



May 28, 2025

New York State Assembly Committee on Codes
198 State St.
Albany, NY 12210

Re: A 5346 – "Requiring warning labels on addictive social media platforms" (Oppose)

Dear Chairman Dinowitz and Members of the Assembly Committee on Codes:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose A 5346. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members. While CCIA shares the goal of increasing online safety, this bill presents the following concerns:

Terms such as “addiction” or “addictive” in this online context lack adequate scientific foundation.

The bill would require covered entities to “display[] a warning label each time” a covered user “accesses” a covered “addictive social media platform.” Key terms essential for compliance like “access” or “each time” are undefined, with authority granted to the attorney general and commissioner of mental hygiene.

Humans engage in various compulsive and repetitive behaviors — some of which may negatively impact physical and/or mental health. These could range from binge eating unhealthy foods to exercising excessively to watching favorite shows for hours on end. However, these behaviors do not necessarily amount to “addictions”. The most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision (DSM-5-TR)* declined to include definitions for “Internet gaming disorder,” “Internet addiction,” “excessive use of the Internet,” or “excessive use of social media,” noting that “[g]ambling disorder is currently the only non-substance-related disorder included in the *DSM-5-TR* chapter ‘Substance-Related and Addictive Disorders.’”²

Mandatory warning labels—especially when not backed by research—raise First Amendment concerns.

Much research on social media and adolescent health (including the National Academies of Sciences, the University of Oxford, the American Psychological Association, and the Journal of Pediatrics) has found that social media does not cause changes in adolescent health at the

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² Am. Psychiatric Ass’n, *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision* (2022).



population level.³ Even the Surgeon General’s Social Media and Youth Mental Health advisory cited in A 5346’s legislative intent section acknowledges the benefits of social media, including social connection, information sharing, and civic engagement.⁴ Indeed, as a federal court recently noted, “nearly all of the research showing any harmful effects” for minors on social media “is based on correlation, not evidence of causation.”⁵

Mandated warning labels raise First Amendment concerns and have been ruled “compelled speech.”⁶ This is important to note especially as many federal courts have ruled against state-imposed content regulations on digital services.⁷ Courts have permitted certain mandated warning labels, but only in cases when the science is absolute and incontrovertible, such as cigarette warnings.⁸

Further, a warning provided too often is ineffective due to a phenomenon called “alert fatigue” or “alarm fatigue.” The constant repetition of a warning leads users to be more likely to completely ignore the warning. This has appeared in contexts ranging from cookie warnings under the General Data Protection Regulation (GDPR)⁹ to medical equipment alerts for nurses.¹⁰

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We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Kyle J. Sepe
State Policy Manager, Northeast Region
Computer & Communications Industry Association

³ Regina Park, *The Internet Isn’t Harmful to Your Mental Health, Oxford Study Finds*, Disruptive Competition Project (Jan. 29, 2024), <https://project-disco.org/innovation/the-internet-isnt-harmful-to-your-mental-health-oxford-study-finds/>.

⁴ Mike Masnick, *Warning: Believing The Surgeon General’s Social Media Warning May Be Hazardous To Teens’ Health*, Techdirt (June 18, 2024), <https://www.techdirt.com/2024/06/18/warning-believing-the-surgeon-generals-social-media-warning-may-be-hazardous-to-teens-health/>.

⁵ *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at *21 (S.D. Ohio Apr. 16, 2025).

⁶ Aaron Mackey & Jason Kelley, *The Surgeon General’s Fear-Mongering, Unconstitutional Effort to Label Social Media*, EFF Deeplinks Blog (June 17, 2024), <https://www.eff.org/deeplinks/2024/06/no-online-speech-should-not-have-warning-labels>.

⁷ Mike Masnick, *California Politicians Embarrass Themselves By Calling For ‘Warning Labels’ On Social Media*, Techdirt (Sept. 12, 2024), <https://www.techdirt.com/2024/09/12/california-politicians-embarrass-themselves-by-calling-for-warning-labels-on-social-media/>.

⁸ Clay Calvert, *A Warning Against Warning Labels on Social Media Platforms*, AEIdeas (Jan. 28, 2025), <https://www.aei.org/technology-and-innovation/a-warning-against-warning-labels-on-social-media-platforms/>.

⁹ See, e.g., Utz et al., *(Un)informed Consent: Studying GDPR Consent Notices in the Field*, CCS '19: Proceedings of the 2019 ACM SIGSAC Conference on Computer and Communications Security 973 (2019), <https://dl.acm.org/doi/10.1145/3319535.3354212>.

¹⁰ See, e.g., Chen Shaoru et al., *Determinants of Medical Equipment Alarm Fatigue in Practicing Nurses: A Systematic Review* (2023), <https://journals.sagepub.com/doi/pdf/10.1177/23779608231207227>.