



# H.B. 311 - Social Media Usage Amendments

## What does H.B. 311 do?

This bill aims to empower parents to safeguard children, fight back against addictive algorithms, and hold social media companies responsible for damages

### Age Restrictions and Contracts



Requires parental permission in order kids to participate on social media

Requires social media users to verify their age to ensure they are over 18 years old. Those under 18 must receive permission from a parent before opening an account.

The age verification process will be established by the Division of Consumer Protection. Rules must comply with Data Protection laws.

Establishes a legal presumption that social media is harmful for minors under 16



Prohibits minors from entering a online contract without parental consent

Minors must gain the consent of parents before accepting online contracts. Service providers must provide a reasonably accessible method for parents to grant consent.



## Division of Consumer Protection

1. Directs the Division of Consumer Protection to receive and investigate complaints of violations of the requirements established under the act and impose administrative fines for violations
2. Authorizes the division to seek enforcement through an injunction, civil penalties, and other relief through the judicial process
3. Social media companies are given a 30-day right to cure before any negative action is taken.
4. Requires an annual report from the division

## Private Right of Action

H.B. 311 authorizes a private right of action to collect attorney fees and damages from a social media company for harm incurred in relation to a violation of the requirements established by the act. Within the PRA, any minor <16 is presumed to be harmed and the social media company has the burden to prove there was no harm.

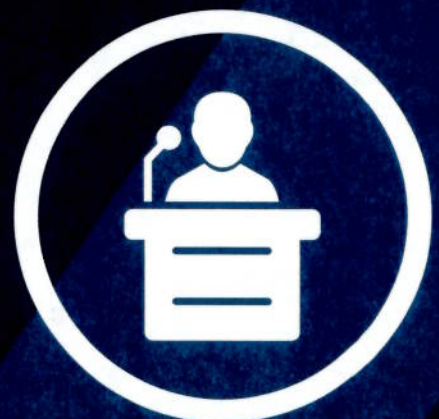
## Addiction Prevention

H.B. 311 prohibits a social media company from using a design or feature that the company knows causes a minor to become addicted to a social media platform.

By forcing children to contend against the skills of dedicated product designers, we force them into a hopeless battle. Most household products and traditional forms of entertainment are subject to safety standards and restrictions. The same is true for addictive or harmful materials.

On January 29th, Surgeon General Vivek Murthy indicated to the press that 13 year-olds are too young to be using social media. During this broadcast, he argued that:

1. Social media can be harmful to youth during a critical period of identity development
2. Many of the rules used to moderate social media platforms are implemented inconsistently



## Studies and Statistics

In 2021, Bark, a parental control app, analyzed more than 3.4 billion messages across texts, email, and 30+ apps and social media platforms. Their findings support the need for reform when it comes to keeping our children safe from internet dangers:

- 72.09% of tweens and 85% of teens experienced bullying as a bully, victim or witness
- 32.11% of tweens and 56.4% of teens engaged in conversations about depression
- 68.97% of tweens and 90.73% of teens encountered nudity or content of a sexual nature
- 43.09% of tweens and 74.61% of teens were involved in a self-harm/suicidal situation
- 75.35% of tweens and 93.31% of teens engaged in conversation about drugs/alcohol
- 80.82% of tweens and 94.5% of teens expressed or experienced violent subject matter/thoughts
- 9.95% of tweens and 20.54% of teens encountered predatory behaviors from someone online

"...social media exposure was associated with increased depression and PTSD."

Price, M. et al. (2022). Doomscrolling during COVID-19: The negative association between daily social and traditional media consumption and mental health symptoms during the COVID-19 pandemic. *Psychological Trauma: Theory, Research, Practice, and Policy*, 14(8), 1338–1346.

"Social media use was significantly associated with increased depression."

Lin, L. et al. (2016). Association between social media use and depression among US young adults. *Depression and Anxiety*, 33(4), 323–331.

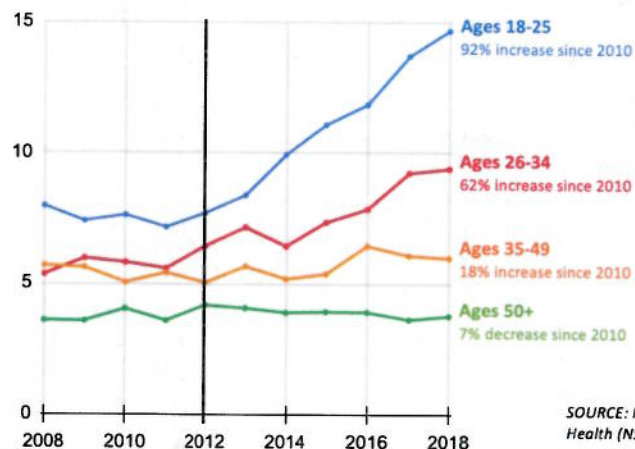
"Adolescents who used social media more – both overall and at night – ...experienced poorer sleep quality, lower self-esteem and higher levels of anxiety and depression."

Woods, H. C., & Scott, H. (2016). #Sleepyteens: Social Media Use in Adolescence Is Associated with Poor Sleep quality, anxiety, Depression and Low self-esteem. *Journal of Adolescence*, 51(1), 41–49.

"among girls, there is a consistent and substantial association between mental health and social media use... These associations were stronger than links between mental health, binge drinking, sexual assault, obesity, and hard drug use..."

Twenge, J. M., Haidt, J., Lozano, J. & Cummins, K. M. (2022). Specification curve analysis shows that social media use is linked to poor mental health, especially among girls. *Acta Psychologica*, 224.

% U.S. Anxiety Prevalence



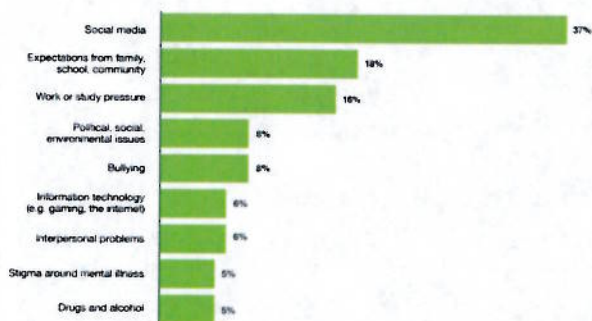
It only hits Gen Z

plus some late millennials

Not much change for Gen X or Boomers

SOURCE: National Survey on Drug Use and Health (NSDUH)

Young people think social media is the main reason youth mental health is getting worse.



Source: Headspace National Youth Mental Health Survey (2018).

# Contrasting H.B. 311 and S.B. 152

## H.B. 311

16

### Creates presumption that social media is harmful to those under 16

Beginning January 1st, 2024, establishes a legal presumption that social media is harmful to those below the age of 16



### Restricts social media companies using harmful and addictive algorithms

Prohibits companies from employing addictive practices, designs, and features, and provides avenues to pursue litigation



### Prohibits minors from entering a contract without parental permission

Minors must gain the consent of parents before accepting online contracts. Service providers must provide a reasonably accessible method for parents to grant consent.

## S.B. 152

### Enables parental tools and access to minors' social media accounts



Social media companies must allow parents access to minors' accounts with a unique password to view all posts and messages sent to and from the account

### Sets default account rules



Sets account defaults for best practices to protect minors, which parents can override if they choose

### Restricts collection of minor data and prohibits advertising to minors



Social media companies may not collect or use personal information from minor's accounts and may not display advertisements or suggest groups, services, products, etc.

## Both Bills Require



### Age Verification

Users must verify their age before continuing to use social media platforms using methods determined by the Department of Commerce

### Parental opt-in for social media



Parents must provide their consent for a minor to open an account and will verify their identity to do so