SENATE DOCKET, NO. 1689 FILED ON: 1/16/2025

SENATE . . . . . No. 30

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting children from addictive social media feeds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia Stone Creem	*Norfolk and Middlesex*

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SENATE . . . . . No. 30

By Ms. Creem, a petition (accompanied by bill, Senate, No. 30) of Cynthia Stone Creem for legislation to protect children from addictive social media feeds. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

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

An Act protecting children from addictive social media feeds.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

CHAPTER 93M.

PROTECTING CHILDREN FROM ADDICTIVE SOCAIL MEDIA FEEDS.

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

"Addictive feed", a website, online service, online application, or mobile application, or a portion thereof, in which multiple pieces of media generated or shared by users of a website, online service, online application, or mobile application, either concurrently or sequentially, are recommended, selected, or prioritized for display to a user based, in whole or in part, on

information associated with the user or the user's device, unless any of the following conditions are met, alone or in combination with one another:

(1) the recommendation, prioritization, or selection is based on information that is not persistently associated with the user or user's device, and does not concern the user's previous interactions with media generated or shared by other users;

(2) the recommendation, prioritization, or selection is based on user-selected privacy or accessibility settings, or technical information concerning the user's device;

(3) the user expressly and unambiguously requested the specific media, media by the author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device that is not otherwise permissible under this subdivision;

(4) the user expressly and unambiguously requested that specific media, media by a specified author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to pursuant to paragraph (3), be blocked, prioritized or deprioritized for display, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the user or the user's device that is not otherwise permissible under this subdivision;

(5) the media are direct and private communications;

(6) the media are recommended, selected, or prioritized only in direct response to a specific search inquiry by the user at the time such search inquiry is made;

(7) the media recommended, selected, or prioritized for display is exclusively next in a pre-existing sequence from the same author, creator, poster, or source; or

(8) the recommendation, prioritization, or selection is necessary to comply with the provisions of this chapter and any regulations promulgated pursuant to this chapter.

"Addictive social media platform", a website, online service, online application, or mobile application, that offers or provides users an addictive feed as a significant part of the services provided by such website, online service, online application, or mobile application.

"Covered minor", a user of a website, online service, online application, or mobile application in the commonwealth when the operator has actual knowledge the user is a minor.

"Covered user", a user of a website, online service, online application, or mobile application in the commonwealth, not acting as an operator, or agent or affiliate of the operator, of such website, online service, online application, or mobile application, or any portion thereof.

"Media", an image, a video, or text.

"Minor", an individual under the age of eighteen.

"Covered operator", any person, business, or other legal entity, who operates or provides an addictive social media platform.

Section 2. (a) It shall be unlawful for a covered operator to provide an addictive feed to a covered user unless the covered operator has used commercially reasonable and technically feasible methods to determine that the covered user is not a covered minor.

(b) It shall be unlawful for a covered operator to, between the hours of 12 a.m. and 6 a.m. in the commonwealth's time zone, send notifications to a covered user unless the covered operator has used commercially reasonable and technically feasible methods to determine that the covered user is not a covered minor.

Section 3. (a) The attorney general shall promulgate regulations identifying commercially reasonable and technically feasible methods for covered operators to determine if a covered user is a covered minor.

(b) In promulgating such regulations, the attorney general shall consider the size, financial resources, and technical capabilities of the addictive social media platform, the costs and effectiveness of available age determination techniques for users of the addictive social media platform, the audience of the addictive social media platform, prevalent practices of the industry of the covered operator, and the impact of the age determination techniques on the covered users' safety, utility, and experience.

(c) Such regulations shall also identify the appropriate levels of accuracy that would be commercially reasonable and technically feasible for covered operators to achieve in determining whether a covered user is a covered minor. such regulations shall set forth multiple commercially reasonable and technically feasible methods for a covered operator to determine if a covered user is a covered minor, including at least one method that either does not rely solely on government issued identification or that allows a covered user to maintain anonymity as to the covered operator of the addictive social media platform.

(d) Where a covered operator has used commercially reasonable and technically feasible age determination methods in compliance with such regulations and has not determined that a

covered user is a covered minor, the covered operator shall operate under the presumption that the covered user is not a covered minor for the purposes of this chapter, unless it obtains actual knowledge that the covered user is a covered minor.

(e) Information collected for the purpose of determining a covered user's age pursuant to this section shall not be used for any purpose other than age determination and shall be deleted immediately after an attempt to determine a covered user's age, except where necessary for compliance with any applicable provisions of state or federal law or regulation.

Section 4. A covered operator shall not withhold, degrade, lower the quality, or increase the price of any product, service, or feature, other than as necessary for compliance with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter, to a covered user due to the covered operator not being permitted to provide an addictive feed to such covered user under section 2 of this chapter.

Section 5. (a) This chapter shall apply to conduct that occurs in whole or in part in the commonwealth. For purposes of this chapter, conduct takes place wholly outside of the commonwealth if the addictive social media platform is accessed by a user who is physically located outside of the commonwealth.

(b) Nothing in this chapter shall be construed to impose liability for commercial activities or actions by operators subject to 15 U.S.C. § 6501 that is inconsistent with the treatment of such activities or actions under 15 U.S.C § 6502.

Section 6. (a) No earlier than 180 after the effective date of this chapter, whenever it appears to the attorney general, either upon complaint or otherwise, that any person, within or outside the commonwealth, has engaged in or is about to engage in any of the acts or practices

stated to be unlawful in this chapter, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the commonwealth to enjoin any violation of this chapter, to obtain restitution of any moneys or property obtained directly or indirectly by any such violation, to obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation, including but not limited to the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by any such violation, to obtain civil penalties of up to $5,000 per violation, and to obtain any such other and further relief as the court may deem proper, including preliminary relief.

(b) The attorney general shall maintain a website to receive complaints, information or referrals from members of the public concerning a covered operator's or social media platform's alleged compliance or non-compliance with the provisions of this chapter.

Section 7. The attorney general shall promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this chapter.

Section 8. If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. This chapter shall take effect on the ninetieth day after the office of the attorney general shall promulgate rules and regulations necessary to effectuate the provisions of this chapter.