HOUSE . . . . . No. 5366

Text of the House amendments to the Senate Bill to promote student learning and mental health (Senate, No. 2581) (being the text of House document numbered 5349, published as amended). April 8, 2026.

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:–

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

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

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

"School day", the time from which the first student arrives at the school until the dismissal of the students from the last class of the day; provided, that "school day" shall include: (i) any time between classes, during lunch, during other non-instructional times and in any advisory meeting or other meeting with teachers, counselors or administrators; (ii) each day of the school year and any other day during which a student is attending classes; and (iii) any school-sponsored activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) the superintendent of a district, or a designee, provides in writing that the use of a personal electronic device is necessary for language access for a student, including, but not limited to, translation, interpretation or transliteration purposes; provided, however, that a district shall authorize a student to use a personal electronic device only to the extent necessary to provide language access for a student to adequately understand educational materials and participate in activities during the school day.

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

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

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

(b) The department, in consultation with the office of the attorney general and the department of public health, shall provide guidance and recommendations to assist districts with developing and implementing effective instruction on social media use and shall make such guidance and recommendations publicly available on the department's website. Guidance and recommendations may include, but shall not be limited to: (i) curriculum resources; (ii) guidance on developing community norms regarding cell phone and social media use; (iii) guidance for educating parents or guardians on managing their child's social media use; (iv) recognizing warning signs of the harmful effects of social media use; and (v) other available resources. Guidance and recommendations may be reviewed and regularly updated to reflect applicable research and best practices.

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

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

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

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

Chapter 93M

ONLINE PROTECTION

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

"Account", a unique profile for a user of a social media platform.

"Addictive social media feed", the presentation of content to users where the social media platform employs algorithms that analyze user data or information on users to select content for users and includes any of the following addictive features:

(i) infinite scrolling, which shall include: (A) continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page; and (B) seamless content, or the use of pages with no visible or apparent end or page breaks;

(ii) push notifications or alerts sent by the social media platform to inform a user about specific activities or events related to the user's account;

(iii) displays of personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to a user's content or have shared or reposted the user's content;

(iv) content generated by an algorithm based on a user's activity on the social media platform; or

(v) auto-play video or video that begins to play without the user first clicking on the video or on a play button for that video.

"Connected account", an account on a social media platform that is directly connected to the user's account, including, but not limited to, a friend, follower or similar connection with access to view the user's content.

"Parent", a parent or legal guardian of a minor.

"Push notification", an automatic electronic message displayed on a user's personal electronic device, as defined in section 40 of chapter 69, when the social media platform is not actively open or visible on the personal electronic device that prompts the user to check and engage with the social media platform.

"Social media feed", the presentation of content to users of a social media platform.

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

"User", an individual who, through an account, accesses or uses either a social media feed or a social media platform.

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

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

(3) A parent of a user under the age of 14 may request access to the age assurance or verification system data submitted by the user to the social media platform. Not later than 5 business days after receipt of the request, the social media platform shall provide a parent access to the age assurance or verification system data submitted by the user. No social media platform shall provide data other than what was submitted for the purposes of verifying the age of the user to any parent.

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

(2) A social media platform shall: (A) terminate a user who is 14 or 15 years of age if the parent's consent has not been provided for the minor to create or maintain an account on the

social media platform; (B) allow a user who is 14 or 15 years of age to request to terminate the account; (C) allow the confirmed parent of a user who is 14 or 15 years of age to request the termination of the minor's account; and (D) permanently delete all personal information held by the social media platform related to the terminated user unless there is a legal requirement to maintain the information.

(3) A parent of a user who is 14 or 15 years of age may request access to the age assurance or verification system data submitted by the user to the social media platform. Not later than 5 business days after receipt of the request, the social media platform shall provide a parent access to the age assurance or verification system data submitted by the user. No social media platform shall provide data other than what was submitted for the purposes of verifying the age of the user.

(4) A social media company shall, for users who are 14 or 15 years of age, set default safety settings to prioritize the health and wellness of users 14 and 15 years of age to ensure an age appropriate experience on the social media platform, including, but not limited to, safety settings that shall:

(i) restrict the visibility of the account of a user 14 or 15 years of age to connected accounts;

(ii) require age verification to change user settings;

(iii) require age verification to access sensitive content, including age-restricted content on a social media feed and messages;

(iv) only allow a user who is 14 or 15 years of age to share content to connected accounts; and

(v) restrict direct messaging capabilities for a user who is 14 or 15 years of age to only allow direct messaging to connected accounts.

(5) To protect the health and wellness of a minor who is 14 or 15 years of age, including, but not limited to, mental and behavioral health, a social media platform shall prohibit a minor who is 14 or 15 years of age from being a user of an addictive social media feed.

(6) To protect the health and wellness of a minor who is 14 or 15 years of age, including, but not limited to, mental and behavioral health, no social media platform shall send notifications to a minor who is 14 or 15 years of age between the hours of 12:00 a.m. and 6:00 a.m. eastern standard time.

(7) No social media platform shall withhold, degrade, lower the quality or increase the price of any product, service or feature to a user who is 14 or 15 years of age due to the social media platform not being permitted to provide an addictive social media feed to the user.

Section 3. (a) A social media platform shall implement an age assurance or verification system to determine whether a current or prospective user on the social media platform meets the age requirement pursuant to section 2. To the extent practicable, the age assurance or verification system shall consist of the best technology available to reasonably and accurately identify a current or prospective user's age.

(b) A social media platform shall implement a review process to allow users to appeal the social media platform's age determination pursuant to subsection (a). The user may submit

documentary evidence electronically to the social media platform to establish that the user meets the age requirements of section 2. Not later than 3 days after receipt, a social media platform shall review the documentary evidence submitted by the user and shall make a determination on the appeal.

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

(d) No social media platform shall share any data related to a minor user and their LGBTQ+ protected status or any other protected status pursuant to chapter 151B.

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

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

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

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

Section 6. The attorney general shall promulgate regulations to implement this chapter including, but not limited to, the definition of "social media platform" as defined in section 1. The attorney general shall annually review the definition of "social media platform" to ensure that the definition includes public websites, online services, online applications or mobile applications with features that are harmful to the health and wellness of minors age 15 and under.

Section 7. The office of the attorney general shall maintain on its website an online submission platform to receive complaints, information or referrals from members of the public concerning a social media platform's alleged compliance or non-compliance with this chapter.

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

"Department", the department of elementary and secondary education.

"District", as defined in section 2 of chapter 70 of the General Laws.

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

"School day", as defined in said section 40 of said chapter 69.

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

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

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

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

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

(4) The department shall evaluate each response to the procurement pursuant to paragraph (1) to ensure that a technology service provider shall: (i) not collect any data from

personal electronic devices except for the purposes of providing a technological means of rendering the device inoperable during the school day, including, but not limited to, prohibited purposes related to targeting advertising or the creation of digital profiles of individuals; (ii) not sell, rent or distribute data disclosed from personal electronic devices as part of its provision of technological services at a school; and (iii) destroy all disclosed data when no longer needed to provide a technological means of rendering personal electronic devices inoperable during the school day or when a school district requests such deletion.

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

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

SECTION 5. Not later than September 1, 2026, each district shall file its policy pursuant to section 102 of chapter 71 of the General Laws, inserted by section 2, with the department of elementary and secondary education in a manner and form prescribed by the department. If no

policy is approved by the district by September 1, 2026, the department's model policy shall be in effect until such time as a district policy is approved.

SECTION 6. Not later than September 1, 2028, the department of elementary and secondary education shall report to the chairs of the joint committee on education and the house and senate committees on ways and means on the implementation of the personal electronic device use policies in schools pursuant to section 102 of chapter 71 of the General Laws, inserted by section 2.

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

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

SECTION 9. Section 3 shall take effect on October 1, 2026. ; 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 health."; 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.”.