

**September 6, 2024**

Office of the Honorable Gavin Newsom  
Attn: Chief of Staff, Dana Williamson  
State Capitol, Suite 1173  
1303 - 10th Street  
Sacramento, CA 95814

**RE: AB 2481 – “Social media-related threats: reporting.” (Oppose)**

Dear Governor Newsom:

On behalf of the above cosigned organizations, we write to respectfully request a veto of AB 2481.

The above organizations take seriously the shared responsibility of protecting online users from cyberbullying threats. Responsible digital service providers have already taken aggressive steps to moderate dangerous and illegal content, consistent with their terms of service and existing law. The companies deliver on the commitments made to their user communities with a mix of automated tools and human review. Doing so is an evolving industry practice; for example, since launching in 2021, the Digital Trust & Safety Partnership (DTSP) has quickly developed and executed initial assessments of how participating companies implement the DTSP Best Practices Framework,<sup>1</sup> which provides a roadmap to increase trust and safety online.

After a thorough review of the August 23 amendments, we regretfully believe that despite our diligent and collaborative efforts throughout the session to work with the author and stakeholders in crafting language that would enable our members to comply with the proposed provisions, several significant concerns remain unresolved. We appreciate the opportunity to further elaborate on the concerns we've raised throughout the session.

**Key compliance definitions remain undefined and subjective.**

AB 2481 requires a “large social media platform” to establish an internal process to receive and “substantively respond” to a “verified reporter” if they submit content deemed to be a risk to a minor within 72 hours—unless the reported content is deemed to be a “severe risk.” In those scenarios, a large social media platform must respond within 24 hours.

In order to achieve compliance, a platform must have a clear understanding of what key terms mean. If not, a platform risks not responding in an adequately appropriate or timely manner. Notably, AB 2481 does not define “child” or “minor”. Therefore it is unclear to whom the bill’s provisions are intended to apply. Moreover, due to the subjective nature of determining what

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<sup>1</sup> Margaret Harding McGill, *Tech giants list principles for handling harmful content*, Axios (Feb. 18, 2021), <https://www.axios.com/2021/02/18/tech-giants-list-principles-for-handling-harmful-content>.

constitutes a “severe risk”, platforms face the risk of making inaccurate determinations, potentially resulting in violations and liability. It is also possible that because these definitions are subjective, platforms may consider taking an overly broad takedown approach to avoid penalties. This raises significant First Amendment concerns, as it has the potential to incentivize the removal of lawful speech.

Furthermore, this bill presents an issue with government employees having a special mechanism to report content, granting those reports priority over others. The U.S. Supreme Court recently considered this issue in *Murthy v. Missouri*.<sup>2</sup> In that case, the Biden Administration argued that their communications with social media companies regarding user-generated content were not coercive and did not violate the First Amendment because their reports were treated the same as any other reporter and did not receive priority treatment. In contrast, AB 2481 would create a streamlined process and elevate reports from K-12 principals and mental health professionals.

Finally, a “verified reporter” is defined as a K-12 “principal, or a position of similar responsibility” or a licensed mental health professional who provides services to minors in California. However, it is unclear how a covered platform would be able to verify and confirm an individual’s status as a “verified reporter”. Uncertainties also arise concerning potential scenarios, such as when a “verified reporter” no longer maintains their employment status. There is also no defined duration for which someone can retain their verified status. This is concerning considering there are potentially tens of thousands of people who could qualify as verified reporters under AB 2481.

### **Online threats may continue to spread since AB 2481 does not hold bad actors accountable.**

AB 2481 raises concerns about the framework's effectiveness in significantly reducing threats on social media. For example, there are questions regarding how the removal of reported content on one platform would meaningfully prevent the proliferation of that same harmful material on another platform.

AB 2481 fails to tackle the underlying source of the harmful content, including content that falls under the definition of “social media-related threat.” As stated above, responsible digital service providers use a variety of proactive measures to uphold their terms of service and moderate dangerous and illicit content. Nonetheless, it’s important to acknowledge that no content moderation mechanism, including through human review or artificial intelligence, is infallible. Therefore, it is important that those who upload harmful material to any platform, regardless of the number of users, are held accountable. Without a mechanism in place, bad actors, such as cyberbullies, will continue to perpetuate harmful content even if that content has been taken down in one instance on one platform. *Nothing would prevent a cyberbully from continuing to harass other individuals via other means such as on another service, via text message or other messaging services, or even offline, if the individual engaging in such activity is not held accountable.*

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<sup>2</sup> *Murthy v. Missouri*, 603 U.S. \_\_\_\_ (2024).

The cosigned organizations have worked in good faith with the author and committee members throughout the session, providing language to address our concerns so that our members can properly comply. Unfortunately, we have not been able to reach a consensus with the author or sponsor.

**To emphasize, while we understand the concerns surrounding online safety and take seriously the shared responsibility of protecting online users, we believe this bill falls short of effectively addressing these issues and fails to tackle the underlying systemic problems that allow such threats to occur in the first place. For these reasons, we respectfully request a veto of AB 2481.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Khara Boender".

Khara Boender, Computer & Communications Industry Association (CCIA)  
([kboender@ccianet.org](mailto:kboender@ccianet.org); 203-918-6491)

On behalf of:

Ronak Daylami, California Chamber of Commerce (CalChamber)