

AMENDED IN SENATE AUGUST 05, 2024
AMENDED IN ASSEMBLY MAY 07, 2024
AMENDED IN ASSEMBLY APRIL 23, 2024
AMENDED IN ASSEMBLY APRIL 22, 2024
AMENDED IN ASSEMBLY APRIL 15, 2024
AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 2481

Introduced by Assembly Member Lowenthal
(Coauthor: Assembly Member Ortega)

February 13, 2024

An act to add Chapter 22.2.8 (commencing with Section 22588.2) to Division 8 of the Business and Professions Code, relating to social media platforms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, as amended, Lowenthal. Social media-related threats: reporting.

The Cyberbullying Protection Act requires a social media platform to disclose all cyberbullying reporting procedures in the social media platform's terms of service and to establish a mechanism within its internet-based service that allows an individual, whether or not that individual has a profile on the internet-based service, to report cyberbullying or any content that violates the existing terms of service. Existing law requires the reporting mechanism to allow, but not require, an individual to upload a screenshot of the content that contains cyberbullying or violates the terms of service.

This bill ~~would~~ *would, beginning January 1, 2026,* require a social media platform to ~~establish a mechanism within its internet-based service that allows an individual, whether or not that individual has a profile on the social media platform, to report a social media-related threat or any content that violates the social media platform's terms of service. The bill would require the reporting mechanism to meet certain criteria, including that the mechanism offers an electronic point of contact specific to matters involving harms to a minor.~~ *disclose all social media-related threat reporting procedures for certain verified reporters in the social media platform's terms of service.* The bill would define "social media-related threat" to mean content posted on a social media platform that promotes, incites, facilitates, or perpetrates any of certain things, including cyberbullying, suicide, and drug trafficking.

This bill would require a large social media platform, as defined, to, among other things, create a process to verify certain individuals as verified reporters, including a school ~~principal or counselor,~~ *principal,* as specified. The bill would require a large social media platform to create a process by which a verified reporter can make a report of a social media-related threat or a violation of the large social media platform's terms of service that in the verified reporter's opinion poses a risk or a severe risk to the health and safety of a minor. The bill would require a large social media platform that receives a report from a verified reporter to, on a publicly accessible

internet website, report annually on, among other things, the total number of reports from a verified reporter received for the calendar year.

~~This bill would authorize a person who has, pursuant to the bill, made a report with respect to which a violation of the bill occurred or a person who, as a result of a social media platform's actions or omissions, was unable to make a report to bring a civil action for a violation of the bill's provisions and would authorize a court to award certain relief in a successful civil action, including statutory damages not to exceed \$10,000 per violation.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 22.2.8 (commencing with Section 22588.2) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22.2.8. Youth Social Media Protection Act

22588.2. For purposes of this chapter:

(a) (1) "Content" means statements or comments made by users and media, including audio, pictures, video, and text, that are created, posted, shared, or otherwise interacted with by users on an internet-based service or application.

(2) "Content" does not include media put on a service or application exclusively for the purpose of cloud storage, transmitting files, or file collaboration.

(b) "Cyberbullying" means any severe or pervasive conduct made by an electronic act or acts, as defined in paragraph (2) of subdivision (r) of Section 48900 of the Education ~~Code~~, *Code and Section 22589*, committed by a person directed toward another person that has or can be reasonably predicted to have the effect of one or more of the following:

(1) Placing a reasonable person in fear of bodily harm or harm to that person's property.

(2) Causing a reasonable person to experience a substantially detrimental effect on the person's physical or mental health.

(3) Causing a reasonable person to experience substantial interference with the person's academic performance.

(4) Causing a reasonable person to experience substantial interference with the person's ability to participate in or benefit from the services, activities, or privileges provided by a school.

(c) (1) "Large social media platform" means a social media platform that meets all of the following criteria:

(A) The social media platform's terms of service do not prohibit the use of the social media platform by a child.

(B) The social media platform includes features that enable a child to share images, text, or video through the internet with other users of the social media platform whom the child has met, identified, or become aware of solely through the use of the social media platform.

(C) The social media platform has more than 100,000,000 monthly global active users or generates more than one billion dollars (\$1,000,000,000) in gross revenue per year, adjusted yearly for inflation.

(2) “Large social media platform” does not include any of the following:

(A) A service that primarily serves to facilitate the sale or provision of professional services or the sale of commercial products.

(B) A service that primarily provides news or information and does not offer the ability for content to be sent by a user directly to a child.

(C) A service that has features that enable a user who communicates directly with a child through a message, including a text, audio, or video message, not otherwise available to other users of the service, to add other users to that message that the child may not have otherwise met, identified, or become aware of solely through the use of the service and does not have any features described in subparagraph (B) of paragraph (1).

(d) “Public or semipublic internet-based service or application” does not include a service or application used to facilitate communication within a business or enterprise among employees or affiliates of the business or enterprise, if access to the service or application is restricted to employees or affiliates of the business or enterprise using the service or application.

(e) “Risk” means a social media-related threat that more likely than not will cause harm to a child.

~~(e)~~

(f) “Severe risk” means a social media-related threat that more likely than not will cause serious bodily or mental harm to a child.

~~(f)~~

~~(g) “Social media platform” means a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:~~ *has the same meaning as defined in Section 22675.*

~~(1)(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) 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) The service or application allows users to do all of the following:~~

~~(A) Construct a public or semipublic profile for purposes of signing into and using the service or application.~~

~~(B) Populate a list of other users with whom an individual shares a social connection within the system.~~

~~(C) 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.~~

~~(g)~~

(h) “Social media-related threat” means content that promotes, incites, facilitates, or perpetrates any of the following:

- (1) Suicide.
- (2) Disordered eating.
- (3) Drug trafficking.
- (4) Substance abuse.
- (5) Fraud.
- (6) Human trafficking punishable pursuant to Section 236.1 of the Penal Code.
- (7) Sexual abuse.
- (8) Cyberbullying.
- (9) Harassment.
- (10) Distribution of harmful matter, as defined by Section 313 of the Penal Code.

~~(11) Academic dishonesty.~~

~~(12) An offense punishable pursuant to Section 653.2 of the Penal Code.~~

~~(13) An offense punishable pursuant to Section 530.5 of the Penal Code.~~

~~(14) An offense punishable pursuant to Section 529 of the Penal Code.~~

~~(h)~~

(i) “Substantively respond” means to inform a person who makes a report pursuant to Section 22588.3 that the content being reported meets either of the following criteria:

- (1) The content does not violate the terms and conditions of the ~~social media platform or the~~ large social media platform.
- (2) The content violates the terms and conditions of the ~~social media platform or the~~ large social media platform.

~~(i)~~

(j) “Terms of service” means a public-facing policy or set of policies adopted by a social media platform that specifies, at least, the user behavior and activities that are permitted on the social media platform and the user behavior and activities that may result in the social media platform taking action against the user or content.

22588.3. (a) A social media platform shall disclose all social media-related threat reporting procedures *for verified reporters described in subdivision (b)* in the social media platform’s terms of service.

~~(b) A social media platform shall establish a mechanism within its internet-based service that allows an individual, whether or not that individual has a profile on the social media platform, to report a social media-related threat or any content that violates the social media platform’s terms of service that meets all of the following criteria:~~

~~(1)The mechanism enables, but does not require, an individual to upload a screenshot of the content that contains a social media-related threat or violates the terms of service.~~

~~(2)The mechanism offers an electronic point of contact specific to matters involving harms to a minor.~~

~~(3)The mechanism provides confirmation of the receipt of a submitted report and a means to track that report.~~

~~(e)(1)A large social media platform shall establish an internal process to receive and substantively respond to a submitted report within 10 days of the receipt of the report.~~

~~(2)A social media platform that is not a large social media platform shall establish an internal process to receive and substantively respond to a submitted report within 21 days of the receipt of the report.~~

~~(d)~~

(b) A large social media platform shall create a process to verify ~~all~~ *both* of the following individuals as verified reporters:

(1) A principal, or a position of similar responsibility, of any school lawfully operating any programs from kindergarten and grades 1 to 12, inclusive, in the state.

~~(2)A school counselor, or position of similar responsibility, of any school lawfully operating any programs from kindergarten and grades 1 to 12, inclusive, in the state.~~

~~(3)~~

(2) A ~~licensed~~ mental health professional *licensed pursuant to California law* who provides mental health services to minors in the state.

~~(e)A~~

(c) *In addition to the mechanism required by Section 22589.1, a* large social media platform shall create a process by which a verified reporter can make a report of a social media-related threat or a violation of the large social media platform's terms of service that in the verified reporter's opinion poses a risk or a severe risk to the health and safety of a ~~minor~~. *minor that does all of the following:*

(1) Enables, but does not require, an individual to upload a screenshot of the content that contains a social media-related threat or violates the terms of service.

(2) Provides all verified reporters with an electronic point of contact specific to matters involving harms to a minor.

(3) Provides confirmation of the receipt of a submitted report and a means to track that report.

~~(f)~~

(d) A large social media platform shall do ~~all~~ *both* of the following:

(1) Establish an internal process to receive and substantively respond within 72 hours, or within 24 hours if the report is of a severe risk, to a report by a verified reporter of content the verified reporter deems to be a risk to a minor.

~~(2)Preserve content reported by a verified reporter for a period of at least six months from the date of the report.~~

~~(3)~~

(2) Ensure that a report submitted by a verified reporter and deemed by the verified reporter to be of a severe risk receives a review by a natural person.

~~(g)~~

(e) A large social media platform that receives a report from a verified reporter shall, on a publicly accessible internet website, report annually on all of the following:

- (1) The total number of reports from a verified reporter received for the calendar year.
- (2) The percentages of *each* social media-related ~~threats~~ *threat* that formed the basis for the total number of reports from ~~a verified reporter~~ *reporters* for the calendar year.
- (3) The percentage of reports from verified reporters for which the large social media platform took further action.

~~(h)~~

(f) A large social media platform shall not require a verified reporter to reverify the verified reporter's qualifications pursuant to subdivision ~~(d)~~ (b) more often than once every two years.

~~22588.4.(a)(1) Actions for relief pursuant to this chapter may be brought in a civil action by either of the following:~~

~~(A) A person who has, pursuant to this chapter, made a report with respect to which a violation of this chapter occurred.~~

~~(B) A person who, as a result of a social media platform's actions or omissions, was unable to make a report pursuant to this chapter.~~

~~(2) In a successful action brought pursuant to this subdivision, the court may order any of the following relief:~~

~~(A) Statutory damages not to exceed ten thousand dollars (\$10,000) per violation.~~

~~(B) Injunctive relief.~~

~~(C) Reasonable attorney's fees and costs to a prevailing plaintiff.~~

~~(b) Each day a social media platform is in violation of this chapter constitutes a separate violation.~~

~~(c)(1) The remedies provided by this section are in addition to any other civil, criminal, and administrative remedies, penalties, or sanctions provided by law and do not supplant, but are cumulative to, other remedies, penalties, or sanctions.~~

~~(2) The duties and obligations imposed by this section are cumulative with any other duties or obligations imposed under other law and shall not be construed to relieve any party from any duties or obligations imposed under other law.~~

22588.4. This chapter shall become operative on January 1, 2026.

SEC. 2. (a) The provisions of this act are intended to complement and augment, not replace or diminish, federal or state protections in the field of social media ~~safety~~. *safety, including Chapter 22.2.9 (commencing with Section 22589) of Division 8.*

(b) The duties and obligations imposed by this act are cumulative with any other duties or obligations imposed under other law and shall not be construed to relieve any party from any duties or obligations imposed under other law.

SEC. 3. 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.