

HOUSE No. 1986

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick

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 resolve:

Resolve relative to children’s mental health in social media.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|---|------------------|
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> | <i>1/20/2023</i> |
| <i>Patricia A. Duffy</i> | <i>5th Hampden</i> | <i>2/7/2023</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>2/7/2023</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>2/7/2023</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>2/7/2023</i> |
| <i>Paul W. Mark</i> | <i>Berkshire, Hampden, Franklin and Hampshire</i> | <i>2/7/2023</i> |
| <i>Christopher J. Worrell</i> | <i>5th Suffolk</i> | <i>2/7/2023</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>2/8/2023</i> |
| <i>Marcus S. Vaughn</i> | <i>9th Norfolk</i> | <i>2/8/2023</i> |
| <i>Liz Miranda</i> | <i>Second Suffolk</i> | <i>2/9/2023</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>2/9/2023</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>2/9/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/10/2023</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>2/15/2023</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/17/2023</i> |
| <i>Kate Lipper-Garabedian</i> | <i>32nd Middlesex</i> | <i>2/23/2023</i> |

| | | |
|--------------------------|---|------------------|
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Worcester and Middlesex</i> | <i>2/23/2023</i> |
| <i>Ryan C. Fattman</i> | <i>Worcester and Hampden</i> | <i>3/1/2023</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/7/2023</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>3/10/2023</i> |

HOUSE No. 1986

By Representative Garlick of Needham, a petition (accompanied by resolve, House, No. 1986) of Denise C. Garlick and others for an investigation by a special commission (including members of the General Court) to promote safe social media use, identify best practices for social media platforms to safeguard children’s mental health, and develop guidelines for safe social media use. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

Resolve relative to children’s mental health in social media.

1 **Resolved**, that there shall be a special commission on children’s mental health and social
2 media to investigate the risks of social media to children, recommend a legal framework for the
3 commonwealth to promote safe social media use, identify best practices for social media
4 platforms to safeguard children’s mental health, and develop guidelines for safe social media
5 use.

6 The commission shall consist of the following persons, or their designees: the secretary
7 of health and human services, who shall serve as chair; the commissioner of public health; the
8 commissioner of elementary and secondary education; the attorney general; 2 members of the
9 house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of
10 whom shall be appointed by the house minority leader; 2 members of senate, 1 of whom shall be
11 appointed by the senate president and 1 of whom shall be appointed by the senate minority
12 leader; a representative of the Massachusetts chapter of the American Academy of Pediatrics; a
13 representative of the Children’s Mental Health Campaign; a representative of the Massachusetts

14 School Nurse Organization; a representative of the American Civil Liberties Union of
15 Massachusetts, Inc.; a representative of the Harvard TH Chan School of Public Health; and 10
16 persons to be appointed by the governor, 1 of whom shall be a representative of a nonprofit
17 organization that advocates for the prevention of online harms including, cyberbullying, sexual
18 exploitation and access to content that is harmful to children; 1 of whom shall be a representative
19 of a research or academic institution with experience in artificial intelligence and information
20 technology; 1 of whom shall be a representative of a behavioral health services program housed
21 at a community hospital; 1 of whom shall have experience in addiction; 1 of whom shall be
22 someone with clinical experience working with children; 1 of whom shall be an organization that
23 deals with child-targeted marketing; 1 of whom shall be a parent of a child who has experienced
24 cyberbullying and has engaged a school system regarding cyberbullying; 1 of whom shall be a
25 youth who has experienced cyberbullying by their peers; 1 of whom shall have experience
26 working for a social media platform; and 1 of whom shall have experience conducting
27 independent audits of social media platforms and social media algorithms.

28 The commission shall:

29 (i) investigate, assess, advise and report on the risk of harm or actual harms children
30 encounter on social media platforms, including but not limited to:

31 (1) the effect of social media on children's mental health, including but not limited to the
32 promotion or exacerbation of self-harm, suicide, eating disorders, addiction and substance use
33 disorder; physical violence, online bullying and harassment; sexual exploitation, including
34 enticement, sex trafficking, and sexual abuse of minors and trafficking of online child sexual
35 abuse material; promotion and marketing of narcotic drugs, tobacco products, gambling, or

36 alcohol to a child; or predatory, unfair, or deceptive marketing practices, or other financial
37 harms; and

38 (2) the use and impact on children of online design features that increase, sustain, or
39 extend use of covered platforms, such as the automatic playing of media, the use of infinite
40 scrolling, rewards for time spent, paid ad placement and notifications;

41 (ii) study, review, advise and recommend a legal framework for the commonwealth to
42 receive and review independent algorithm audits of social media platforms likely to be accessed
43 by children, including but not limited to:

44 (1) the information that a state agency may require a social media platform submit in an
45 independent algorithm audit, including but not limited to: (A) transparency audits; (B) system
46 risk assessments; and (C) mitigation accounting and planning;

47 (2) criteria for vetting and approving professional auditors to conduct independent third-
48 party algorithm audits of social media platforms;

49 (3) criteria for defining what social media platforms may be reasonably required to
50 submit an independent algorithm audit;

51 (4) organizational and fiscal models that would ensure effective operations of a state
52 agency tasked with receiving and reviewing independent algorithm audits; and

53 (5) definitions for key terms not already defined in the General Laws, including
54 algorithm, social media platform, likely to be accessed;

55 (iii) identify best practices social media platforms may implement to promote the health
56 and safety of children using social media platforms, including but not limited to:

57 (1) acceptable standards for the mitigation or elimination of harms children may
58 encounter on social media platforms;

59 (2) methods to ensure privacy in age verification;

60 (3) data management best practices to mitigate the unauthorized access of a child's
61 personal information or data; and

62 (4) tools and features that social media platforms may provide to prevent children from
63 harm while using the covered platform and that ensure the privacy of children, especially the
64 privacy of children between the ages of 13 and 18;

65 (iv) Develop recommendations to encourage the safe social media use of children,
66 including:

67 (1) recommendations for parents relative to the safe use of social media platforms among
68 children;

69 (2) model guidelines for school districts on the use of social media by students during
70 school hours and how to address issues that arise inside schools due to the use of social media
71 outside of school hours; and

72 (3) public awareness campaigns the department of public health may conduct to promote
73 the above recommendations.

74 The commission may solicit public input through public hearings and testimony.

75 Not later than December 31, 2024, the commission shall submit a detailed report with its
76 findings and recommendations, along with drafts of legislation necessary to carry out its

77 recommendations, to the governor, the joint committee on public health; the joint committee on
78 mental health, substance use and recovery; the joint committee on children, families and persons
79 with disabilities; and the house and senate committee on ways and means.