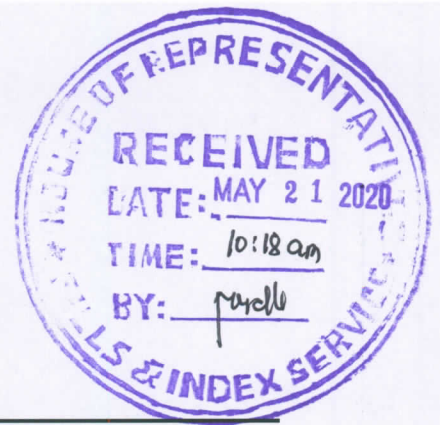


HOUSE OF REPRESENTATIVES

House Bill No. **6776**



Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

In August 2019, a flagship report on the latest trends in social media revealed that Filipinos spend most number of time on social media in the world¹. Global Web Index, the market research company who made the survey, showed that digital consumers spend an average of two hours and 23 minutes per day on social networks and messaging. However, the same report uncovered that Filipinos spend, engage with or connect to social networks for an average of four hours and five minutes in a typical day – a record that was hours higher than 44 other countries in the world.

A professor of Industrial-Organizational Psychology at Hult International Business School additionally revealed that social media sites use design techniques intended to keep the users hooked on their applications (apps), which can eventually turn a habit into addiction². It is almost alarming that Filipinos may actually have fallen prey to the addictive schemes of these social media platforms, without them as users, knowing it. Although there are no enough studies as to the existence of social media addiction *per se*, some countries have already recognized its prevalence.

Also in 2019, members of parliament of the United Kingdom suggested that social media addiction should be considered a disease due to the growing concern over the impact social networks are having on mental health of its users³. In the United States, a bill was proposed to curb social media addiction by regulating the techniques that prolong engagement on social media platforms⁴.

Every day, we almost take no notice that most social media platforms have features encouraging us to excessively use their apps, unknowingly leading us to social media addiction. This bill addresses this growing issue by prohibiting social media companies to use practices that harm mental health, which substantially impede freedom of choice. This bill, likewise, requires social media companies to take measures to mitigate the risks of social media addiction, such as banning infinite scroll and autoplay on their apps and websites, and to automatically limit a user's time on a platform to 30 minutes a day, and an option to change or remove the said time limit, but would reset every month.

This bill recognizes the role of social media in this digital age, but along with this technology, we will go back to the old but useful saying that too much of anything is not good for anyone. The boundaries set by this measure will counter the "addiction" of social media users and at the same time, encourage social media companies to make hazard-free and user-friendly innovations.

In view of the foregoing, immediate approval of this bill is earnestly sought.


VICTOR A. YAP

Representative, Second District of Tarlac

¹Filipinos spend 'most time' on social media in the world — poll. <https://www.philstar.com>

²Why is social media addictive? <https://www.hult.edu>

³Social media addiction should be seen as a disease, MPs say. www.theguardian.com

⁴A lawmaker wants to end 'social media addiction' by killing features that enable mindless scrolling. www.washingtonpost.com

HOUSE OF REPRESENTATIVES

House Bill No. 6776

Introduced by Representative Victor A. Yap

AN ACT

PROHIBITING SOCIAL MEDIA COMPANIES FROM USING PRACTICES THAT
HARMFUL TO SUBSTANTIALLY IMPEDE FREEDOM OF CHOICE,
REQUIRING SOCIAL MEDIA COMPANIES TO TAKE MEASURES TO MITIGATE THE
RISKS OF SOCIAL MEDIA ADDICTION, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** -This Act shall be known as the “*Social Media Addiction*
2 *Reduction Technology Act or SMART Act*”.

3
4
5 **SEC. 2. Declaration of Policy.** - It is declared as the policy of the State to protect and uphold
6 public interest and to regulate the flow of true and fair information between different sources in order
7 to enhance information and communications technology for national benefit.

8
9 Towards this end, the State shall adopt programs and measures to protect citizens from many
10 internet companies, especially social media companies, whose business aim is to capture as much of
11 their users’ attention as possible, as whose platform designs and services interfere with free choices
12 of its users.

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14
15 **SEC. 3. Definition of Terms.** - For purposes of this Act, these terms shall have the following
16 definitions:

- 17
18 a) “content feed” shall refer to a service of a social media platform that aggregates and displays
19 information such as text, photos, videos, links, and application activity provided by two or
20 more users;
21 b) “social media addiction” shall refer to excessive desire to use technology via social media
22 platforms that causes negative impacts to users;
23 c) “social media company” shall refer to any person that operates a social media platform;
24 d) “social media platform” shall refer to any online electronic medium, such as Facebook,
25 Instagram, YouTube, or Twitter, a live-chat system, or an electronic dating service that:
26 1) primarily serves as a medium for users to interact with content generated by other
27 third-party users of the medium;
28 2) enables users to create accounts or profiles specific to the medium or to import profiles
29 from another medium; and
30 3) enables one or more users to generate content that can be viewed by other third-party
31 users of the medium.
32 e) “operator” shall refer to any person who operates a website on the internet, an online service,
33 an online application, or a mobile application.

1 **SEC. 4. Prohibited Practices for Social Media Companies.** After three (3) months from the
2 effectivity of this Act, it shall be unlawful for a social media company to operate a social media
3 platform that uses any of the following practices:

- 4 a) **Infinite Scroll or Auto Refill.**—The use of a process that automatically loads and displays
5 additional content, other than music or video content that the user has prompted to play, when
6 a user approaches or reaches the end of loaded content without requiring the user to
7 specifically request, such as by pushing a button or clicking an icon, but not by simply
8 continuing to scroll, that additional content be loaded and displayed.
- 9 b) **Elimination of Natural Stopping Points.**—The use of a process that, without the user
10 expressly requesting additional content, loads and displays more content into a content feed
11 than the typical user scrolls through in three (3) minutes.
- 12 c) **Autoplay.**—The use of a process that automatically plays music or videos other than
13 advertisements, without an express, separate prompt by the user, such as pushing a button
14 or clicking an icon, unless—
15 1) before any content is loaded to the user's display, that user or a different user
16 compiled a playlist of multiple music videos or audio files that the user designated
17 should be played without interruption, and the immediate user selected one of the
18 videos or files in that precompiled playlist; or
19 2) the predominant purpose of the social media platform is to allow users to stream
20 music, but only if the only files the platform automatically plays are audio files or
21 advertisements.
- 22 d) **Badges and other awards linked to engagement with the platform.**—Providing a user with an
23 award for engaging with the social media platform, such as a badge or other recognition of a
24 user's level of engagement with the platform, if such award does not substantially increase
25 access to new or additional services, content, or functionality.

26
27 **SEC. 5. Requirements for Social Media Companies. –**

- 28 a) After six (6) months from the effectivity of this Act, it shall be unlawful for a social media
29 company to operate a social media platform if the platform does not include a user-friendly
30 interface that, with respect to such platform and any other social media platform that is owned
31 by the same social media company or a subsidiary of that company—
32 1) allows a user to set a time limit that blocks the user's own access to those platforms
33 across all devices if the amount of time the user spends on those platforms within a
34 certain period exceeds a time limit set by the user using one-minute increments and, at
35 minimum, allows the user to set such time limits for daily and weekly use;
36 2) automatically limits the amount of time that a user may spend on those platforms
37 across all devices to thirty (30) minutes a day unless the user elects to adjust or remove
38 the time limit and, if the user elects to increase or remove the time limit, resets the
39 time limit to thirty (30) minutes a day on the first day of every month;
40 3) provides users with regular disclosures, including immediate disclosures when
41 prompted by the user, of the amount of time the user has spent on those platforms
42 across all devices, broken down by day, week, month, year, and platform;
43 4) allows users to make it easier to track the amount of time they spend on their
44 platforms; and
45 5) displays a conspicuous pop-up to a user not less than once every (30) minutes that the
46 user spends on those platforms, regardless of whether the user spent the (30) minutes
47 on multiple devices, that shows how much time the user has spent on those platforms
48 that day.
- 49 b) Subsection (a) shall not apply to any portion of a social media platform that consists only of a
50 predominantly text-based, direct message service such as email or a service that is
51 substantially similar to email.

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54 **SEC. 6. Requirements for Operators. –** After six (6) months from the effectivity of this Act,
55 it shall be unlawful for an operator to operate an internet website, online service, online application,
56 or mobile application if the operator does not obtain the consent of users or allow users to select from
57 among options in the following manner:

- 1 a) Neutral Presentation.—if the operator requests that a user accept or consent to terms, or
2 anything similar—
3 1) by clicking an icon, the operator shall present the user with an option to decline by
4 clicking an icon that is identical to the other icon in terms of size, shape, font, and
5 other visual or auditory design, except that the options need not be identical in color as
6 long as the option to decline is conspicuously shaded differently than the immediate
7 background color, and such option to decline shall be placed before the option to
8 consent as measured by the direction the language in which the option is written is
9 conventionally read; and
10 2) by taking some other action to consent or accept, the operator shall present the user
11 with the option to decline by taking a similar, equivalent action.
12 b) No Preselected Options.—When an operator requests a user to make a selection from among
13 options, no option may be preselected.

14
15 **SEC. 7. Approach to Social Media Addiction.** – To improve our understanding of the health
16 harms as well as benefits from social media, and to promote a data-driven approach to investigating
17 the topic of social media addiction, this Act shall authorize the Department of Health (DOH), in
18 coordination with the Department of Education (DepEd) and Department of Information and
19 Communications Technology (DICT), to:

- 20 a) head a research program on the effects of technology and social media on individuals;
21 b) conduct studies identifying which design aspects of social media platforms are inherently
22 detrimental to mental health and well-being particularly of younger groups who are most
23 enthusiastic and therefore most vulnerable to social media addiction; and
24 c) issue formal health guidance on how those aged 24 and under can avoid excessive social
25 media use.
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28 **SEC. 8. Lessons on Social Media Ethics.** – The DepEd, Commission on Higher Education,
29 and the Technical Skills Development Authority are hereby mandated to include in the appropriate
30 subject of the curriculum of lessons on social media ethics and appropriate behavior in social media,
31 which include the effects of social media addiction that is detrimental to psychological well-being of
32 an individual.
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35 **SEC. 9. Workplace Social Media Education.** – The DICT, in collaboration with relevant
36 agencies, shall take the lead among concerned agencies in ensuring the proper use of social media
37 through employee education and capacity-building where media shall be made aware of the risks,
38 legal restrictions, and responsibilities as users of social media.
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41 **SEC. 10. Monitoring and Enforcement.** – To attain the objectives of this Act and as the
42 agency tasked for consumer protection, the DICT shall:

- 43 a) ensure and protect the rights and welfare of consumers and business users to privacy,
44 security and confidentiality in matters relating to information and communications
45 technology by adopting a monitoring and reporting system to track violators; and
46 b) cause or initiate criminal or administrative prosecution with concerned government
47 agencies for violations of this Act.
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50 **SEC. 11. Penalties.** – Failure to comply with the provisions of this Act without any sufficient
51 and valid justification shall be punished with a fine ranging from thirty thousand pesos (Php
52 30,000.00) to fifty thousand pesos (Php 50,000.00) or by imprisonment of not less than six (6) years
53 and one (1) day up to twelve (12) years, or both at the discretion of the court.
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56 **SEC. 12. Implementing Rules and Regulations.** Within ninety (90) days from the approval of
57 this Act, the DICT, in collaboration with relevant agencies, shall issue the implementing rules and
58 regulations of this Act.

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2 **SEC. 13. *Separability Clause.*** - If for any reason, a provision or part hereof is declared
3 invalid, other provisions not affected thereby shall remain in full force and effect.
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6 **SEC. 14. *Repealing Clause.*** - Any law, presidential decree or issuance, executive order, letter
7 of instruction, administrative order, rule or regulation contrary to or is inconsistent with the
8 provisions of this Act is hereby repealed, modified or amended accordingly.
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11 **SEC. 15. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in a newspaper of general circulation.
13

Approved,