
SENATE COMMITTEE ON HEALTH

Senator Caroline Menjivar, Chair

BILL NO: AB 56
AUTHOR: Bauer-Kahan and Wicks
VERSION: July 10, 2025
HEARING DATE: July 16, 2025
CONSULTANT: Reyes Diaz

SUBJECT: Social media: warning labels

SUMMARY: Requires a covered platform, for each calendar day in which a user accesses it, to display a black box warning on the screen to the user, at specified intervals and duration of time, about the association with significant mental health harms, and that it has not been proven safe for young users. Permits the California Department of Public Health’s Director to modify the wording of the warning by adopting regulations.

Existing law:

- 1) Establishes the California Department of Public Health (CDPH) to be vested with all the duties, powers, purposes, functions, responsibilities, and jurisdiction as they relate to public health, as specified. [HSC §131050]
- 2) Establishes the Protecting Our Kids from Social Media Addiction Act, which, among other things, makes it unlawful for the operator of an “addictive 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; has reasonably determined that the user is not a minor; or, has obtained verifiable parental consent to provide an addictive feed to the user who is a minor. [HSC §27000 and §27001]
- 3) Defines “addictive internet-based service or application” as a website, online service, online application, or mobile application, including, but not limited to, a social media platform, that offers or provides users with an addictive feed as a significant part of the service. Specifies that an addictive internet-based service or application does not apply to a website, online service, online application, or mobile application for which interactions between users are limited to commercial transactions or consumer reviews of products, sellers, services, events, or places, or any combination; or, to a website, online service, online application, or mobile application that operates a feed for the primary purpose of cloud storage. [HSC §27000.5(b)(1) and (2)]
- 4) 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 users to interact socially with each other within the service or application, except for one that provides email or direct messaging services based on that function alone; and,
 - b) The service or application allows users to construct a public or semipublic profile for purposes of signing into and using the service or application; populate a list of other users with whom an individual shares a social connection within the system; and, 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. [BPC §22675(f)(1) and (2)]

- 5) Requires, pursuant to the Youth Social Media Protection Act, a social media platform to, among various things, disclose all social media-related threat reporting procedures to certain persons in the social media platform's terms of service; create a process by which those persons can make a report of a social media-related threat or a violation of the large social media platform's terms of service; and, establish an internal process to receive and substantively respond to a report by those persons of content they deem to be a risk to a minor. [BPC §22588.2]
- 6) Requires, pursuant to the Cyberbullying Protection Act, a social media platform to, among other things, disclose all cyberbullying reporting procedures in the social media platform's terms of service, and to establish a mechanism that allows any individual to report cyberbullying or any content that violates the existing cyberbullying terms of service. Permits specified persons to bring actions for relief in a civil action related to cyberbullying. [BPC §22589.1 and §22589.2]

This bill:

- 1) Requires a "covered platform," for each calendar day in which a user initially accesses it, to display a black box warning for at least ten seconds, in a manner that occupies at least 25% of the screen or window, with the option to dismiss the warning by clicking on a conspicuous "X" icon. After three hours of cumulative active use, and every hour thereafter, the black box warning is required to be displayed clearly and continuously for at least 90 seconds, in a manner that occupies between 75% and 100% of the screen or window, without providing the ability to bypass or click through the warning.
- 2) Requires the black box warning to be in text displayed clearly, conspicuously, and legibly in black text on a white background and to read: "The Surgeon General has warned that while social media may have benefits for some young users, social media is associated with significant mental health harms and has not been proven safe for young users."
- 3) Permits a covered platform, if it has actual knowledge that a user is over 17 years of age, to only display the black box warning for at least ten seconds, in a manner that occupies at least 25% of the screen or window, with the option to dismiss the warning by clicking on a conspicuous "X" icon.
- 4) Defines "covered platform" as an "addictive internet-based service or application" defined under existing law. Provides that "covered platform" does not mean a website, online service, online application, or mobile application whose primary function is:
 - a) The sale of goods or services;
 - b) Cloud storage;
 - c) Electronic mail;
 - d) Direct messaging, in which communications are viewable only by the sender and an intended recipient, that does not allow public content dissemination, interaction, or access;
 - e) Communication internal to an organization; or,
 - f) Internal organizational collaboration services that are not offered to the general public or consumers outside the organization.

- 5) Permits CDPH's Director to adopt regulations to modify the wording of the warning to further the purposes of this bill.
- 6) Provides that the warning required by this bill does not waive, release, otherwise limit, or serve as a defense to, any claim, including claims premised on the failure to warn, other than a claim premised on a violation of the provisions in this bill.

FISCAL EFFECT: According to the Assembly Appropriations Committee:

- 1) Costs (General Fund [GF]) to CDPH if it adopts regulations to update the warning label, resulting in possible costs in the low hundreds of thousands of dollars if additional staffing is needed.
- 2) Costs (GF, Unfair Competition Law (UCL) Fund) to the California Department of Justice (DOJ), possibly in the hundreds of thousands of dollars, to enforce the bill's requirements and defend legal challenges to the bill. DOJ anticipates costs of approximately \$332,000 in fiscal year (FY) 2025-26, \$598,000 in FY 2026-27, \$573,000 in FY 2027-28, and \$558,000 annually ongoing thereafter for additional workload to attorneys in the Government Law Section and Consumer Protection Section, support staff, and fees for consultant experts and witnesses.
- 3) Cost pressures (Trial Court Trust Fund, GF) of an unknown but potentially significant amount to the courts to adjudicate actions to enforce violations of the bill's warning label requirement. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the GF. The FY 2024-25 state budget provides \$37.3 million ongoing GF to backfill declining revenue to the Trial Court Trust Fund.

PRIOR VOTES:

Senate Judiciary Committee:	12 - 0
Assembly Floor:	50 - 0
Assembly Appropriations Committee:	11 - 1
Assembly Judiciary Committee:	10 - 1
Assembly Privacy and Consumer Protections Committee:	11 - 1

COMMENTS:

- 1) *Author's statement.* According to the author, we are in the midst of a global mental health crisis. In the last decade, young people around the world have experienced a dramatic spike in the rates of depression, anxiety, self-harm, and suicide. The crisis is real, urgent, and worsening. Mounting evidence shows that online addiction in children is a widespread problem, with troubling implications for their mental health and well-being. More time on social media tends to correlate with depression, anxiety, eating disorders, and interference with daily life, including establishing healthy sleep patterns. This bill is responding to U.S. Surgeon General Vivek Murthy's call that *all* users of social media be warned about the risks associated with heavy social media use. This education is critical for both children and parents alike.

- 2) *U.S. Surgeon General's Advisory: Social Media and Youth Mental Health.* This 2023 advisory, under Surgeon General Dr. Vivek Murthy, states that social media use by youth is nearly universal, as up to 95% of youth ages 13-17 report using a social media platform, with more than a third saying they use social media almost constantly. Although age 13 is commonly the required minimum age used by social media platforms in the U.S., nearly 40% of children ages eight to 12 use social media—and robust independent safety analyses on the impact of social media on youth have not yet been conducted. The advisory states there are increasing concerns among researchers, parents and caregivers, young people, health care experts, and others about the impact of social media on youth mental health, and the current body of evidence indicates while social media may have benefits for some children and adolescents, there are ample indicators it can also have a profound risk of harm to the mental health and well-being of children and adolescents. At this time, there is not yet enough evidence to determine if social media is sufficiently safe for children and adolescents. The advisory further argues the influence of social media on youth mental health is shaped by many complex factors, like the amount of time children and adolescents spend on platforms; the type of content they consume or are otherwise exposed to; the activities and interactions social media affords; and, the degree to which it disrupts activities that are essential for health, like physical activity. Frequent social media use may be associated with distinct changes in the developing brain in the prefrontal cortex (important for impulse control, emotional regulation, and moderating social behavior), and could increase sensitivity to social rewards and punishments. Adolescents may experience heightened emotional sensitivity to the communicative and interactive nature of social media, and their social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages, including for girls 11 to 13 years old and boys 14 to 15 years old.
- 3) *Reported effects of excessive use.* The advisory distinguishes between use and excessive and problematic social media use, such as compulsive or uncontrollable use, which has been linked to sleep problems, attention problems, and feelings of exclusion. Sleep is essential for the healthy development of adolescents. A systematic review of 42 studies on the effects of excessive social media use found a consistent relationship between social media use and poor sleep quality, reduced sleep duration, sleep difficulties, and depression among youth. Poor sleep has been linked to altered neurological development in adolescent brains, depressive symptoms, and suicidal thoughts and behaviors. On a typical weekday, nearly one-in-three adolescents report using screen media until midnight or later. While screen media use encompasses various digital activities, social media applications are the most commonly used applications by adolescents. The advisory further notes problematic social media use has also been linked to both self-reported and diagnosed attention-deficit/hyperactivity disorder (ADHD) in adolescents, although more research is necessary to understand whether one causes the other. A longitudinal prospective study of adolescents without ADHD symptoms at the beginning of the study found that, over a two-year follow-up, high-frequency use of digital media, with social media as one of the most common activities, was associated with a modest yet statistically significant increased odds of developing ADHD symptoms. Additionally, social media-induced “fear of missing out”—a pervasive apprehension that others might be having rewarding experiences while one is absent—has been associated with depression, anxiety, and neuroticism.
- 4) *Subsequent call for a social media mental health warning label.* In June 2024, Surgeon General Murthy called for safety warning labels on social media platforms in order to remind teens and parents that they have not been proven safe. The Surgeon General said the mental health crisis among young people is an emergency, and social media has emerged as an

important contributor: adolescents who spend more than three hours a day on social media face double the risk of anxiety and depression symptoms, and the average daily use in this age group, as of the summer of 2023 was 4.8 hours. Additionally, nearly half of adolescents say social media makes them feel worse about their bodies. The Surgeon General further stated it is time to require a warning label, stating that social media is associated with significant mental health harms for adolescents. Evidence from tobacco studies show that warning labels can increase awareness and change behavior.

- 5) *Double referral.* This bill was heard in the Senate Judiciary Committee on July 1, 2025 and passed with a 12-0 vote.
- 6) *Related legislation.* SB 243 (Padilla) requires an operator of a companion chatbot platform to annually report to the CDPH Office of Suicide Prevention (OSP) instances of suicidal ideations from a companion chatbot or a user. SB 243 requires OSP to post the information on its website. SB 243 requires an operator to take various actions to protect users, like notifying the user periodically that the chatbot is not human, and implementing a protocol for addressing suicidal ideation, suicide, or self-harm expressed by a user to the chatbot. *SB 243 is set for hearing on July 15, 2025 in the Assembly Judiciary Committee.*
- 7) *Prior legislation.* SB 579 (Padilla of 2025) would have required the Secretary of Government Operations to appoint a mental health and artificial intelligence (AI) working group to evaluate various things, such as the role of AI in improving mental health outcomes and addressing concerns regarding AI in mental health settings; current and emerging AI technologies that have the potential to improve mental health diagnosis, treatment, monitoring, and care; and, potential risks associated with AI to mental health. *SB 579 was held on the Senate Appropriations Committee suspense file.*

SB 976 (Skinner, Chapter 321, Statutes of 2024) establishes the Protecting Our Kids from Social Media Addiction Act, which, among other things, makes it unlawful for the operator of an addictive internet-based service or application to provide an addictive feed to a user, unless the operator does not have actual knowledge that the user is a minor.

AB 2273 (Wicks, Chapter 320, Statutes of 2022) establishes the California Age-Appropriate Design Code Act to, among other things, require a business that provides an online service, product, or feature likely to be accessed by children to take specified actions, such as provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access the site. *The Senate Judiciary Committee analysis for this bill notes this law is the subject of ongoing litigation.*

- 8) *Support.* Attorney General (AG) Rob Bonta and Common Sense Media, as co-sponsors, and other supporters state that mounting evidence shows online addiction in children is a widespread problem, with troubling implications for their mental health and well-being. Approximately 95% of 13- to 17-year-olds, inclusive, say they use at least one social media platform, and more than one-third report using social media almost constantly. More time on social media is associated with depression, anxiety, eating disorders, susceptibility to addiction, and interference with daily life, including learning. Heavier usage of social media also leads to less healthy sleep patterns and sleep quality, which can in turn exacerbate both physical and mental health problems. Supporters point to U.S. Surgeon General Vivek Murthy's warning supported by evidence identifying "reasons for concern" about social

media usage by children and adolescents, which includes a study stating the risk of poor mental health outcomes doubles for children and adolescents who use social media at least three hours a day, and research finding that social media usage is linked to a variety of negative health outcomes, like low self-esteem and disordered eating for adolescent girls. Supporters further point to a June 2024 op-ed in the *New York Times* by Surgeon General Murthy calling upon Congress to pass legislation to require a warning on social media platforms, as well as a bipartisan coalition of 42 attorneys general, including AG Bonta, sending a letter to Congress supporting the Surgeon General's advocacy for warning labels. The attorneys general argued that by mandating a surgeon general's warning on algorithm-driven social media platforms, Congress can address the growing crisis and protect future generations of Americans. Supporters contend social media warning labels are an equitable, effective, and transparent way to deliver public health information, and this bill provides families, children, and others information about the risks of social media use. Just as smoking rates were reduced in part through the global adoption of health warning labels that built awareness of the negative effects of smoking, this requirement can help raise public awareness and turn the tide in a growing public health crisis.

- 9) *Opposition.* Cal Broadband, the California Chamber of Commerce, the Computer and Communications Industry Association, and TechNet, as a coalition, argue the bill raises several constitutional concerns, as it requires a government-mandated label on user-generated speech, which isn't narrowly tailored to address the stated risk of harm to youth mental health. For example, it doesn't apply to specific content, accounts, or even platforms that are most likely to pose risks of harm to minor users. Opponents say this bill infringes on the speech rights of minors and adults alike by creating a significant barrier to access information and communicate with others. Some studies have shown that 40% of users will give up waiting for a website to load after just 3 seconds, making it highly likely users will navigate away from these sites or will find workarounds to prevent this label from appearing. Further, the coalition says the warning label is inapplicable to adults, particularly those without children, trying to access social media. And for most minors trying to communicate with friends or access useful or educational information, the label tells them nothing about what kinds of content or online behaviors are most likely to impact their mental health.

Electronic Frontier Foundation, in addition to First Amendment issues, argues social media is not perfect and can negatively affect some users regardless of age, but the interaction between social media and young people's mental health is far more nuanced than the generalized claim that it is harmful. In fact, there is no scientific consensus that social media is harmful to children's mental health. Social science even shows that social media can help children overcome feelings of isolation and anxiety, particularly for LGBTQ+ teens. Chamber of Progress also echoes the benefits of social media, in addition to saying marginalized and at-risk youth have the most to gain from social media engagement, particularly if they face adversity or isolation offline.

SUPPORT AND OPPOSITION:

Support: Attorney General Rob Bonta (co-sponsor)
Common Sense Media (co-sponsor)
American Academy of Pediatrics, California
Boys & Girls Club of San Francisco
California Initiative for Technology and Democracy
California Medical Association
California School Nurses Organization

California State PTA
Children's Advocacy Institute
County Behavioral Health Directors Association
Jewish Family and Children's Services
Organization for Social Media Safety
Public Health Advocates
Suicide Awareness Voices of Education
Tech Oversight California
Youth Leadership Institute
Three individuals

Oppose: Cal BroadBand
California Chamber of Commerce
Chamber of Progress
Computer & Communications Industry Association
Electronic Frontier Foundation
TechNet

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