

AMENDED IN SENATE APRIL 25, 2024

AMENDED IN SENATE MARCH 19, 2024

**SENATE BILL**

**No. 976**

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**Introduced by Senator Skinner**  
**(Coauthors: Senators Allen, Ashby, Durazo, Rubio, and Wilk)**

January 29, 2024

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An act to add Chapter 23 (commencing with Section 27000) to Division 20 of the Health and Safety Code, relating to youth addiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Skinner. ~~Social Media Youth Addiction Law.~~  
*Protecting our Kids from Social Media Addiction Act.*

Existing law, the California Age-Appropriate Design Code Act, requires, beginning July 1, 2024, a business that provides an online service, product, or feature likely to be accessed by children to comply with certain requirements. The act requires the business to complete a data protection impact assessment addressing, among other things, whether the design could harm children and whether and how the online product, service, or feature uses system design features to increase, sustain, or extend use of the online product, service, or feature by children, including the automatic playing of media, rewards for time spent, and notifications. Existing law prohibits the business from using the personal information of any child in a way that the business knows, or has reason to know, is materially detrimental to the physical health, mental health, or well-being of a child.

Existing law, the Privacy Rights for California Minors in the Digital World, prohibits an operator of an internet website, online service, online application, or mobile application from specified conduct when minors are involved, including the marketing or advertising of alcoholic

beverages, firearms, or certain other products or services. Existing law sets forth other related protections for minors, including under the California Consumer Privacy Act of 2018 and the California Privacy Rights Act of 2020.

This bill, the ~~Social Media Youth Addiction Law, *Protecting our Kids from Social Media Addiction Act*~~, would make it unlawful for the operator of an addictive ~~social media platform, internet-based service or application~~, as defined, to provide an addictive feed to a user, unless the operator *does not have actual knowledge that the user is a minor; commencing January 1, 2027*, has reasonably determined that the user is not a ~~minor~~ minor; or the operator has obtained verifiable parental consent to provide an addictive feed to the user who is a minor.

The bill would define “addictive feed” as an internet website, online service, online application, or mobile application, in which multiple pieces of media generated or shared by users are recommended, selected, or prioritized for display to a user based on information provided by the user, or otherwise associated with the user or the user’s device, as specified, unless any of certain conditions are met.

The bill would make it unlawful for the operator of an addictive ~~social media platform, internet-based service or application~~, between the hours of ~~12:00 AM and 6:00 AM, 12 a.m. and 6 a.m.~~, inclusive, in the user’s local time zone, and between the hours of ~~8:00 AM and 3:00 PM, inclusive, 8 a.m. and 3 p.m.~~, Monday through Friday from September through May in the user’s local time zone, to send notifications to a user ~~who is a minor unless the operator has if the operator has actual knowledge that the user is a minor or, commencing January 1, 2027, has not reasonably determined the user is not a minor, unless the operator has obtained verifiable parental consent to send those notifications.~~ *notifications, as specified.* The bill would set forth related provisions for certain access controls determined by the verified parent through a mechanism provided by the operator.

Under the bill, a parent’s provision of consent or use of a mechanism, as described above, would not waive, release, otherwise limit, or serve as a defense to, any claim that the parent, or that the user who is a minor or was a minor at the time of using the ~~platform, internet-based service or application~~, might have against the operator regarding any harm to the mental health or well-being of the user.

The bill would require an operator to annually disclose the number of minor users of its addictive ~~social media platform, internet-based service or application~~, and of that total the number for whom the

operator has received verifiable parental consent to provide an addictive feed, and the number of minor users as to whom the access controls are or are not enabled.

The bill would ~~authorize~~ *require, on or before January 1, 2027*, the Attorney General to adopt regulations to further the purposes of these provisions. The bill would make these provisions severable.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares both of the  
2 following:

3 (a) Social media provides an important tool for communication  
4 and information sharing. However, some social media platforms  
5 have evolved to include addictive features, including the  
6 algorithmic delivery of content, that pose a significant risk of harm  
7 to the mental health and well-being of children and adolescents.

8 (b) It is essential, given the ongoing youth mental health crisis,  
9 that California act to ensure that social media platforms obtain  
10 parental consent before exposing children and adolescents to these  
11 features.

12 SEC. 2. Chapter 23 (commencing with Section 27000) is added  
13 to Division 20 of the Health and Safety Code, to read:

14

15 CHAPTER 23. SOCIAL MEDIA YOUTH ADDICTION

16

17 27000. This chapter shall be known, and may be cited, as the  
18 ~~Social Media Youth Addiction Law~~. *Protecting our Kids from*  
19 *Social Media Addiction Act*.

20 27000.5. For purposes of this chapter, the following terms have  
21 the following meanings:

22 (a) “Addictive feed” means an internet website, online service,  
23 online application, or mobile application, or a portion thereof, in  
24 which multiple pieces of media generated or shared by users are,  
25 either concurrently or sequentially, recommended, selected, or  
26 prioritized for display to a user based, in whole or in part, on  
27 information provided by the user, or otherwise associated with the  
28 user or the user’s device, unless any of the following conditions  
29 are met, alone or in combination with one another:

1 (1) The information, including search terms entered by a user,  
2 is not persistently associated with the user or user’s device, and  
3 does not concern the user’s previous interactions with media  
4 generated or shared by others.

5 (2) The information consists of user-selected privacy or  
6 accessibility settings, technical information concerning the ~~user’s~~  
7 *user’s* device, or device communications or signals concerning  
8 whether the user is a minor.

9 (3) The user expressly and unambiguously requested the specific  
10 media or media by the author, creator, or poster of the media,  
11 provided that the media is not recommended, selected, or  
12 prioritized for display based, in whole or in part, on other  
13 information associated with the user or the user’s device, except  
14 as otherwise permitted by this chapter and, in the case of audio or  
15 video content, is not automatically played.

16 (4) The media consists of direct, private communications  
17 between users.

18 (5) The media recommended, selected, or prioritized for display  
19 is exclusively the next media in a preexisting sequence from the  
20 same author, creator, poster, or source and, in the case of audio or  
21 video content, is not automatically played.

22 (b) ~~“Addictive social media platform”~~ *internet-based service*  
23 *or application”* means an internet website, online service, online  
24 application, or mobile application, *including, but not limited to, a*  
25 *“social media platform” as defined in Section 22675 of the*  
26 *Business and Professions Code*, that offers or provides users an  
27 addictive feed that is not incidental to the provision of that internet  
28 website, online service, online application, or mobile application.

29 (c) “Media” means text, audio, an image, or a video.

30 (d) ~~“Minor”~~ “*Minor*” means an individual under 18 years of  
31 ~~age.~~ *age who is located in the State of California.*

32 (e) “Operator” means a person who operates or provides an  
33 internet website, an online service, an online application, or a  
34 mobile application.

35 (f) “Parent” means a parent or a legal guardian.

36 (g) “User” means ~~a person, located in the State of California,~~  
37 *person* who uses an internet website, online service, online  
38 application, or mobile application. “User” does not include the  
39 operator or a person acting as an agent of the operator.

1 27001. (a) It shall be unlawful for the operator of an addictive  
2 ~~social media platform~~ *internet-based service or application* to  
3 provide an addictive feed to a user unless either of the following  
4 is met:

5 ~~(1) The operator has reasonably determined that the user is not~~  
6 ~~a minor.~~

7 *(1) (A) Except as provided in subparagraph (B), the operator*  
8 *does not have actual knowledge that the user is a minor.*

9 *(B) Commencing January 1, 2027, the operator has reasonably*  
10 *determined that the user is not a minor, including pursuant to*  
11 *regulations promulgated by the Attorney General.*

12 (2) The operator has obtained verifiable parental consent to  
13 provide an addictive feed to the user who is a minor.

14 (b) Information collected for the purpose of determining a user's  
15 ~~age under subdivision (a)~~ *pursuant to this chapter* shall not be used  
16 for any purpose other than compliance with this chapter or with  
17 another applicable law.

18 27002. (a) ~~It~~ *(1) Except as provided in paragraph (2), it shall*  
19 *be unlawful for the operator of an addictive ~~social media platform,~~*  
20 *internet-based service or application, between the hours of 12:00*  
21 *AM and 6:00 AM, inclusive, 12 a.m. and 6 a.m., in the user's local*  
22 *time zone, and between the hours of 8:00 AM and 3:00 PM,*  
23 *inclusive, 8 a.m. and 3 p.m., from Monday through Friday from*  
24 *September through May in the user's local time zone, to send*  
25 *notifications to a user ~~who if the operator has actual knowledge~~*  
26 *that the user is a minor unless the operator has obtained verifiable*  
27 *parental consent to send those notifications.*

28 *(2) Commencing January 1, 2027, it shall be unlawful for the*  
29 *operator of an addictive internet-based service or application,*  
30 *between the hours of 12 a.m. and 6 a.m., in the user's local time*  
31 *zone, and between the hours of 8 a.m. and 3 p.m., from Monday*  
32 *through Friday from September through May in the user's local*  
33 *time zone, to send notifications to a user the operator has not*  
34 *reasonably determined is not a minor, including pursuant to*  
35 *regulations promulgated by the Attorney General, unless the*  
36 *operator has obtained verifiable parental consent to send those*  
37 *notifications.*

38 (b) The operator of an addictive ~~social media platform~~  
39 *internet-based service or application* shall provide a mechanism

1 through which the verified parent of a user who is a minor may  
2 do any of the following:

3 (1) Prevent their child from accessing or receiving notifications  
4 from the ~~addictive social media platform~~ *internet-based service*  
5 *or application* between specific hours chosen by the parent. This  
6 setting shall be set by the operator as on by default, in a manner  
7 in which the child's access is limited between the hours of ~~12:00~~  
8 ~~AM and 6:00 AM, inclusive, 12 a.m. and 6 a.m.,~~ in the user's local  
9 time zone.

10 (2) Limit their child's access to the ~~addictive social media~~  
11 ~~platform~~ *internet-based service or application* to a length of time  
12 per day specified by the verified parent. This setting shall be set  
13 by the operator as on by default, in a manner in which the child's  
14 access is limited to one hour per day unless modified by the verified  
15 parent.

16 (3) Limit their child's ability to view the number of likes or  
17 other forms of feedback to pieces of media within an addictive  
18 feed. This setting shall be set by the operator as on by default.

19 (4) Require that the default feed provided to the child when  
20 entering the ~~platform~~ *internet-based service or application* be one  
21 in which pieces of media are not recommended, selected, or  
22 prioritized for display based on information provided by the user,  
23 or otherwise associated with the user or the user's device, other  
24 than the user's age or status as a minor.

25 (5) Set their child's account to private mode, in a manner in  
26 which only users to whom the child is connected on the addictive  
27 ~~social media platform~~ *internet-based service or application* may  
28 view or respond to content posted by the child. This setting shall  
29 be set by the operator as on by default.

30 27003. (a) This chapter shall not be construed as requiring the  
31 operator of an ~~addictive social media platform~~ *internet-based*  
32 *service or application* to give a parent any additional or special  
33 access to, or control over, the data or accounts of their child.

34 (b) This chapter shall not be construed as preventing any action  
35 taken in good faith to restrict access to, or availability of, media.

36 27004. (a) An operator may choose not to provide services to  
37 minors. However, the operator of an ~~addictive social media~~  
38 ~~platform~~ *internet-based service or application* shall not withhold,  
39 degrade, lower the quality of, or increase the price of, any product,  
40 service, or feature, other than as required by this chapter, due to a

1 user or parent availing themselves of the rights provided by this  
2 chapter, or due to the protections required by this chapter.

3 (b) A parent’s provision of consent as described in Section  
4 27001 or 27002, or the use by a parent of a mechanism as described  
5 in Section 27002, does not waive, release, otherwise limit, or serve  
6 as a defense to, any claim that the parent, or that the user who is  
7 a minor or was a minor at the time of using the ~~platform,~~  
8 *internet-based service or application*, might have against the  
9 operator of an addictive ~~social media platform~~ *internet-based*  
10 *service or application* regarding any harm to the mental health or  
11 well-being of the user.

12 (c) The protections provided by this chapter are in addition to  
13 those provided by any other applicable law, including, but not  
14 limited to, the California Age-Appropriate Design Code Act (Title  
15 1.81.47 (commencing with Section 1798.99.28) of Part 4 of  
16 Division 3 of the Civil Code).

17 27005. An operator of an addictive ~~social media platform~~  
18 *internet-based service or application* shall *publicly* disclose, on  
19 an annual basis, the number of minor users of its addictive ~~social~~  
20 ~~media platform,~~ *internet-based service or application*, and of that  
21 total the number for whom the operator has received verifiable  
22 parental consent to provide an addictive feed, and the number of  
23 minor users as to whom the controls set forth in Section 27002 are  
24 or are not enabled.

25 27006. The Attorney General ~~may~~ *shall* adopt regulations to  
26 further the purposes of this chapter, including regulations regarding  
27 age verification and parental ~~consent.~~ *consent on or before January*  
28 *1, 2027.*

29 27007. If any provision of this chapter, or application thereof,  
30 to any person or circumstance is held invalid, that invalidity shall  
31 not affect other provisions or applications of this chapter that can  
32 be given effect without the invalid provision or application, and  
33 to this end the provisions of this chapter are declared to be  
34 severable.

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