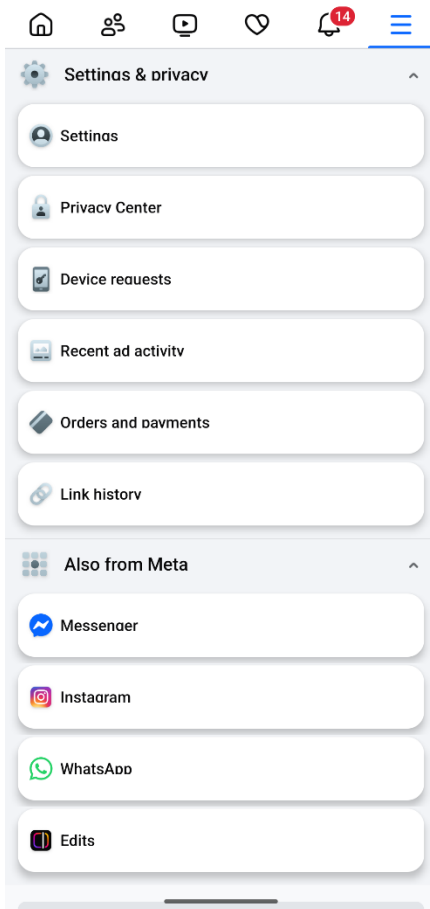
1. First (Left), the app opened to the Facebook home page. Staff then navigated to the three horizontal lines (also known as the hamburger menu) in the upper right corner, which typically indicates a hidden menu. This allowed access to the “Settings & Privacy” menu (Right).



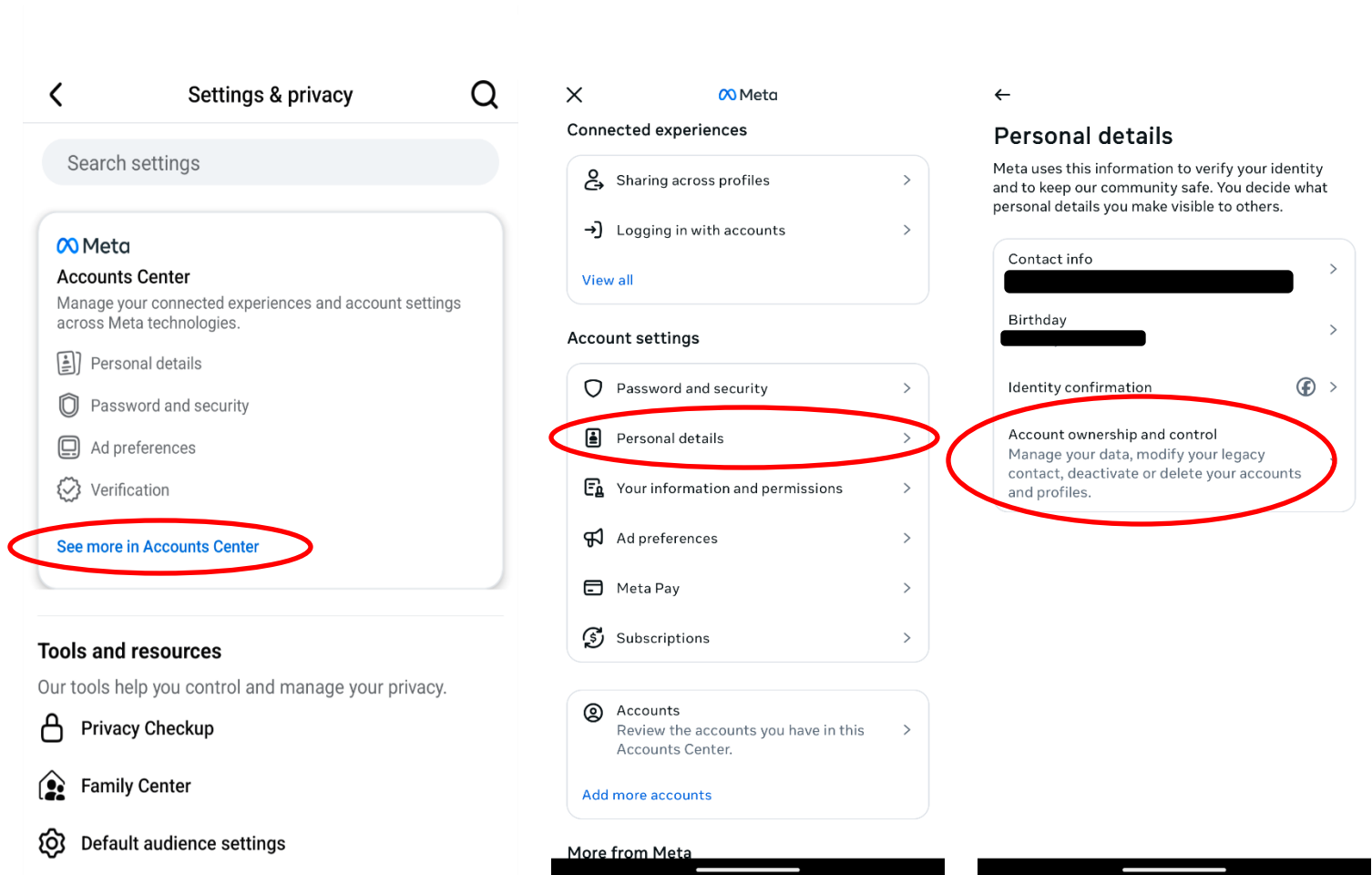
⁹ Ibid.

¹⁰ Ibid.

2. Once in the “Settings & Privacy” menu (Left), numerous options were available. As staff scrolled through, it became unclear which, if any, would lead to an option for deleting an account (Center). Ultimately, staff used the search function within the menu. However, searching for “Account Deletion” (Right) did not yield a straightforward path forward.



3. At this point, staff began clicking through various options within the “Settings & Privacy” menu; however, none led to an account deletion option. After approximately 10 minutes of searching, staff opted to look up instructions for performing the deletion. Instead of a clearly labeled menu button, the process directed staff to the “Accounts Center” (Left). From there, the sequence continued through two additional menus (Center, Right) before finally reaching the screen where the account could be deleted (Bottom). This trial demonstrates how burdensome, unintuitive, and labyrinthine it can be to delete a social media account.



Account ownership and control

Memorialization

Decide what happens to your main Facebook profile after you pass away. >

Deactivation or deletion

Temporarily deactivate or permanently delete your accounts and profiles >

5) **What this bill would do.** This bill aims to reduce the burden placed on users by social media platforms when attempting to delete their accounts. Specifically, it would require platforms that generate more than \$100 million in annual gross revenue to display a clear and conspicuous message on every screen a user interacts with. This message must inform users that they can click to either delete or suspend their account. The bill allows platforms to request confirmation, via email, text message, or other means, before completing the deletion or suspension. This bill is similar to previous legislation by this author that enables consumers to cancel automatically renewed subscriptions in the same manner that the consumer used to subscribe to the continuous service, alongside other provisions which streamline subscription cancellations.¹¹

6) **Amendments.** Opposition to this bill raises issues with the provision described above. The Computer and Communications Industry Association alongside other technology trade associations argues that this bill creates an overly broad mandate, stating:

The requirement to post a specific message with a deletion/suspension link on “each screen” could be interpreted quite broadly as it is compelled speech for a social media platform to follow. AB 2863 (Schiavo, 2024), simply required “a prominently located direct link or button which may be located within either a customer account or profile,” this bill AB 656 goes even further than that by requiring a link in “each screen visible to a user.”

Such compelled speech for a social media platform would overwhelm users or degrade their experience. Requiring the same message on every single screen (including in-app pop-ups, menus, feed views, stories, chats, even watch interfaces would be impacted) would create clutter, interfere with normal usage, and confuse or frustrate users rather than help them.

Additionally, the user-interface redesign necessary to even place this delete/suspend link on EVERY visible screen to a user, even if just in California would be substantial and interfere with a platform’s national, even global design. By extending subscription-style cancellation mechanics to non-subscription, advertising-supported platforms, AB 656 would create significantly broader obligations for a wider range of businesses and user interactions

This concern has merit, as the bill currently uses the vague phrase “every screen.” Does this mean the message must appear only in settings, or even while viewing a photo on a social media app? A message like the one described in the bill could clutter the interface, potentially making platforms difficult to use in certain formats and negatively affecting the user experience for those who wish to remain on these platforms. The goal of the bill is not to make social media platforms unusable, but rather to ensure that users who wish to delete their accounts can do so without unnecessary obstacles.

To address these concerns, the author has agreed to amendments that would replace the requirement for a message on every screen with a mandate for a clear and conspicuous “Delete Account” button within the settings menu. The “clear and conspicuous” language should ensure that the button is easy to locate and not hidden deep within unintuitive settings. Additionally, since many platforms currently make account deletion impossible unless accessed through a web browser, the author has also agreed to include language requiring that the “Delete Account” button be accessible across all platforms, regardless of how the user is accessing the service.

¹¹ AB 2863 Schiavo, Ch. 515, Stats. 2024.

Furthermore, one of the main challenges in deleting a social media account is that, even when the platform makes the delete button easy to find, it may still employ dark patterns to manipulate users into staying. To address this, the author has agreed to an amendment prohibiting social media platforms from using dark patterns to interfere with account deletions.

Moreover, in the study referenced above, fewer than 10% of participants believed that social media companies should retain access to a user's data after the account is deleted.¹² In response, the author has agreed to an amendment requiring that, upon a user's confirmation of account deletion, the platform must also delete any personal information associated with the account or collected through the user's activity on the platform.

Finally, the author has agreed to remove any language allowing account suspension as a substitute for deletion. While platforms may still offer users the option to suspend their accounts if they choose, the bill's intent is to ensure that users who wish to delete their accounts can do so without being funneled into suspension as an alternative.

The amendments are as follows:

3273.72. As used in this title:

(a) "Clearly and conspicuously" *or* "***clear and conspicuous***" has the same meaning as defined in Section 17601 of the Business and Professions Code.

(b) "Dark pattern" has the same meaning as subdivision (l) Section 1798.140.

(b) "Personal Information" has the same meaning as defined in subdivision (v) of Section 1798.140 of the Civil Code and any regulations promulgated thereunder.

(bc) "Social media platform" means a social media platform, as defined in Section 22675 of the Business and Professions Code that generates more than one hundred million dollars (\$100,000,000) per year in gross revenues.

3273.73. (a) A social media platform shall *provide a clear and conspicuous button that enables the user to delete their account that meets both of the following: ~~on each screen visible to a user, clearly and conspicuously post a message that states that, by clicking on the message, the user may delete or suspend the user's account.~~*

(1) Is clearly and conspicuously placed as an option in the social media platform's settings menu with the words "Delete Account".

(2) The settings menu containing the button is accessible in the application, on a browser, or on any other format that a user can access the social media platform.

(b) If a user clicks on the ~~message~~ **button** required by subdivision (a), the social media platform shall permit a user to complete a deletion ~~or suspension~~ of the user's account but

¹² Brennan Schaffner, Neha A. Lingareddy, Marshini Chetty, "Understanding Account Deletion and Relevant Dark Patterns on Social Media", *Proceedings of the ACM on Human-Computer Interaction*, Volume 6, Issue CSCW2 Article No.: 417, Pages 1 – 43, <https://doi.org/10.1145/3555142>.

may seek confirmation of the request to delete ~~or suspend~~ the account through an email, text message, telephone call, or message.

(c) A social media platform shall not use dark patterns to interfere with a user's ability to delete their account.

(d) The social media platform shall delete all personal information pertaining to the account or collected directly through the use of the social media platform by the user upon the user's confirmation of an account deletion.

SEC. 3. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) Any waiver of this act shall be void and unenforceable as contrary to public policy.

ARGUMENTS IN SUPPORT: The Children's Advocacy Institute at the University of San Diego School of Law, in support of the bill, writes:

Among the horrors profit-ravenous social media platforms heap upon our children – aside from knowingly facilitating child rape and sexual trafficking, the matchmaking of child sexual abuse material to pedophile consumers of such material, the distribution of lethal fentanyl, the promotion of deadly “challenges,” pummeling girls with pro-anorexia and starvation content, using neuroscientists to addict mere children to their products, and record-shattering, ever escalating rates of suicide and depression requiring hospitalization – is that, when a child for their own well-being wants to quit a platform, the platforms make it intentionally hard and frustrating to do so.

As one investigative piece concluded, “[w]anting to delete your account is one thing, but actually being able to hit the delete button is another story. Social media outlets make money off of you and your information, so it shouldn't come as a surprise that they don't want to let you go. Because of this, the biggest networks have made it overly complicated to delete your account.”

According to the University of Chicago, “[f]irst, account deletion options vary considerably across platforms and the language used to describe these options is not always clear. Most platforms offer account deletion on desktop browsers but not all allow account deletion from mobile apps or browsers. Second, we found evidence of several dark patterns present in the account deletion interfaces and platform policies. Third, most participants had tried to delete at least one social media account, yet over one-third of deletion attempts were never completed.”

AB 656 simply makes it easier for children to quit social media platforms by making the option easy to find and easy to implement.

This bill is the least we can do to lend a helping hand not just to suffering children. This bill will also lend a compassionate helping hand to beleaguered parents just trying to keep their children mentally well and alive when, arrayed against them, are multibillion dollar corporations deploying the most sophisticated technologies in ways that persistently

prioritize profit over preventing children from sexual abuse, depression, and drug abuse, and death.

ARGUMENTS IN OPPOSITION: In opposition to the bill, Computer and Communications Industry Association alongside a group of technology trade associations, argues:

AB 656 conflates social media platforms with paid subscription accounts. The bill attempts to apply the same standards of requiring a “clear and conspicuous” cancellation process as was created under AB 2863 (Schiavo, 2024) targeting paid subscriptions and automatic renewals to social media platforms.

Unlike subscription services that charge a recurring fee for continued access, mainstream social-media platforms are offered to the public at no cost and operate primarily on an advertising-supported model; optional premium features do not convert them into “subscriptions.” Treating these free services as if they were paid, cancel-anytime memberships ignores this fundamental distinction and risks importing a regulatory framework that does not fit the product.

[...]

SB 656 would also create various unintended consequences, requiring a deletion/suspension link on every screen would encourage impulsive or accidental deletions, offer bad actors an easy means to erase accounts with momentary device access as the deletion/suspension confirmation follow-up would only be optional under this bill.

Many consumers rely on their social-media credentials as a single sign-on key for other services or products—from video and music streaming, to e-commerce storefronts, food delivery network apps, transportation network apps, productivity apps, messaging apps, video games. Allowing an account to be deleted or suspended with only minimal confirmation would instantly invalidate those authentication tokens, leaving users locked out of services they may depend on for their daily lives.

In many cases, they would face cumbersome—and sometimes impossible—recovery processes, risking permanent loss of data, purchase histories, or business pages that were never housed on the social-media platform itself. This cascading lock-out hazard illustrates why a one-click deletion mandate is ill-suited to platforms that function as digital identity hubs.

Additionally, there would be a surge in restoration requests and data-loss disputes. These burdens could divert investment away from other necessary reporting or safety systems within social media platforms.

REGISTERED SUPPORT / OPPOSITION:

Support

Consumer Federation of California (Sponsor)
Childrens Advocacy Institute
Oakland Privacy

Oppose

Computer & Communications Industry Association
Internet.works
Technet-technology Network

Analysis Prepared by: John Bennett / P. & C.P. / (916) 319-2200