OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

**H.B. 808**
**136th General Assembly**

# Bill Analysis

**Version**: As Introduced

**Primary Sponsors**: Reps. Cockley and Salvo

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## SUMMARY

### Addictive social media platforms prohibited

- Prohibits a covered operator (any person, business, or other legal entity who operates or provides an addictive social media platform (ASMP)) from making any ASMP available to covered users (a user of a website or mobile application, not acting as an operator, or any agent or affiliate of the operator, of such website or application) in Ohio.
- Defines an ASMP as a website, online service, online application, or mobile application that primarily serves as a medium for covered users to interact with media generated by other users and which offers or provides covered users certain functions such as, for example, an addictive feed, push notifications, autoplay, and infinite scroll.
- Allows a covered operator to provide an ASMP to covered users in Ohio, notwithstanding the prohibition, if a warning label is displayed each time a user accesses the ASMP.

### ASMP warning label

- Requires the Director of Behavioral Health ("Director"), in consultation with the Department of Health and Department Education and Workforce, to design the text for the ASMP warning label based on certain available medical, scientific, and scholarly research and articles.
- Provides that, in determining the text for the warning label, the Director must review and consider various topics and issues such as, for example, findings related to ASMP impact on covered users' health, and any correlations between prolonged use of an ASMP and certain mental health disorders.
- Allows the Director to annually update the warning label text to reflect any changing developments in Ohio of available research.

- Requires the Director to adopt rules to establish a process for the Director to annually update the warning label text and determine certain specifications for the warning label.
- Requires the Director to compile an annual report summarizing: (1) the efforts by the Department of Behavioral Health to study available research and how that informed the warning label regulations, (2) any changes to the warning label's text, and (3) legislative recommendations.
- Requires the annual report to be posted on the Department's website in a clear and conspicuous manner and submitted to the Governor, the President of the Senate, the Speaker of the House, and to the chairpersons of applicable legislative committees.

## ASMP covered operators

- Prohibits a covered operator from doing any of the following, regarding the warning label:
  - Include the label only in an ASMP's terms of service;
  - Obscure the visibility or prominence of the label, including adding text not prescribed by the Director;
  - Display a label at a point in a covered user's use of the ASMP or for a duration other than what the Director prescribed;
  - Deploy any other design feature or mechanism which intentionally serves to inhibit or subvert the warning label from being displayed as prescribed by the Director.
- Prohibits a covered operator from withholding, degrading, lowering the quality, or increasing the price of any product, service, or feature to a covered user other than what is necessary to comply with the bill's covered operator provisions.
- Grants the Attorney General (AG), if it appears to the AG that the bill's covered operator provisions are being violated, authority to bring various civil actions to enjoin the violations and recover damages.
- Requires the AG to maintain a publicly accessible website for people to report complaints, information, or referrals, of a covered operator's or ASMP's noncompliance with the bill's covered operator provisions.

# DETAILED ANALYSIS

## Discussion

### Addictive social media platforms prohibited

The bill prohibits a covered operator (any person, business, or other legal entity who operates or provides an addictive social media platform (ASMP)) from making any ASMP available to covered users (a user of a website, online service, online application, or mobile application ["online platform" for purposes of this analysis] in Ohio, not acting as an operator, or the agent or affiliate of the operator of the online platform or any portion of it).

The bill defines an ASMP as an online platform that primarily serves as a medium for covered users to interact with media generated by other users and which offers or provides covered users the following as a significant part of the services provided by the online platform, unless such features are for a valid purpose unrelated to prolong use of the ASMP, as determined by the Attorney General (AG):

- An addictive feed – an online platform in which multiple pieces of media (any text, image, or video) generated or shared by users of an online platform, 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 certain conditions apply such as, for example, the recommendation, prioritization, or selection is based on information that is not persistently associated with the user or the user's device and does not concern the user's previous interactions with other user's generated or shared media.
- Push notifications – an alert generated by an ASMP for a covered user when such ASMP is not in use, but excludes certain notifications such as, for example: those that have been expressly and unambiguously requested by the user; any that relate to the user's health or safety, including information related to data security or threats; and those that serve a public purpose.
- Autoplay – when a piece of media is automatically played without any manual input from a covered user.
- Infinite scroll – when any feed or landing page automatically loads and displays additional media at the bottom of such feed or landing page without the covered user's manual input.
- Like counts – the quantification and public display of positive votes, including those expressed via a heart or thumbs-up icon, attached to a piece of media generated by a covered user.

The bill does allow a covered operator to provide an ASMP if a warning label is displayed each time a covered user accesses the ASMP.[1]

## ASMP warning label

The bill requires the Director of Behavioral Health ("Director"), in consultation with the Department of Health and the Department of Education and Workforce, to design the text for the ASMP warning label based upon a review of medical and sociological research that is available at the time of the initial label design, including from government publications and peer-reviewed scholarly articles.

The bill provides that, when determining the warning label's text, the Director must review and consider:

[1] R.C. 1349.08 and 1349.081.

- Findings related to the impact of ASMPs on a covered users' social, emotional, and physical health, including any particularized findings for users under 18 years old.
- Any correlations between prolonged use of ASMPs and anxiety; depression; body dysmorphia; low self-esteem; disruptions in sleep patterns; educational outcomes; changes in cognitive development; analytical skills; contextual thinking; attention spans; memory formation; and any other physical or behavioral patterns unveiled by such available research.

The bill also allows the Director to annually update the warning label's text to reflect any changing developments in Ohio of available research.[2]

## Rulemaking

The bill requires the Director to adopt rules to establish a process to annually update the warning label's text and to determine the following specifications for the warning label when the covered user uses the ASMP:

- The point when the warning label will appear;
- The frequency that the label will appear;
- The length of time the label will remain prominently displayed on the ASMP.

The bill requires the Director, when determining such specifications, to use the following:

- The warning label's effectiveness;
- The duration of the user time on an ASMP that may be associated with particular harms, including harms associated with certain times of the day;
- User response;
- Changes in user behavior related to the label;
- Any other factor the Director deems relevant.[3]

## Annual report

The bill requires the Director to compile an annual report summarizing:

- The efforts undertaken by the Department of Behavioral Health to study the available research and how those efforts informed the regulations prescribing the ASMP warning label's design, temporal appearance, and duration;
- Any changes to the warning label's text compared to prior years;

[2] R.C. 5119.65 and 5119.651.

[3] R.C. 5119.652.

- Any recommended legislative changes, including statutory updates related to the inclusion of additional design features deployed by covered operators that are designed to prolong use of an ASMP.

The bill requires this report to be posted on the Department's website in a clear and conspicuous manner and submitted to the Governor, the President of the Senate, the Speaker of the House, and the chairperson of any legislative committee related to education, mental health, internet and technology, and science and technology.[4]

## ASMP covered operators

The bill prohibits a covered operator from doing any of the following:

- Including a warning label only in an ASMP's terms of service;
- Obscuring the warning label's visibility or prominence, including adding any extraneous text not prescribed by the Director;
- Displaying a warning label at a point in a covered user's use of the ASMP or for a duration other than what the Director prescribed;
- Deploying any other design feature or mechanism which intentionally serves to inhibit or subvert the warning label from being displayed as the Director prescribed;
- Withholding, degrading, lowering the quality, or increasing the price of any product, service, or feature to a covered user other than what is necessary to comply with the bill's covered operator provisions.[5]

### Enforcement

The bill provides that, whenever it appears to the AG, either upon complaint or on the AG's own behalf, that a person, within or outside Ohio, has violated the bill's covered operator provisions, the AG may do the following:

- Bring an action or special proceeding to enjoin the noncompliant actions;
- Request civil penalties of up to $5,000 per violation;
- Recover, on behalf of the covered user, any damages caused directly or indirectly by the violation;
- Seek restitution of any money or property, or disgorgement of any profits or gains, obtained directly or indirectly from the violation;
- Seek any such other and further relief as the court may deem proper, including preliminary relief.[6]

[4] R.C. 5119.653.

[5] R.C. 1349.082 and 1349.083.

[6] R.C. 1349.084.

### ASMP complaint website

The bill directs the AG to maintain a publicly accessible website for people to report complaints, information, or referrals of a covered operator's or ASMP's noncompliance with the bill's covered operator provisions.[7]

## HISTORY

| Action | Date |
|---|---|
| Introduced | 04-01-26 |

ANHB0808IN-136/ar

[7] R.C. 1349.085.