

HOUSE No. 5349

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 7, 2026.

The committee on Ways and Means, to whom was referred the Senate Bill to promote student learning and mental health (Senate, No. 2581), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5349; by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in law to protect the health and wellness of minors, promote safe technology use and provide distraction-free education for youth, which is immediately necessary to accomplish important public purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act promoting safe technology use and distraction-free education for youth."

For the committee,

AARON MICHLEWITZ.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 69 of the General Laws is hereby amended by adding the following
2 section:—

3 Section 40. (a) For the purposes of this section and section 102 of chapter 71, the
4 following words shall, unless the context clearly requires otherwise, have the following
5 meanings:

6 “Personal electronic device”, any portable electronic device that is capable of: (i)
7 providing voice communication, text messaging or other data communication between 2 or more
8 parties or devices; or (ii) connecting to the internet, a smartphone or other personal electronic
9 device or a cellular or Wi-Fi network. “Personal electronic devices” shall include, but shall not
10 be limited to, mobile phones, tablets, laptops, smartwatches and Bluetooth-enabled devices;
11 provided, however, that “personal electronic device” shall not include a school-issued or school-
12 sanctioned device used for a legitimate educational purpose.

13 “School day”, the time from which the first student arrives at the school until the
14 dismissal of the students from the last class of the day; provided, that “school day” shall include:

15 (i) any time between classes, during lunch, during other non-instructional times and in any

16 advisory meeting or other meeting with teachers, counselors or administrators; (ii) each day of
17 the school year and any other day during which a student is attending classes; and (iii) any
18 school-sponsored activity.

19 “School-sponsored activity”, an activity, on or off school grounds, that takes place during
20 a school day; provided, that a district shall determine whether a specific category of activity shall
21 be a school-sponsored activity; and provided further, that “school-sponsored activity” shall not
22 include activities held after dismissal of students from the last class of the day.

23 (b) The department shall provide guidance, recommendations and a model policy for
24 school districts to prohibit student use of personal electronic devices during the school day as
25 required under section 102 of chapter 71. The guidance, recommendations and model policy
26 shall include, but shall not be limited to:

27 (i) provisions to prevent student use of school-issued or school-sanctioned devices for
28 personal use;

29 (ii) provisions to prevent student use of personal electronic devices during the school day;

30 (iii) provisions on activities that a school may consider to be a school-sponsored activity;

31 (iv) options for secure storage of student personal electronic devices during the school
32 day or other methods of rendering personal electronic devices inoperable or unavailable during
33 the school day;

34 (v) at least 1 method for parents, guardians and caregivers of students to contact students
35 during the school day; provided, that there shall be considerations for emergency situations;

36 (vi) at least 1 method for a student to contact their parent, guardian or caregiver during
37 the school day; provided, that there shall be considerations for emergency situations; and

38 (vii) enforcement provisions to ensure student compliance with the policy; provided,
39 however, that the enforcement provisions shall contain practical safeguards to prevent
40 inequitable discipline; and provided further, that discipline for noncompliance with a school's
41 policy on personal electronic devices shall not include the expulsion or suspension of a student
42 solely due to said noncompliance.

43 (c)(1) Prior to finalizing the guidance, recommendations and model policy pursuant to
44 subsection (b), the department shall solicit public input.

45 (2) The guidance, recommendations and model policy provided pursuant to subsection
46 (b) shall be made publicly available on the department's website.

47 (d) The department shall annually review and update the guidance, recommendations and
48 model policy provided pursuant to subsection (b) to reflect applicable research and best
49 practices, which shall include, but shall not be limited to, any technological advances related to
50 the prevention of student use of personal electronic devices during the school day, including
51 technology that may render a personal electronic device inoperable.

52 (e)(1) Annually, not later than September 1, each public school or district shall file a
53 personal electronic device use policy, pursuant to section 102 of chapter 71, with the department
54 in a manner and form determined by the department.

55 (2) The department shall determine a schedule for each public school or district to notify
56 parents and guardians of the public school's or district's policy; provided, that such notification
57 shall occur not less than once each school year.

58 SECTION 2. Chapter 71 of the General Laws is hereby amended by adding the following
59 2 sections:-

60 Section 102. (a)(1) Each district shall have a policy to prohibit student use of personal
61 electronic devices during the school day. The policy shall include, but shall not be limited to:

62 (i) provisions to prevent student use of school-issued or school-sanctioned devices for
63 personal use;

64 (ii) provisions to prevent student use of personal electronic devices during the school day;

65 (iii) provisions on activities that a school may consider to be a school-sponsored activity
66 at which a school may prohibit student use of personal electronic devices;

67 (iv) options for secure storage of student personal electronic devices during the school
68 day or other methods of rendering personal electronic devices inoperable or unavailable during
69 the school day;

70 (v) at least 1 method for parents, guardians and caregivers of students to contact students
71 during the school day; provided, that there shall be considerations for emergency situations;

72 (vi) at least 1 method for a student to contact their parent, guardian or caregiver during
73 the school day; provided, that there shall be considerations for emergency situations; and

74 (vii) enforcement provisions to ensure student compliance with the policy; provided,
75 however, that the enforcement provisions shall contain practical safeguards to prevent
76 inequitable discipline; and provided further, that discipline for noncompliance with a school's
77 policy on personal electronic devices shall not include the expulsion or suspension of a student
78 solely due to said noncompliance.

79 (2) The policy shall specify the method the district shall use to prohibit student access to
80 personal electronic devices. The following methods shall be deemed sufficient to prohibit student
81 access to personal electronic devices: (i) secure storage of personal electronic devices during the
82 school day; (ii) the use of technology pursuant to subsection (d) of section 40 of chapter 69 that
83 renders the personal electronic device inoperable; or (iii) any another method approved by the
84 department.

85 (3) Each district shall annually notify the parents and guardians of all students attending
86 the school of the policy as determined by the department, pursuant to paragraph (2) of subsection
87 (e) of section 40 of chapter 69.

88 (b) Notwithstanding subsection (a), a district policy may authorize a student to use a
89 personal electronic device if:

90 (i) used in accordance with an individualized education program or an education plan
91 implemented pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 701 et
92 seq.; provided, however, that a district shall authorize a student to use a personal electronic
93 device only to the extent necessary under the individualized education program or plan;

94 (ii) necessary under any accommodations pursuant to state or federal law, including, but
95 not limited to, Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 et seq.; provided,

96 however, that a district shall authorize a student to use a personal electronic device only to the
97 extent necessary under the accommodation;

98 (iii) a healthcare provider provides in writing that the use of a personal electronic device
99 is necessary to treat a health condition of a student; provided, however, that a district shall
100 authorize a student to use a personal electronic device only to the extent necessary under the
101 healthcare provider's written notice; or

102 (iv) the district determines that there is an emergency and the use of a personal electronic
103 device is necessary; provided, however, that a district shall authorize a student to use a personal
104 electronic device only to the extent necessary during the emergency.

105 (c) The policy, and any standards and rules enforcing the policy, shall be prescribed by
106 the school committee of a municipality, regional school district or vocational technical school in
107 conjunction with the superintendent or, in the case of a commonwealth charter school, the board
108 of trustees.

109 (d) Nothing in this section shall limit a district from setting restrictions or standards for
110 the use of personal electronic devices on school grounds or during school-sanctioned activities
111 that are outside of the school day.

112 Section 103. (a) Each district shall provide instruction on the social, emotional and
113 physical risks and harms of social media use consistent with content standards in the curriculum
114 frameworks adopted by the board of elementary and secondary education.

115 (b) The department, in consultation with the office of the attorney general and the
116 department of public health, shall provide guidance and recommendations to assist districts with

117 developing and implementing effective instruction on social media use and shall make such
118 guidance and recommendations publicly available on the department's website. Guidance and
119 recommendations may include, but shall not be limited to: (i) curriculum resources; (ii) guidance
120 on developing community norms regarding cell phone and social media use; (iii) guidance for
121 educating parents or guardians on managing their child's social media use; (iv) recognizing
122 warning signs of the harmful effects of social media use; and (v) other available resources.
123 Guidance and recommendations may be reviewed and regularly updated to reflect applicable
124 research and best practices.

125 (c) The department shall assist schools in providing: (i) instruction on the social,
126 emotional and physical risks and harms of social media use by facilitating access to high-quality
127 curricular materials; and (ii) professional development training, including the provision of
128 trainings, seminars, conferences and materials, for educators to use in teaching.

129 (d) Nothing in this section shall require a school district to require instruction on social
130 media use for every year of school; provided, however, that social media use education and
131 instruction shall be utilized during appropriate age levels in curricula, as determined by the
132 school district.

133 (e) The department may provide trainings, seminars, conferences and materials for
134 educators to use in the teaching of social media use in person or through the use of synchronous
135 or asynchronous audio, video, electronic media or other telecommunications technology.

136 SECTION 3. The General Laws are hereby further amended by inserting after chapter
137 93L the following chapter:-

138 Chapter 93M

139

ONLINE PROTECTION

140 Section 1. As used in this chapter, the following words shall, unless the context clearly
141 requires otherwise, have the following meanings:

142 “Account”, a unique profile for a user of a social media platform.

143 “Parent”, a parent or legal guardian of a minor.

144 “Social media feed”, the presentation of content to users of a social media platform.

145 “Social media platform”, a public website, online service, online application or mobile
146 application that displays content primarily generated by users and allows users to create, share
147 and view user-generated content with other users; provided, that “social media platform” shall
148 not include email, cloud storage, SMS, MMS, RCS or similar text messaging
149 telecommunications services or document viewing, sharing or collaboration services.

150 “User”, an individual who, through an account, accesses or uses either a social media
151 feed or a social media platform.

152 Section 2. (a)(1) To protect the health and wellness of a minor under 14 years of age,
153 including, but not limited to, mental and behavioral health, a social media platform shall prohibit
154 a minor under the age of 14 from being a user of a social media platform.

155 (2) A social media platform shall: (A) terminate a user under the age of 14; (B) allow a
156 user under the age of 14 to request to terminate the account; (C) allow the confirmed parent of a
157 user under the age of 14 to request the termination of the user’s account; and (D) permanently
158 delete all personal information held by the social media platform related to the terminated user
159 unless there is a legal requirement to maintain the information.

160 (3) A parent of a user under the age of 14 may request access to the data submitted by the
161 user to the social media platform. Not later than 5 business days after receipt of the request, the
162 social media platform shall provide a parent access to the data submitted by the user.

163 (b)(1) To protect the health and wellness of a minor who is 14 or 15 years of age,
164 including, but not limited to, mental and behavioral health, a social media platform shall prohibit
165 a minor who is 14 or 15 years of age from being a user of a social media platform unless the
166 social media platform receives verifiable consent from the parent for the minor to become a user.

167 (2) A social media platform shall: (A) terminate a user who is 14 or 15 years of age if the
168 parent's consent has not been provided for the minor to create or maintain an account on the
169 social media platform; (B) allow a user who is 14 or 15 years of age to request to terminate the
170 account; (C) allow the confirmed parent of a user who is 14 or 15 years of age to request the
171 termination of the minor's account; and (D) permanently delete all personal information held by
172 the social media platform related to the terminated user unless there is a legal requirement to
173 maintain the information.

174 (3) A parent of a user who is 14 or 15 years of age may request access to the data
175 submitted by the user to the social media platform. Not later than 5 business days after receipt of
176 the request, the social media platform shall provide a parent access to the data submitted by the
177 user.

178 Section 3. (a) A social media platform shall implement an age assurance or verification
179 system to determine whether a current or prospective user on the social media platform meets the
180 age requirement pursuant to section 2. To the extent practicable, the age assurance or verification

181 system shall consist of the best technology available to reasonably and accurately identify a
182 current or prospective user's age.

183 (b) A social media platform shall implement a review process to allow users to appeal the
184 social media platform's age determination pursuant to subsection (a). The user may submit
185 documentary evidence electronically to the social media platform to establish that the user meets
186 the age requirements of section 2. Not later than 3 days after receipt, a social media platform
187 shall review the documentary evidence submitted by the user and shall make a determination on
188 the appeal.

189 (c) Any data or information gathered by the social media platform for: (i) use in the age
190 assurance or verification system pursuant to subsection (a); (ii) any appeal of determination
191 pursuant to subsection (b); or (iii) the purpose of verifying parental consent pursuant to section 2
192 shall be segregated by the social media platform and shall remain confidential. The data and
193 information gathered for the purposes in clauses (i) to (iii), inclusive, shall not be used for any
194 other purpose by the social media platform.

195 Section 4. (a) A social media platform shall publicly and conspicuously post to the social
196 media platform's website the number of: (i) users processed using the age assurance or
197 verification system pursuant to section 3; (ii) users granted access to the social media feed due to
198 the age determination appeal process under section 3; (iii) users denied access to the social media
199 feed due to the user not meeting the age requirements under section 2; (iv) users granted access
200 to the social media feed after providing the social media platform with verifiable parental
201 consent under section 2; (v) account user age verification review requests received under section

202 3; and (vi) accounts subsequently terminated for not meeting age requirements due to account
203 user age verification review requests.

204 Section 5. (a) A violation by a social media platform of this chapter shall be deemed an
205 unfair or deceptive act or practice in trade or commerce under chapter 93A.

206 (b) A social media platform found to be in violation of section 2 shall be punished by a
207 civil fine of not more than \$5,000 per violation; provided, that a social medial platform shall be
208 in violation of section 2 for each user account not in compliance with section 2.

209 (c) A social media platform violation of section 4 shall be punished by a civil fine of not
210 more than \$1,000,000; provided, that each day that a violation of section 4 persists shall be
211 considered a separate violation under this section.

212 Section 6. The attorney general shall promulgate regulations to implement this chapter.

213 SECTION 4. (a) As used in this section, the following words shall, unless the context
214 clearly requires otherwise, have the following meanings:

215 “Department”, the department of elementary and secondary education.

216 “District”, as defined in section 2 of chapter 70 of the General Laws.

217 “Personal electronic device”, as defined in section 40 of chapter 69 of the General Laws.

218 “School day”, as defined in said section 40 of said chapter 69.

219 “Technology service provider”, an entity that provides a district with technology to
220 render a personal electronic device inoperable on school grounds during the school day.

221 (b) The department shall administer a 1-year pilot program for 10 districts that shall
222 provide for a technological means of rendering students' personal electronic devices inoperable
223 on school grounds during the school day.

224 (c)(1) The department shall competitively procure the services of a technology service
225 provider that provides a technological means of rendering a personal electronic device
226 inoperable. The department may select 1 or more technology service providers to participate in
227 the pilot program to provide technological services pursuant to subsection (b).

228 (2) The department shall require technology service providers submitting competitive
229 procurements to demonstrate the ability to enable all personal electronic devices to: (i) call 911;
230 (ii) enable any applications other than those providing talk or texting services as authorized by a
231 district pursuant to district policy; and (iii) enable any application providing talk or texting
232 services between a parent, guardian or caregiver of a student and the student if authorized by
233 district policy.

234 (3) The department shall ensure that any technology service providers demonstrate
235 compliance with federal and state privacy laws, including, but not limited to, 20 U.S.C. § 1232g,
236 15 U.S.C. §§ 6501 et seq. and sections 34D and 34E of chapter 71 of the General Laws.

237 (4) The department shall evaluate each response to the procurement pursuant to
238 paragraph (1) to ensure that a technology service provider shall: (i) not collect any data from
239 personal electronic devices except for the purposes of providing a technological means of
240 rendering the device inoperable during the school day, including, but not limited to, prohibited
241 purposes related to targeting advertising or the creation of digital profiles of individuals; (ii) not
242 sell, rent or distribute data disclosed from personal electronic devices as part of its provision of

243 technological services at a school; and (iii) destroy all disclosed data when no longer needed to
244 provide a technological means of rendering personal electronic devices inoperable during the
245 school day or when a school district requests such deletion.

246 (5) A technology service provider awarded a contract pursuant to this section shall
247 include, in the terms of the contract requirements, that the technology service provider shall
248 protect the data privacy of all users of personal electronic devices on which any application or
249 other media is downloaded, including, but not limited to, limitations on collection, maintenance
250 and use of any personal data except by the district itself.

251 (d) Not later than 180 days after the conclusion of the pilot program, the department, in
252 consultation with each district participating in the pilot program, shall report to the chairs of the
253 joint committee on education and the house and senate committees on ways and means on the
254 experience of the participating districts. The department shall submit recommendations, if any,
255 for the continued use of the technological services to render personal electronic devices
256 inoperable for compliance with section 102 of chapter 71 of the General Laws.

257 SECTION 5. Not later than September 1, 2026, each district shall file its policy pursuant
258 to section 102 of chapter 71 of the General Laws, inserted by section 2, with the department of
259 elementary and secondary education in a manner and form prescribed by the department. If no
260 policy is approved by the district by September 1, 2026, the department's model policy shall be
261 in effect until such time as a district policy is approved.

262 SECTION 6. Not later than September 1, 2028, the department of elementary and
263 secondary education shall report to the chairs of the joint committee on education and the house
264 and senate committees on ways and means on the implementation of the personal electronic

265 device use policies in schools pursuant to section 102 of chapter 71 of the General Laws, inserted
266 by section 2.

267 SECTION 7. Not later than September 1, 2028, the department of elementary and
268 secondary education, in consultation with the office of the attorney general and the department of
269 public health, shall report to the chairs of the joint committee on education and the house and
270 senate committees on ways and means on the implementation and effect of social media use
271 education in schools pursuant to section 103 of chapter 71 of the General Laws, inserted by
272 section 2.

273 SECTION 8. Not later than September 1, 2026, the attorney general shall promulgate
274 regulations pursuant to section 6 of chapter 93M of the General Laws, inserted by section 3.

275 SECTION 9. Section 3 shall take effect on October 1, 2026. ; by inserting before the
276 enacting clause the following emergency preamble:

277 "*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make
278 certain changes in law to protect the health and wellness of minors, promote safe technology use
279 and provide distraction-free education for youth, which is immediately necessary to accomplish
280 important public purpose, therefore it is hereby declared to be an emergency law, necessary for
281 the immediate preservation of the public convenience."; and by striking out the title and inserting
282 in place thereof the following title: "An Act promoting safe technology use and distraction-free
283 education for youth."