

118TH CONGRESS
2D SESSION

S. 5150

To require the Federal Trade Commission, with the concurrence of the Secretary of Health and Human Services acting through the Surgeon General, to implement a mental health warning label on social media platforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2024

Mrs. BRITT (for herself and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Federal Trade Commission, with the concurrence of the Secretary of Health and Human Services acting through the Surgeon General, to implement a mental health warning label on social media platforms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop the Scroll Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

1 (1) Social media platform use is associated with
2 risks to the physical and mental health of users, in-
3 cluding exposure to bullying, online harassment and
4 abuse, discrimination, and child sexual exploitation.

5 (2) Product warning labels can increase aware-
6 ness of negative impacts and can change behavior.

7 (3) Extended use of social media, which addict-
8 ive algorithms encourage, contributes to negative
9 health impacts caused by social medial platforms.

10 (4) The Federal Government has a compelling
11 interest in ensuring that users of a social media
12 platform can make informed decisions about the
13 amount of time the user spends on the social media
14 platform, which requires an understanding of the
15 mental health risks involved with using a social
16 media platform.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) COMMISSION.—The term “Commission”
20 means the Federal Trade Commission.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of Health and Human Services.

23 (3) SOCIAL MEDIA PLATFORM.—The term “so-
24 cial media platform” has the meaning given such
25 term in section 124 of the Trafficking Victims Pre-

1 vention and Protection Reauthorization Act of 2022
2 (42 U.S.C. 1862w).

3 (4) USER.—The term “user” means, with re-
4 spect to a social media platform, a person who reg-
5 isters an account with, creates a profile on, or other-
6 wise accesses the social media platform.

7 **SEC. 4. WARNING LABEL.**

8 (a) IN GENERAL.—A social media platform shall en-
9 sure that a mental health warning label (referred to in
10 this section as a “covered label”) that complies with the
11 requirements under this section, including the regulations
12 promulgated under subsection (d)—

13 (1) appears each time a user accesses the social
14 media platform from a server located in the United
15 States; and

16 (2) only disappears when the user—

17 (A) exits the social media platform; or

18 (B) acknowledges the potential for harm
19 and chooses to proceed to the social media plat-
20 form despite the risk.

21 (b) CONTENT OF COVERED LABEL.—A covered label
22 shall—

23 (1) warn the user of potential negative mental
24 health impacts of accessing the social media plat-
25 form; and

1 (2) provide the user access to resources to ad-
2 dress the potential negative mental health impacts
3 described in paragraph (1), including the website
4 and telephone number of a national suicide preven-
5 tion and mental health crisis hotline system, such as
6 the 988 Suicide and Crisis Lifeline.

7 (c) RESTRICTIONS ON FORM.—A social media plat-
8 form may not—

9 (1) include a covered label exclusively in the
10 terms and conditions of the social media platform;

11 (2) include extraneous information in a covered
12 label that obscures the visibility or prominence of
13 the covered label; or

14 (3) allow a user to disable a covered label, ex-
15 cept as provided in subsection (a).

16 (d) IMPLEMENTATION.—Not later than 180 days
17 after the date of enactment of this Act, the Commission,
18 with the concurrence of the Secretary acting through the
19 Surgeon General, shall promulgate regulations containing
20 appropriate requirements for a covered label.

21 (e) REVIEW.—Not later than 3 years after the date
22 on which the Commission promulgates the regulations re-
23 quired by subsection (d), and not less frequently than once
24 every 3 years thereafter, the Commission, with the concur-
25 rence of the Secretary acting through the Surgeon Gen-

1 eral, shall review and revise such regulations as appro-
2 priate.

3 **SEC. 5. ENFORCEMENT.**

4 (a) ENFORCEMENT BY THE COMMISSION.—

5 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
6 TICES.—A violation of this Act or a regulation pro-
7 mulgated under this Act by a social media platform
8 shall be treated as a violation of a rule defining an
9 unfair or deceptive act or practice prescribed under
10 section 18(a)(1)(B) of the Federal Trade Commis-
11 sion Act (15 U.S.C. 57a(a)(1)(B)).

12 (2) POWERS OF THE COMMISSION.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (C), the Commission shall enforce
15 this Act in the same manner, by the same
16 means, and with the same jurisdiction, powers,
17 and duties as though all applicable terms and
18 provisions of the Federal Trade Commission
19 Act (15 U.S.C. 41 et seq.) were incorporated
20 into and made a part of this Act.

21 (B) PRIVILEGES AND IMMUNITIES.—Ex-
22 cept as provided in subparagraph (C), any per-
23 son who violates this Act shall be subject to the
24 penalties and entitled to the privileges and im-

1 communities provided in the Federal Trade Com-
2 mission Act (15 U.S.C. 41 et seq.).

3 (C) NONPROFIT ORGANIZATIONS AND COM-
4 MON CARRIERS.—Notwithstanding section 4 or
5 5(a)(2) of the Federal Trade Commission Act
6 (15 U.S.C. 44, 45(a)(2)) or any jurisdictional
7 limitation of the Commission, the Commission
8 shall also enforce this Act, in the same manner
9 provided in subparagraphs (A) and (B) of this
10 paragraph, with respect to—

11 (i) organizations not organized to
12 carry on business for their own profit or
13 that of their members; and

14 (ii) common carriers subject to the
15 Communications Act of 1934 (47 U.S.C.
16 151 et seq.).

17 (D) AUTHORITY PRESERVED.—Nothing in
18 this Act shall be construed to limit the author-
19 ity of the Commission under any other provi-
20 sion of law.

21 (E) RULEMAKING.—The Commission, with
22 the concurrence of the Secretary acting through
23 the Surgeon General, shall promulgate in ac-
24 cordance with section 553 of title 5, United

1 States Code, such rules as may be necessary to
2 carry out this Act.

3 (b) ENFORCEMENT BY STATES.—

4 (1) AUTHORIZATION.—Subject to paragraph
5 (3), in any case in which the attorney general of a
6 State has reason to believe that an interest of the
7 residents of the State has been or is threatened or
8 adversely affected by the engagement of a social
9 media platform in a practice that violates this Act,
10 the attorney general of the State may, as *parens*
11 *patriae*, bring a civil action against the social media
12 platform on behalf of the residents of the State in
13 an appropriate district court of the United States to
14 obtain appropriate relief, including civil penalties in
15 the amount determined under paragraph (2).

16 (2) CIVIL PENALTIES.—A social media platform
17 that is found, in an action brought under paragraph
18 (1), to have knowingly or repeatedly violated this
19 Act shall, in addition to any other penalty otherwise
20 applicable to a violation of this Act, be liable for a
21 civil penalty equal to the amount calculated by mul-
22 tiplying—

23 (A) the greater of—

1 (i) the number of days during which
2 the social media platform was not in com-
3 pliance with this Act; or

4 (ii) the number of end users for whom
5 the covered label was not displayed as a re-
6 sult of the violation; by

7 (B) an amount not to exceed the maximum
8 civil penalty for which a person, partnership, or
9 corporation may be liable under section
10 5(m)(1)(A) of the Federal Trade Commission
11 Act (15 U.S.C. 45(m)(1)(A)) (including any ad-
12 justments for inflation).

13 (3) RIGHTS OF THE COMMISSION.—

14 (A) NOTICE TO THE COMMISSION.—

15 (i) IN GENERAL.—Except as provided
16 in clause (iii), the attorney general of a
17 State shall notify the Commission in writ-
18 ing that the attorney general intends to
19 bring a civil action under paragraph (1)
20 before initiating the civil action.

21 (ii) CONTENTS.—The notification re-
22 quired under clause (i) with respect to a
23 civil action shall include a copy of the com-
24 plaint to be filed to initiate the civil action.

1 (iii) EXCEPTION.—If it is not feasible
2 for the attorney general of a State to pro-
3 vide the notification required under clause
4 (i) before initiating a civil action under
5 paragraph (1), the attorney general shall
6 notify the Commission immediately upon
7 instituting the civil action.

8 (B) INTERVENTION BY THE COMMISS-
9 SION.—The Commission may—

10 (i) intervene in any civil action
11 brought by the attorney general of a State
12 under paragraph (1); and

13 (ii) upon intervening—

14 (I) be heard on all matters aris-
15 ing in the civil action; and

16 (II) file petitions for appeal of a
17 decision in the civil action.

18 (4) INVESTIGATORY POWERS.—Nothing in this
19 subsection may be construed to prevent the attorney
20 general of a State from exercising the powers con-
21 ferred on the attorney general by the laws of the
22 State to—

23 (A) conduct investigations;

24 (B) administer oaths or affirmations; or

1 (C) compel the attendance of witnesses or
2 the production of documentary or other evi-
3 dence.

4 (5) PREEMPTIVE ACTION BY THE COMMIS-
5 SION.—If the Commission institutes a civil action or
6 an administrative action with respect to a violation
7 of this Act, the attorney general of a State may not,
8 during the pendency of such action, bring a civil ac-
9 tion under paragraph (1) against any defendant
10 named in the complaint of the Commission based on
11 the same set of facts giving rise to the alleged viola-
12 tion with respect to which the Commission instituted
13 the action.

14 (6) VENUE; SERVICE OF PROCESS.—

15 (A) VENUE.—Any action brought under
16 paragraph (1) may be brought in—

17 (i) the district court of the United
18 States that meets applicable requirements
19 relating to venue under section 1391 of
20 title 28, United States Code; or

21 (ii) another court of competent juris-
22 diction.

23 (B) SERVICE OF PROCESS.—In an action
24 brought under paragraph (1), process may be
25 served in any district in which the defendant—

1 (i) is an inhabitant; or

2 (ii) may be found.

3 (7) ACTIONS BY OTHER STATE OFFICIALS.—

4 (A) IN GENERAL.—In addition to a civil
5 action brought by an attorney general under
6 paragraph (1), any other consumer protection
7 officer of a State who is authorized by the State
8 to do so may bring a civil action under para-
9 graph (1), subject to the same requirements
10 and limitations that apply under this subsection
11 to a civil action brought by an attorney general.

12 (B) SAVINGS PROVISION.—Nothing in this
13 subsection may be construed to prohibit an au-
14 thorized official of a State from initiating or
15 continuing any proceeding in a court of the
16 State for a violation of any civil or criminal law
17 of the State.

18 (c) EXTRATERRITORIAL JURISDICTION.—There is
19 extraterritorial jurisdiction over any violation of this Act
20 if such violation involves an individual in the United
21 States or if any act in furtherance of the violation was
22 committed in the United States.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act shall take effect on the date that is 1 year
3 after the date of enactment of this Act.

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