

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 808

Representatives Cockley, Salvo

**Cosponsors: Representatives McNally, Somani, Brennan, Baker, Synenberg,
Piccolantonio, Brewer, Rogers, Lett, Rader, White, A., Brownlee, Miller, J.**

To enact sections 1349.08, 1349.081, 1349.082, 1
1349.083, 1349.084, 1349.085, 5119.65, 5119.651, 2
5119.652, and 5119.653 of the Revised Code to 3
require warning labels on addictive social media 4
platforms. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1349.08, 1349.081, 1349.082, 6
1349.083, 1349.084, 1349.085, 5119.65, 5119.651, 5119.652, and 7
5119.653 of the Revised Code be enacted to read as follows: 8

Sec. 1349.08. As used in sections 1349.08 to 1349.085 of 9
the Revised Code: 10

(A) "Addictive feed" means a web site, online service, 11
online application, or mobile application, or a portion thereof, 12
in which multiple pieces of media generated or shared by users 13
of a web site, online service, online application, or mobile 14
application, either concurrently or sequentially, are 15
recommended, selected, or prioritized for display to a user 16
based, in whole or in part, on information associated with the 17
user or the user's device, unless any of the following 18
conditions apply: 19

(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. 20
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(2) The recommendation, prioritization, or selection is based on user-selected privacy or accessibility settings or technical information concerning the user's device. 25
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(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 law. 28
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(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, 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 law. 36
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(5) The media are direct and private communications. 45

(6) The media are recommended, selected, or prioritized only in response to a specific search inquiry by the user. 46
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(7) The media recommended, selected, or prioritized for 48

display is exclusively next in a pre-existing sequence from the 49
same author, creator, poster, or source. 50

(8) The recommendation, prioritization, or selection is 51
necessary to comply with sections 1349.08 to 1349.085 of the 52
Revised Code and any regulations adopted pursuant to those 53
sections. 54

(B) (1) "Addictive social media platform" means a web site, 55
online service, online application, or mobile application that 56
primarily serves as a medium for covered users to interact with 57
media generated by other users and which offers or provides 58
covered users an addictive feed, push notifications, autoplay, 59
infinite scroll, or like counts as a significant part of the 60
services provided by such web site, online service, online 61
application, or mobile application. 62

(2) "Addictive social media platform" does not include any 63
service or application that offers the features described in 64
division (B) (1) of this section for a valid purpose unrelated to 65
prolong use of such platform, as determined by the attorney 66
general. 67

(C) "Autoplay" means when a piece of media is 68
automatically played without any manual input from a covered 69
user. 70

(D) "Covered operator" means any person, business, or 71
other legal entity who operates or provides an addictive social 72
media platform. 73

(E) "Covered user" means a user of a web site, online 74
service, online application, or mobile application in this 75
state, not acting as an operator, or agent or affiliate of the 76
operator of such web site, online service, online application or 77

mobile application or any portion thereof. 78

(F) "Infinite scroll" means when any feed or landing page 79
automatically loads and displays additional media at the bottom 80
of such feed or landing page without any manual input from a 81
covered user. 82

(G) "Like counts" means the quantification and public 83
display of positive votes, including those expressed via a heart 84
or thumbs-up icon, attached to a piece of media generated by a 85
covered user. 86

(H) "Media" means any text, image, or video. 87

(I) "Push notification" means an alert generated by an 88
addictive social media platform for a covered user when such 89
platform is not in use, but excludes the following 90
notifications: 91

(1) Those that have been expressly and unambiguously 92
requested by a covered user; 93

(2) Any related to the user's health or safety, including 94
information related to data security or threats; 95

(3) Those that serve a public purpose; 96

(4) Those related to a user-selected setting or technical 97
information concerning a user's device; 98

(5) Any that are required to comply with state, federal, 99
or local laws or regulations; 100

(6) Any required to operate the addictive social media 101
platform; 102

(7) Any that serve a valid purpose unrelated to prolonging 103
use of such platform, as determined by the attorney general. 104

(J) "Warning label" means the label designed by the 105
director of behavioral health under section 5119.65 of the 106
Revised Code. 107

Sec. 1349.081. (A) Except as provided in division (B) of 108
this section, a covered operator shall not make any addictive 109
social media platform available to covered users in this state. 110

(B) A covered operator may provide an addictive social 111
media platform to covered users in this state if a warning label 112
is displayed each time a covered user accesses the social media 113
platform. 114

Sec. 1349.082. A covered operator shall not do any of the 115
following: 116

(A) Include a warning label exclusively in an addictive 117
social media platform's terms of service; 118

(B) Obscure the visibility or prominence of a warning 119
label, including the inclusion of any extraneous text not 120
prescribed by the director of behavioral health under section 121
5119.652 of the Revised Code; 122

(C) Display a warning label at a point in a covered user's 123
use of the platform or for a duration other than what was 124
prescribed by the director of behavioral health under section 125
5119.652 of the Revised Code; 126

(D) Deploy any other design feature or mechanism which 127
intentionally serves to inhibit or subvert the warning label 128
from being displayed as prescribed by the director of behavioral 129
health under section 5119.652 of the Revised Code. 130

Sec. 1349.083. A covered operator shall not withhold, 131
degrade, lower the quality, or increase the price of any 132

product, service, or feature to a covered user other than what 133
is necessary to comply with sections 1349.08 to 1349.085 of the 134
Revised Code. 135

Sec. 1349.084. (A) Whenever it appears to the attorney 136
general, either upon complaint or on the attorney general's own 137
behalf, that a person, within or outside the state, has violated 138
sections 1349.081 to 1349.083 of the Revised Code, the attorney 139
general may do the following: 140

(1) Bring an action or special proceeding to enjoin any 141
violation of those sections; 142

(2) Request civil penalties of up to five thousand dollars 143
per violation; 144

(3) Recover, on behalf of the covered user, any damages 145
caused directly or indirectly by the violation. 146

(B) The attorney general may also seek any of the 147
following: 148

(1) Restitution of any money or property obtained directly 149
or indirectly from the violation; 150

(2) Disgorgement of any profits or gains obtained directly 151
or indirectly from the violation; 152

(3) Any such other and further relief as the court may 153
deem proper, including preliminary relief. 154

Sec. 1349.085. The attorney general shall maintain a 155
publically accessible web site for people to report complaints, 156
information, or referrals of a covered operator's or addictive 157
social media platform's noncompliance with sections 1349.08 to 158
1349.085 of the Revised Code. 159

Sec. 5119.65. (A) As used in this section and sections 160
5119.651 to 5119.653 of the Revised Code, "addictive social 161
media platform," "covered operator," and "covered user" have the 162
same meanings as in section 1349.08 of the Revised Code. 163

(B) The director of behavioral health shall, in 164
consultation with the department of health and the department of 165
education and workforce, design the text for a warning label for 166
addictive social media platforms, as required under section 167
1349.081 of the Revised Code, based upon a review of medical and 168
sociological research that is available at the time of the 169
initial design of the label, including from government 170
publications and peer-reviewed scholarly articles. 171

(C) When determining the warning label's text, the 172
director shall review and consider the following: 173

(1) Findings related to the impact of addictive social 174
media platforms on covered users' social, emotional, and 175
physical health, including any particularized findings for users 176
under the age of eighteen. 177

(2) Any correlations between prolonged use of addictive 178
social media platforms and the following: 179

(a) Anxiety; 180

(b) Depression; 181

(c) Body dysmorphia; 182

(d) Low self-esteem; 183

(e) Disruptions in sleep patterns; 184

(f) Educational outcomes; 185

(g) Changes in cognitive development; 186

<u>(h) Analytical skills;</u>	187
<u>(i) Contextual thinking;</u>	188
<u>(j) Attention span;</u>	189
<u>(k) Memory formation;</u>	190
<u>(l) Any other physical or behavioral patterns unveiled by such available research.</u>	191 192
<u>Sec. 5119.651. The director of behavioral health may annually update the text of the warning label developed under section 5119.65 of the Revised Code to reflect any changing developments in this state of available research described in that section.</u>	193 194 195 196 197
<u>Sec. 5119.652. The director of behavioral health shall adopt rules to do the following:</u>	198 199
<u>(A) Establish a process for the director to annually update the text of the warning label pursuant to section 5119.651 of the Revised Code.</u>	200 201 202
<u>(B) (1) Determine the following specifications for the warning label:</u>	203 204
<u>(a) The point in a covered user's use of an addictive social media platform the warning label will appear;</u>	205 206
<u>(b) The frequency that the label will appear during the covered user's use of the platform;</u>	207 208
<u>(c) The length of time the label will remain prominently displayed on the platform.</u>	209 210
<u>(2) The director shall use the following factors when determining the specifications described in division (B) (1) of the section:</u>	211 212 213

<u>(a) The warning label's effectiveness;</u>	214
<u>(b) The duration of user time on an addictive social media platform that may be associated with particular harms, including harms associated with certain times of the day;</u>	215 216 217
<u>(c) User response;</u>	218
<u>(d) Changes in user behavior related to the label;</u>	219
<u>(e) Any other factor the director deems relevant.</u>	220
<u>Sec. 5119.653. (A) The director of behavioral health shall compile an annual report summarizing the following:</u>	221 222
<u>(1) The efforts undertaken by the department of behavioral health to study the available research described in section 5119.65 of the Revised Code and how those efforts informed the regulations prescribing the design, temporal appearance, and duration of the addictive social media platform warning label;</u>	223 224 225 226 227
<u>(2) Any changes to the warning label's text compared to prior years;</u>	228 229
<u>(3) 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 addictive social media platform.</u>	230 231 232 233
<u>(B) The report described in division (A) of this section shall be posted on the department's web site in a clear and conspicuous manner and shall be submitted to the following:</u>	234 235 236
<u>(1) The governor;</u>	237
<u>(2) The president of the senate;</u>	238
<u>(3) The speaker of the house of representatives;</u>	239

<u>(4) The chairpersons of any legislative committee related</u>	240
<u>to education, mental health, internet and technology, and</u>	241
<u>science and technology.</u>	242