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July 8, 2025

The Honorable Caroline Menjivar
Chair, Senate Health Committee
1021 O Street, Room 3310
Sacramento, CA 95814

**Re: AB 56 (Bauer-Kahan) Social media: warning labels. – OPPOSE, AS AMENDED
ON 7/3/25**

Dear Chair Menjivar,

TechNet and the following organizations must respectfully **OPPOSE** AB 56 (Bauer-Kahan), which would require covered platforms to periodically displace a specified black box warning label informing users of Surgeon General's advisory.

While we appreciate the intent of this bill to protect adolescent social media users, we have several concerns regarding this bill. First, the bill raises several constitutional concerns as it requires a government-mandated label on user-generated speech. The label isn't narrowly tailored to address the stated risk of harm to youth mental health. For example, the bill requires a 10 second warning upon accessing a covered platform, followed by a 90 second, unskippable warning after 3 hours of use to be applied to every site that meets the bill's definition of social media, for every user regardless of whether they are actually a minor. It doesn't apply to specific content, accounts, or even platforms that are most likely to pose risks of harm to minor users.

Additionally, the 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. It is highly likely that users will navigate away from these sites or will find workarounds to prevent this label from appearing.

Second, the warning label is unlikely to be accurate in the majority of situations. It obviously is inapplicable to adults, particularly those without children, trying to access social media, but 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. Courts would examine the government's interest in compelling platforms to provide an inaccurate label, one that would apply regardless of the user demographics, content, or safety features the platform had implemented. As a result, the label is clearly not the least restrictive means to improve youth mental health.

The U.S. Surgeon General's report that the bill references found positive outcomes of social media use, not just potential risks.¹ As written, the warning label lacks clarity, fails

¹ U.S. Surgeon General's Advisory, Social Media and Youth Mental Health, 2023. Pg 6. Available at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html>

to accurately reflect the complexity ² of the Surgeon General's report, and oversimplifies nuanced findings, and therefore risks being perceived as misleading or incomplete. Such miscommunication could diminish the platform's credibility and confuse users, particularly parents, educators, and policymakers.

Lastly, the fundamental policy objective of the proposed warning label is unclear. If the goal is to increase user awareness or change user behavior, it is essential to assess whether a warning label is the most effective tool to achieve that outcome. A poorly executed warning label may have limited impact, especially if it interrupts user experience or becomes repetitive and ignored over time. Research on "warning fatigue" suggests that users may disregard frequently encountered warnings, diminishing their intended effect.

For these reasons we are respectfully **OPPOSED** to AB 56 (Bauer-Kahan). If you have any questions regarding our position, please contact Jose Torres at jtorres@technet.org.

Sincerely,



Jose Torres
Deputy Executive Director | California & Southwest
TechNet



Ronak Daylami
Policy Advocate | California Chamber of Commerce

² "The influence of social media on youth mental health is shaped by many complex factors, including, but not limited to, 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 sleep and physical activity.⁶ Importantly, different children and adolescents are affected by social media in different ways, based on their individual strengths and vulnerabilities, and based on cultural, historical, and socio-economic factors.^{7, 8} There is broad agreement among the scientific community that social media has the potential to both benefit and harm children and adolescents." U.S. Surgeon General's Advisory, Social Media and Youth Mental Health, 2023. Pg 5. Available at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/youth-mental-health/social-media/index.html>

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