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2025-2026 Regular Sessions

IN SENATE

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Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the general business law and the mental hygiene law, in relation to requiring warning labels on addictive social media platforms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. On June 17th, 2024, US Surgeon General
2 Vivek H. Murthy called for warning labels on social media platforms due
3 to the "significant mental health harms" such platforms pose to young
4 users. The Surgeon General had previously found, in a landmark public
5 health advisory issued a year prior, that adolescents aged 12 - 15 who
6 spend more than three hours a day on social media faced double their
7 risk of anxiety and depression - yet as of summer 2023, average daily
8 use for this cohort was 4.8 hours. The Surgeon General further found
9 that social media companies were exploiting young users at one of the
10 most vulnerable periods of their lives, while their "identities and
11 self-worth are still forming," and they are "especially susceptible to
12 social pressures, peer opinions, and peer comparison." The Surgeon
13 General found that frequent social media use is associated with distinct
14 changes in the amygdala of the brain, which regulates emotional learn-
15 ing, as well as its prefrontal cortex, which regulates impulse control
16 and moderates social behavior.

17 Research shows that social media exposure overstimulates reward
18 centers, creating pathways comparable to those of an individual experi-
19 encing substance use or gambling addictions - findings further bolstered
20 by endless national surveys wherein teenage respondents report feeling
21 "addicted" to social media platforms and describe the difficulties they
22 encounter when they try to limit their use. Leaked internal memos from
23 major social media platforms such as Meta, Google, and TikTok reveal
24 that such companies have deployed the use of predatory features such as

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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algorithmic feeds, endless scroll, autoplay, notifications, and "likes" to produce dopamine loops, drawing inspiration from the "variable reinforcement schedules" produced by gambling slot machines that keep users pulling the lever, or in this case, checking their screens, at periodic intervals for an outcome that could be intrinsically rewarding. Beyond the oft-cited side effects of depression, anxiety, and body dysmorphia, leaked company documents reveal that social media companies knew that compulsive use of their products was also associated with "loss of analytical skills, memory formation, contextual thinking, conversational depth, (and) empathy." Social media use is also associated with sleep disturbance, wherein spirals of insomnia and negative social comparisons reinforce and enhance each other in a vicious loop.

The cumulative impact of these addictive design features, created for no other reason than to keep a user hooked to a platform for as long as possible, on youth mental health has been nothing short of devastating: today, nearly half of adolescents say social media makes them feel worse about their bodies. Teens with the very highest levels of social media use are twice as likely as those with low levels of use to rate their mental health as poor or very poor. From 2008 to 2015, the percentage of hospital visits among young users for suicidal ideation and attempts nearly doubled. The impact has been particularly acute amongst adolescent girls, as between 2011 and 2018, self-poisonings among 10- to 12-year-old girls quadrupled, hospital admissions for self-harm among 10- to 14-year-old girls tripled, major depressive episodes among 12- to 17-year-old girls increased 52%, and suicide among 10- to 14-year-old girls doubled. Among female adolescent users, the association between poor mental health and social media use is now stronger than the associations between poor mental health and binge drinking, obesity, or hard drug use. The US Surgeon General characterizes the current youth mental crisis as nothing less than a public health emergency.

The legislature therefore finds that requiring social media apps with certain particularly noxious design features to display warning labels to all users at the point of user access, which will aim to communicate the latest peer-reviewed research on the impact of social media on mental health, is a reasonable and necessary step to take for consumer health and safety. These warning labels would be similar to those that the government has already instituted for similarly high-risk products, such as labels that warn that tobacco products cause cancer, or that drinking alcohol during pregnancy may lead to birth defects.

§ 2. The general business law is amended by adding a new article 45-A to read as follows:

ARTICLE 45-A

WARNING LABELS FOR ADDICTIVE SOCIAL MEDIA PLATFORMS

Section 1520. Definitions.

1521. Requirement for warning labels.

1522. Design and time restrictions.

1523. Nondiscrimination.

1524. Rulemaking authority.

1525. Scope.

1526. Remedies.

§ 1520. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Addictive feed" shall mean as defined in subdivision one of section fifteen hundred of this chapter.

2. "Addictive social media platform" shall mean a website, online service, online application, or mobile application that primarily serves

1 as a medium for covered users to interact with media generated by other
2 users and which offers or provides covered users an addictive feed, push
3 notifications, autoplay, infinite scroll, and/or like counts as a
4 significant part of the services provided by such website, online
5 service, online application, or mobile application. "Addictive social
6 media platform" shall not include any such service or application which
7 the attorney general determines offers the features described herein for
8 a valid purpose unrelated to prolonging use of such platform.

9 3. "Autoplay" shall mean when a piece of media is automatically played
10 without any manual input from a covered user.

11 4. "Covered operator" shall mean any person, business, or other legal
12 entity who operates or provides an addictive social media platform.

13 5. "Covered user" shall mean a user of a website, online service,
14 online application, or mobile application in New York, not acting as an
15 operator, or agent or affiliate of the operator, of such website, online
16 service, online application or mobile application or any portion there-
17 of.

18 6. "Infinite scroll" shall mean when a feed or landing page, whether
19 or not such feed is addictive as defined in subdivision one of this
20 section, automatically loads and displays additional media at the bottom
21 of such feed or landing page without any manual input from a covered
22 user.

23 7. "Like counts" shall mean the quantification and public display of
24 positive votes, such as but not limited to those expressed via a heart
25 or thumbs-up icon, attached to a piece of media generated by a covered
26 user.

27 8. "Media" shall mean as defined in subdivision five of section
28 fifteen hundred of this chapter.

29 9. "Push notification" shall mean an alert generated by an addictive
30 social media platform for a covered user when such platform is not in
31 use, but shall not include:

32 (a) notifications that have been expressly and unambiguously requested
33 by a covered user;

34 (b) notifications related to user health or safety, including informa-
35 tion related to data security or threats;

36 (c) notifications which serve a public purpose;

37 (d) notifications related to a user-selected setting or technical
38 information concerning a user's device;

39 (e) notifications required to comply with state, federal, or local
40 laws or regulations;

41 (f) notifications required to operate the addictive social media plat-
42 form; or

43 (g) notifications otherwise found by the attorney general to serve a
44 valid purpose unrelated to prolonging use of such platform.

45 § 1521. Requirement for warning labels. It shall be unlawful for a
46 covered operator to provide an addictive feed, autoplay, infinite
47 scroll, like counts, and/or push notifications to a covered user unless
48 such operator displays a warning label each time that such user accesses
49 such operator's addictive social media platform. Such warning label
50 shall contain no text other than that prescribed by the commissioner of
51 mental health and shall appear on such platform in the manner prescribed
52 by such commissioner, in accordance with the provision of section 7.48
53 of the mental hygiene law and any regulations promulgated thereto.

54 § 1522. Design and time restrictions. A covered operator shall be
55 prohibited from:

1 1. Including a warning label exclusively in the terms of service of an
2 addictive social media platform;

3 2. Obscuring the visibility or prominence of a warning label, includ-
4 ing via the inclusion of any extraneous text not prescribed by the
5 commissioner of mental hygiene under section 7.48 of the mental hygiene
6 law or via changes in font size;

7 3. Displaying a warning label at a point in a covered user's use of
8 such platform and/or for a duration other than that prescribed by the
9 commissioner of mental hygiene under section 7.48 of the mental hygiene
10 law; and

11 4. Deploying any other design feature or mechanism which intentionally
12 serves to inhibit or subvert the purpose of this article.

13 § 1523. Nondiscrimination. A covered operator shall not withhold,
14 degrade, lower the quality, or increase the price of any product,
15 service, or feature, other than as necessary for compliance with the
16 provisions of this article or any rules or regulations promulgated
17 pursuant to this article, to a covered user due to the covered opera-
18 tor's display of a warning label under section fifteen hundred twenty-
19 one of this article.

20 § 1524. Rulemaking authority. The attorney general shall promulgate
21 such rules and regulations as are necessary to effectuate and enforce
22 the provisions of this article.

23 § 1525. Scope. 1. This article shall apply to conduct that occurs in
24 whole or in part in New York. For the purposes of this article, conduct
25 takes place wholly outside of New York if the covered platform is
26 accessed by a user who is physically located outside of New York.

27 2. Nothing in this article shall be construed to impose liability for
28 commercial activities or actions by operators subject to 15 U.S.C. §
29 6501 that is inconsistent with the treatment of such activities or
30 actions under 15 U.S.C. § 6502.

31 § 1526. Remedies. 1. Whenever it appears to the attorney general,
32 either upon complaint or otherwise, that any person, within or outside
33 the state, has engaged in or is about to engage in any of the acts or
34 practices stated to be unlawful in this article, the attorney general
35 may bring an action or special proceeding in the name and on behalf of
36 the people of the state of New York to enjoin any violation of this
37 article, to obtain restitution of any moneys or property obtained
38 directly or indirectly by any such violation, to obtain disgorgement of
39 any profits or gains obtained directly or indirectly by any such
40 violation, to obtain damages caused directly or indirectly by any such
41 violation, to obtain civil penalties of up to five thousand dollars per
42 violation, and to obtain any such other and further relief as the court
43 may deem proper, including preliminary relief.

44 2. The attorney general shall maintain a website to receive
45 complaints, information, or referrals from members of the public
46 concerning a covered operator's or addictive social media platform's
47 alleged compliance or noncompliance with the provisions of this article.

48 § 3. The mental hygiene law is amended by adding a new section 7.48 to
49 read as follows:

50 § 7.48. Addictive social media platform warning labels.

51 (a) The commissioner shall, in consultation with the commissioner of
52 health and the commissioner of education, design the text for the warn-
53 ing label for addictive social media platforms prescribed in article
54 forty-five-A of the general business law. The text for such warning
55 label shall be based upon a review of medical and sociological research,
56 including from government publications and peer-reviewed scholarly arti-

cles, that is available at the time of the initial design of such label. The commissioners shall consider findings related to the impact of addictive social media platforms on the social, emotional, and physical health of users, including any particularized findings for users under the age of eighteen. The commissioners shall review any correlations between prolonged use of addictive social media platforms and anxiety, depression, body dysmorphia, low self-esteem, disruptions in sleep patterns, educational outcomes, changes in cognitive development, analytical skills, contextual thinking, attention span, memory formation, and any other physical or behavioral patterns unveiled by such available research.

(b) The commissioner shall be empowered to update the text of such warning label on an annual basis to reflect any changing developments in the state of available research described in subdivision (a) of this section. The commissioner shall promulgate rules and regulations to establish the process by which the office shall effectuate such annual update.

(c) The commissioner shall further prescribe, via rules and regulations, at what point during a covered user's use of an addictive social media platform the warning label described herein shall appear on such platform, the frequency with which such label shall appear during such user's use, and the amount of time such label shall remain prominently displayed on the platform, based on factors such as the effectiveness of the warning label created by this section, the duration of user time on an addictive social media platform that may be associated with particular harms, including harms associated with certain times of day, user response to such label, changes in user behavior related to such label, or any other factor deemed relevant by the commissioner. The commissioner shall be empowered to update the regulations prescribed by this subdivision on an annual basis.

(d) The commissioner shall issue an annual report to the governor, the attorney general, the temporary president of the senate, the speaker of the assembly, the chairs of the senate and assembly education committees, the chairs of the senate and assembly mental health committees, the chair of the senate internet and technology committee, and the chair of the assembly science and technology committee summarizing: the efforts undertaken by the office to study the available research described in this section; how such study informed the regulations prescribing the design, temporal appearance, and duration of the addictive social media platform warning label on an addictive social media platform; any changes to the text of such labels compared to prior years; and any recommended legislative changes to this section, article forty-five-A of the general business law, and any successor provisions thereof, including but not limited to statutory updates related to the inclusion of additional design features deployed by covered operators, as defined in subdivision four of section fifteen hundred twenty of the general business law, which are designed to prolong use of an addictive social media platform.

(e) Such report shall also be posted for public review in a clear and conspicuous manner on the office's website.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have

1 been rendered. It is hereby declared to be the intent of the legislature
2 that this act would have been enacted even if such invalid provisions
3 had not been included herein.

4 § 5. This act shall take effect on the one hundred eightieth day after
5 the office of the attorney general shall promulgate rules and regu-
6 lations necessary to effectuate the provisions of this act; provided
7 that the office of the attorney general shall notify the legislative
8 bill drafting commission upon the occurrence of the enactment of the
9 rules and regulations necessary to effectuate and enforce the provisions
10 of section three of this act in order that the commission may maintain
11 an accurate and timely effective data base of the official text of the
12 laws of the state of New York in furtherance of effectuating the
13 provisions of section 44 of the legislative law and section 70-b of the
14 public officers law. Effective immediately, the addition, amendment
15 and/or repeal of any rule or regulation necessary for the implementation
16 of this act on its effective date are authorized to be made and
17 completed on or before such effective date.