



**March 25, 2024**

Senate Committee on Education  
Room 357, Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203

## **RE: HB 1136 - “Healthier Social Media Use By Youth” (Oppose)**

Dear Chair Buckner and Members of the Senate Committee on Education:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 1136 in advance of the Senate Committee on Education hearing on March 25, 2024.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members. CCIA and our member companies are jointly committed to implementing robust safeguards that prioritize the protection of children and equip parents with simple but effective tools to provide a safe online environment for their families.

CCIA holds a firm conviction that children are entitled to a higher level of security and privacy in their online experiences. Presently, our members are actively engaged in various initiatives to integrate robust protective design features into their websites and platforms.<sup>2</sup> CCIA’s members have been leading the effort to implement settings and parental tools to individually tailor younger users’ online use to the content and services that are suited to their unique lived experience and developmental needs. For example, various services allow parents to individually set and manage time limits appropriate to their child and specific to applications, provide enhanced privacy protections by default for known child users, and other tools to allow parents to block specific sites entirely.<sup>3</sup> This is also why CCIA supports the implementation of digital citizenship curriculum in schools, to not only educate children on proper social media use but also help educate parents on how they can utilize existing mechanisms and tools to protect their children the way they see fit.<sup>4</sup>

It should also be recognized that protecting children from specific risks of harm online does not include a generalized power to restrict ideas to which one may be exposed. Speech that is neither obscene to young people nor subject to other legitimate laws cannot be suppressed solely to protect young online users from ideas or images that a legislative body disfavors.

---

<sup>1</sup> 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>.

<sup>2</sup> Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children’s Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://www.project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

<sup>3</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/>.

<sup>4</sup> See *supra* note 2.

Proposals to keep children safe online should be established through a risk-based approach to developing protections for different ages of users and by focusing on tangible harm. While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

## **There is evidence to demonstrate the benefits created from access to social media. However, these studies have been unable to find a causal link between social media use and negative mental health effects.**

When the U.S. Surgeon General released an Advisory entitled *Social Media and Youth Mental Health* last year,<sup>5</sup> many were quick to highlight only the harms and risks that it charged. However, the report is much more nuanced and discusses many potential benefits of social media use among adolescents. For example, the report concludes that social media provides young people with communities and connections with others who share identities, abilities, and interests. It can also provide access to important information and create a space for self-expression. The report further details that the buffering effects against stress that online social support from peers provides **can be especially important for youth who are often marginalized**, including racial, ethnic, sexual, and gender minorities.<sup>6</sup> An online central meeting place where kids can share their experiences and find support can have positive impacts. It should also be highlighted that the report provides evidence that social media-based and other digitally-based mental health interventions may also be helpful for some children and adolescents by promoting help-seeking behaviors and serving as a gateway to initiating mental health care.

A study published last year by the National Academy of Sciences, *Social Media and Mental Health*, noted that a literature review “**did not support the conclusion that social media causes changes in adolescent health at the population level**”.<sup>7</sup> The report went on to describe additional nuances related to how certain individuals, such as those with “clinically meaningful depression” may engage with social media in different ways than those who do not. The report also highlighted that “...the relationship between social media use and depression might vary among different demographic or identity groups. Among LGBTQ+ teens, for example, social media use is associated with fewer depressive symptoms but an increased risk of bullying.”<sup>8</sup> The report goes on to describe approaches, including establishing comprehensive digital media literacy standards in education curricula, to address the potential harms that certain individuals may experience while acknowledging the complex nature.

Further, the U.S. Surgeon General’s report notes the **lack of evidence to support a causative relationship between social media and anticipated negative impacts on younger users**. For example, the research openly acknowledges that “...social media use may be a risk factor for mental health problems in adolescents. However, few longitudinal studies have investigated this association, and none have quantified the proportion of mental health problems among

<sup>5</sup> U.S. Surgeon General, *Social Media and youth mental health*, U.S. Department of Health and Human Services (May 23, 2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

<sup>6</sup> Jennifer Marino, Matthew Berger, Megan Lim, Melody Taba, Rachel Skinner, *Social Media use and health and well-being of lesbian, gay, bisexual, transgender, and Queer Youth: Systematic Review*, Journal of Medical Internet Research (Sept. 22, 2021), <https://www.jmir.org/2022/9/e38449>.

<sup>7</sup> *Social Media and Mental Health*, National Academy of Sciences (2023), <https://nap.nationalacademies.org/catalog/27396/social-media-and-adolescent-health> (emphasis added).

<sup>8</sup> *Id.*

adolescents attributable to social media use.”<sup>9</sup> It should also be examined that compared to previous decades, young people face increased financial pressure, greater competition, more complex tertiary education pathways, and increased loneliness specifically due to the COVID-19 pandemic. Factors such as increased mental health resources and the general acceptance of having and reporting mental health conditions also play a role. In order to take a measured approach to these complicated and sensitive issues, it is imperative to remember that correlation does not equal causation.

Still, other studies point to the nuances of mental health impacts and the use of certain online products. This research shows that social media effects are nuanced,<sup>10</sup> individualized, reciprocal over time, and gender-specific. Another study conducted by researchers from Columbia University, the University of Rochester, the University of Oxford, and the University of Cambridge found that there is no evidence that associations between adolescents’ digital technology engagement and mental health problems have increased.<sup>11</sup> Particularly, the study shows that depression has virtually no causal relation to TV or social media. And, one of the researchers, Professor Andrew Przybylski of the Oxford Internet Institute, stated in a press release, “**We looked very hard for a ‘smoking gun’ linking technology and well-being and we didn’t find it.**”<sup>12</sup>

## Notification requirements required under HB 1136 could result in several negative user impacts.

HB 1136 would require a covered social media platform to, by default, display a full-page or pop-up notification to a user under 18 years of age if the user has spent one hour of cumulative time on the platform within a 24-hour period, or during certain hours of the day. The bill would require such notifications to include “data on the public health impacts of social media use on the mental and physical health of youth users” as included in the resource bank the Department of Education would be required to create under HB 1136. As shared earlier in our comments, there is inconclusive evidence regarding the causal impacts of social media and youth mental health.

Further, the Family Online Safety Institute (FOSI) recently highlighted that “fear based messaging, inflexible restrictions and full bans on online content, platforms and experiences are not only ineffective, but they also deprive kids from the chance to establish healthy, realistic, and safe boundaries with their devices and in their online lives”.<sup>13</sup> There is also no evidence that such notifications are a helpful and meaningful way to address potentially

<sup>9</sup> Kayla Tormohlen, Kenneth Feder, Kira Riehm, *Associations Between Time Spent Using Social Media and Internalizing and Externalizing Problems Among US Youth*, JAMA Psychiatry (Sept. 11, 2019), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>.

<sup>10</sup> Amy Orben et al., *Social Media’s enduring effect on adolescent life satisfaction*, PNAS (May 6, 2019), <https://www.pnas.org/doi/10.1073/pnas.1902058116>.

<sup>11</sup> Amy Orben, Andrew K. Przybylski, Matti Vuorre, *There Is No Evidence That Associations Between Adolescents’ Digital Technology Engagement and Mental Health Problems Have Increased*, Sage Journals (May 3, 2021), <https://journals.sagepub.com/doi/10.1177/2167702621994549>.

<sup>12</sup> Regina Park, *The Internet Isn’t Harmful to Your Mental Health, Oxford Study Finds*, Disruptive Competition Project (Jan. 29, 2024), <https://www.project-disco.org/innovation/the-internet-isnt-harmful-to-your-mental-health-oxford-study-finds/>.

<sup>13</sup> See Stephen Balkam, *Opinion: Does Utah’s social media law respect teens’ rights?*, Deseret News (Sept. 9, 2023), <https://www.deseret.com/opinion/2023/9/9/23852301/utah-social-media-law-teen-rights-safety/>



unhealthy social media usage, and therefore may not help users adopt healthier habits in the long term.

CCIA also has concerns that the frequency with which a social media platform would be required to show a notification would render products unusable. Under HB 1136’s provisions, a social media platform would be required to display notifications as frequently as every five minutes. The bill also does not allow for the user to have an option to turn off this setting. Many internet users might recall a time when they were bombarded with frequent and pervasive pop-up ads leading to frustration and a degraded online experience – that is what users would experience under HB 1136. Younger users thus might be incentivized to pursue other means to bypass such disruptions such as using VPNs or pretending to be an adult user.

Further, given the disruptive nature of the notification requirement, particularly during certain hours, this could render it impossible for teen users to communicate with people across different time zones or access otherwise beneficial resources, such as online learning communities hosted on a social media platform. Because HB 1136’s approach is to simply limit the amount of time a user spends on a specific platform, it ignores that a user may be using a social media platform for practical and beneficial purposes such as keeping in contact with friends and loved ones who do not live nearby. Any approach to addressing online safety concerns needs to be narrowly tailored so as to avoid imposing counterproductive and arbitrary constraints that would only worsen the online environment for the people of Colorado.

**The bill raises constitutional concerns under the First Amendment.**

HB 1136 is likely unconstitutional under the First Amendment, as it appears to compel the speech of a covered social media platform. The bill requires the prescribed notifications to include “data on the public health impacts of social media use on the mental and physical health of youth users” as included in the resource bank created by the Department of Education. In effect, this would force certain social media platforms to convey a value-laden message based upon a state-directed viewpoint that they may not necessarily agree with.

If enacted, and because of its constitutional implications, HB 1136 would likely be subject to the highest level of review — strict scrutiny. Under this level of review, the State would need to prove that HB 1136 serves a compelling state interest and that it is a narrowly tailored approach to achieving that interest. As part of strict scrutiny, the Court will review whether this approach is the least speech-restrictive. It is important to note that policies, such as the implementation of digital curricula, help avoid costly litigation and laws being struck down.

Earlier in our comments, CCIA has described how the time-based approach to addressing potential online harms is likely to infringe upon otherwise useful and beneficial time spent online. And because there is inconsistent and inconclusive evidence regarding the causal relationship between negative health impacts and social media use, there is significant reason to believe that this bill would not succeed in passing such judicial scrutiny.

\* \* \* \* \*



---

We appreciate the Committee's consideration of these comments and stand ready to provide additional information as the Colorado General Assembly considers proposals related to technology policy.

Sincerely,

Jordan Rodell  
State Policy Manager  
Computer & Communications Industry Association

Good afternoon, Madam Chair and members of the committee. My name is Girard Kelly, I live in Larimer County, and I am the Head of Privacy at Common Sense Media. Common Sense is the nation's leading nonprofit organization dedicated to improving the lives of all kids and families by providing the trustworthy information, education, and independent voice they need to thrive in the 21st century. We are here in support of HB24-1136.

Common Sense strives to provide education and information directly to families through digital literacy resources, ratings for technology and media, and digital citizenship curriculum through schools. The education and resource bank this bill creates will be a significant tool to ensure folks have the resources they need to make informed decisions when using technology and to help manage any negative impacts of social media. Critically, this bill ensures that families can access the up-to-date guidance they need, when they need it with just one click.

If you're wondering if the resource bank will be utilized, we can attest that it will. There is considerable demand for the information and resources we provide at Common Sense with well over 1.5 million page views per month to our Education resources. For example, our data-informed privacy research that addresses the risks and harms of social media on kids and families will likely be a part of this resource bank.

Furthermore, the way the notifications are prescribed in the bill, we will meet teens where they are at. Too often, important information is buried and inaccessible in lengthy privacy policies. Notice needs to be clear and conspicuous. This bill makes sure that the information and resources are more easily available when it's needed and where it's needed. You could make a comparison to nutritional labels on food. Because the label is printed directly on the product at the time of purchase, the information is usable and actionable in making an informed decision to use the product.

I would also like to speak to the feasibility of implementing the technological features of the bill. Social media companies can do a lot with the data they

already collect from users. From Privacy Center resource web pages, to FAQs, and push notifications, companies already track and monitor the activity of their users for targeted advertising and commercial purposes. Social media companies have the technological capabilities to implement this bill.

Lastly, you may not immediately make the connection between privacy and mitigating youth mental health issues. However, many of the exploitative privacy practices that Social Media companies use to manipulate users' data and behavior for targeted advertising enable the design features that are related to instances of youth depression, anxiety, and addiction. Making these practices more transparent to users with easy to use resources and notifications will help kids and families make better informed decisions about the technology they use at home and in the classroom.

Thank you for your time, please support HB24-1136. I am happy to answer any questions you may have.

**Senate Education**

**03/25/2024 01:30 PM**

**HB24-1136 Healthier Social Media Use by Youth**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Kameron Bain Against themselves	<p>Dear Members of the Colorado House,</p> <p>I am writing to strongly oppose HB24-1136, which proposes measures to monitor and regulate social media usage by youth. My primary concerns lie with the invasive surveillance of citizen social media usage and the inefficacy of the proposed pop-up warnings.</p> <p>Firstly, the idea of monitoring citizen social media usage, especially minors, is deeply concerning and inappropriate. This level of surveillance encroaches upon individuals' privacy rights and sets a dangerous precedent for government intrusion into personal online activities. Parents and guardians should retain the authority to monitor and regulate their children's social media usage, not the state.</p> <p>Secondly, the proposal to display pop-up warnings to youth based on arbitrary thresholds of social media usage is inherently flawed. Such warnings are likely to be ignored or dismissed by users, rendering them ineffective. Furthermore, allocating state funds and resources towards implementing these pop-ups is a wasteful use of taxpayer money and manpower.</p> <p>Rather than imposing burdensome regulations and surveillance measures, we should focus on empowering parents, educators, and communities to educate youth about responsible social media usage. This approach respects individual freedoms and promotes a collaborative effort to address the potential negative impacts of excessive screen time on mental and physical health.</p> <p>In conclusion, I urge you to reject HB24-1136 and refrain from enacting unnecessary and ineffective measures that infringe upon the</p>

	<p>privacy rights of citizens, particularly minors. Let us instead explore alternative approaches that prioritize education, empowerment, and respect for individual privacy.</p> <p>Sincerely, Kameron Bain</p>
--	--



March 24, 2024

**RE: HB22 1136 Healthier Social Media Use by Youth**

**SUPPORT**

Dear Madam Chair and Senate Education Committee Members,

My name is Dr. Kathy Wilson. As Co-Director of Action & Advocacy and the Chair of the Education Task Force for the League of Women Voters of Colorado, I am representing the League regarding HB24 1136 Healthier Social Media Use by Youth. The League has been a nonpartisan organization for 104 years, influencing public policy through education and advocacy and encouraging informed and active citizen participation in government. The Colorado League has over 2,300 members in 19 local Leagues spanning the state. We urge you to vote in SUPPORT of HB24 1136.

The aim of this bill is to promote the mental and physical health of Colorado's children through informed decision-making regarding the responsible use of social media. The League supports the Colorado General Assembly in this worthy effort. The League is keenly interested in behavioral health care that is integrated with, and achieves parity with, physical health care. HB24-1136 works toward this goal. We particularly support health education – from early childhood and throughout life – that integrates all aspects of social, emotional, and physical health and wellness. This bill works to bring about student self-awareness through education as they utilize social media platforms. We stress the importance of the proposed educational opportunities HB24-1136 presents. Finally, Colorado League members view the state legislature's role in establishing base level expectations in academic achievement to ensure consistency and equity across the state. Requiring course content in social media use to be integrated into current elementary and secondary health curricula will provide timely and relevant information for Colorado public school students. We applaud the sponsors of HB 24-1136 for bringing this bill forward.

We, therefore, urge the Senate Education Committee members to vote YES on HB24-1136. Thank you for your consideration of this important bill.

Respectfully,

Kathy Wilson, Ph.D.  
Volunteer Lobbyist  
League of Women Voters of Colorado  
1410 Grant Street, Suite B-204  
Denver, CO 80203  
303-863-0437



March 22, 2023

Dear Members of the Senate Education Committee:

On behalf of Mental Health Colorado, we are writing in support of HB24-1136: Healthier Social Media Use by Youth. Mental Health Colorado is the state's leading non-profit, non-partisan organization advocating for healthier minds across the lifespan for all Coloradans. We want to thank the sponsors and the youth who worked on this bill.

Study after study, and even in our daily conversations, we have seen, heard, or may have even experienced how harmful social media is to our health—both physical and mental. Whether we lose sleep from scrolling endlessly, have shorter attention spans, or feel insecure, anxious, or stressed, excessive use of social media is harmful and can disrupt important healthy behaviors.

[Up to 95% of kids](#) report using social media, with more than a third using it "almost constantly." This pattern of use among our kids is very concerning, especially knowing that these years are critical for brain development.

Our kids' exposure to push notifications, autoplay infinite scrolling, and curated algorithms is changing their brains – comparable to triggering pathways similar to addiction—linking to poorer health outcomes.

Additionally, the content that kids are being recommended is also worrying. A recent study by the [Center for Counter Digital Hate](#) found that a new TikTok account showed very concerning content within minutes:

- Suicide-related videos popped up within 2.6 minutes;
- Eating Disorder ED content within 8 minutes.

Our kids are reaching out for help for us – to you and their legislators – to help hold these social media companies accountable for the harm they have already caused and to take important steps to prevent further damage.

While we await movement on the federal level, we need to ensure Colorado's kids, parents, and educators are supported and equipped with the resources to know how to engage in social media in a healthier way. There are benefits to using social media – keeping connected to family and friends, seeing cute animal videos for a pick-me-up, and learning about the world beyond our borders. However, addressing limits to social media's use has been seen to incur several benefits, including more connection with others and reduced anxiety and loneliness.

We do not have time to wait to understand the full extent of social media's impact on youth. It's time to act swiftly and decisively to strengthen protections and support our parents and their kids navigating this tricky issue.

HB24-1136 is a common-sense upstream approach to ensuring young people can make healthier choices, and we urge this committee to vote yes. Thank you!

Bridget Anshus  
Senior Policy Advocate  
Mental Health Colorado

Madam Chair and committee members, many of whom I appreciate from your support of antitrafficking Work from a former life, thank you for the opportunity to testify in favor of HB1136 My name is Sara Nadelman

and I am the manager for Youth success, focusing on youth wellbeing at Gary community Ventures, a philanthropic and policy organization committed to serving colorado's children, youth and families.

our organization's focus in youth well being includes supporting healthier social media use by children and youth.

As noted in the US Surgeon General's 2023 Advisory on social Media, over one third of youth ages 13-17 report using social media "almost constantly."

This impacts youth negatively including through reduced sleep, impacting brain development, poor self- image and more.

While social media can be connective in certain ways for certain populations, overuse is harmful and leads to poor outcomes in youth & children.

Social media is a part of all of our lives and while it is not going anywhere, we can support children, youth, and families in better understanding the impact of over use.

families should have accurate information about the impacts of social media to allow for even more conversations around healthier use.

HB 1136 will create an action- able resource bank, including promising programs for children and youth.

Additionally, the advent of a pop up notification for users under 18 does not restrict use, but breaks the unconscious scrolling that can happen.

The creation of this bill brought in youth voice from across the state so as not to be another edict from adults who feel far away from this issue.

This is a complement to bill sponso .this bill gives opportunity, education, and empowerment to children youth & families around social media use.

I strongly encourage you all to vote yes on HB 1136 and ensure we have one more tool to address healthier social media use.

Thank you for your time today and I would welcome any questions you have.