

Assembly Concurrent Resolution

No. 219

Introduced by Assembly Member Lowenthal

June 20, 2024

Assembly Concurrent Resolution No. 219—Relative to social media platforms.

LEGISLATIVE COUNSEL’S DIGEST

ACR 219, as introduced, Lowenthal. California Social Media Users’ Bill of Rights.

This measure would urge social media platforms to universally commit to recognize, implement, and protect certain reasonable rights of their users recognized and declared in the California Social Media Users’ Bill of Rights, as set forth in the measure.

Fiscal committee: no.

1 WHEREAS, California is the birthplace of Silicon Valley, one
2 of the greatest economic growth and innovation engines in the
3 history of the world; and
4 WHEREAS, Both the United States and California Constitutions
5 seek to protect the cherished right of all Americans to effectively
6 possess freedom of speech with access to a broad range of
7 perspectives, and any efforts to limit potentially harmful impacts
8 of social media-based communication must be carefully balanced
9 by the goal of maximizing free and robust speech and debate.
10 While the First Amendment to the United States Constitution limits
11 the ability of the government to restrict speech, it does not similarly
12 constrain the ability and civic duty of private entities like social
13 media companies to exercise appropriate care to prevent their

1 platforms from being used to spread hate and disinformation and
2 from causing other known harms, especially to children; and

3 WHEREAS, When social media platforms emerged over two
4 decades ago, they held the promise of bringing people together in
5 a robust and safe public square of free expression, thereby
6 advancing freedom and democracy around the world. Based on
7 this premise, Congress nurtured their growth and success by
8 immunizing their owners from any accountability for many types
9 of harmful and even dangerous content posted by their users or
10 purposely amplified by their own algorithms. Today, these largely
11 unregulated companies have acquired unprecedented influence
12 over which ideas, information, and perspectives billions of human
13 beings are exposed to every day, and some of these companies
14 continue to use the immunity shield provided by Congress to
15 absolve themselves of appropriate responsibility for minimizing
16 harmful and abusive content posted on their internet websites; and

17 WHEREAS, Today, some social media companies have designed
18 their platforms in a manner that enables the instant and widespread
19 reach of hate, harassment, bullying, and disinformation in the
20 pursuit of user engagement and revenue from advertisements.
21 Some even facilitate the sexual exploitation of women and the
22 sexual depiction of children, permit calls for acts of violence, and
23 enable religious, racial, and ethnic persecution; and

24 WHEREAS, While such ills existed before the advent of social
25 media, some of these platforms amplify these dangers to maximize
26 profits amid growing evidence of societal and political harms, and
27 especially of potentially debilitating harms to our children,
28 including rising rates of screen addiction, depression, and social
29 isolation; and

30 WHEREAS, The level of social responsibility demonstrated by
31 different platforms varies substantially. Some platforms maintain
32 and strive to enforce responsible content policies, but others are
33 dramatically pulling back from earlier efforts to stop the spread
34 and reach of harmful disinformation on their platforms at the very
35 time our democracy may be at serious risk; and

36 WHEREAS, Just as Californians and their leaders reject threats
37 and harmful disinformation in the offline world, harassment,
38 bullying, disinformation, and content that endangers and addicts
39 our citizens and especially our young people, as well as threatens
40 our free and fair elections, should have no place on online platforms

1 that have become such integral tools in the daily lives of children
2 and adults; now, therefore, be it

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring*, That the Legislature recognizes it is long
5 overdue for all social media companies to provide and honor
6 fundamental rights and reasonable protections for their users, and
7 for these user rights and reasonable protections to be recognized
8 and declared in the following California Social Media Users' Bill
9 of Rights.

10 Social media platforms, therefore, should universally commit
11 to recognize, implement, and protect all of the following reasonable
12 rights and protections for their users:

13 (1) To be free from content that a reasonable person would
14 conclude could cause substantial physical or emotional harm,
15 especially to children. Regardless of the potential absence of any
16 legal duty, social media platforms have a civic duty to undertake
17 vigorous efforts and to expend sufficient resources to effectively
18 monitor for, and reasonably remove, harmful and dangerous content
19 as quickly as possible. This civic duty is at its highest when it
20 comes to protecting the interests of children using their platforms.

21 (2) To be provided as accurate information relating to elections
22 and democratic procedures as possible. Social media platforms
23 also have a critically important civic duty to ensure their platforms
24 strongly prioritize accurate and authoritative election-related
25 information while removing election disinformation and
26 misinformation. Protecting the very democracy that undergirds
27 their own economic vitality as well as the cherished liberties of
28 all Americans should be a core value and priority of social media
29 companies.

30 (3) To be provided with reasonable methods for obtaining
31 support and remediation when making reports of possible violations
32 of platform content rules and to be reasonably informed about the
33 status and outcome of their user-submitted reports and appeals.

34 (4) To benefit from social media platform designs and policies
35 that take into consideration the breadth of languages, ages, and
36 other contexts of their users to make their internationally utilized
37 communication platforms as usable as possible.

38 (5) To have initial user privacy settings set at the maximum
39 privacy protection level. Users thereafter should have the option
40 to knowingly choose to permit the platform to collect, sell, or share

1 some or all of their personal information after being provided with
2 a concise, clear, and user-friendly explanation of why and how
3 any of their personal information will potentially be shared with
4 others.

5 (6) To have the data of our children strictly protected. Platforms
6 should employ evolving state-of-the-art technologies and
7 procedures that minimize the need for personal data collection in
8 order to protect the private data of children and to ensure this data
9 is neither shared with or sold to others, or retained by them without
10 parental or guardian informed consent. They should also provide
11 easily accessible tools for parents and guardians that effectively
12 prevent a minor's access to inappropriate adult content and prevent
13 the targeting of advertising at children.

14 (7) To be able to easily and timely obtain their personal data
15 held by platforms in a commonly used and human- and
16 machine-readable format so the user can reuse it, request its
17 deletion or correction, or transmit it.

18 (8) To be provided with easily located, concise, and user-friendly
19 usage, privacy, and terms of service policies. Consistent with the
20 approach taken in the European Union, social media companies'
21 policies and procedures should prohibit the use of any
22 user-generated content, including their users' social media posts
23 for the training of their own or others' artificial intelligence (AI)
24 models, without users providing affirmative consent that is freely
25 given and informed.

26 (9) To expect that social media platforms will study and reduce
27 as much as possible the negative effects that their algorithms and
28 AI tools might have in causing harm to users, especially to young
29 people. As part of this effort, social media platforms should actively
30 work with vetted independent experts to identify and study
31 potential harms, improve the effectiveness of the platform's
32 interventions, and make pertinent platform data available to vetted
33 researchers who can help the platform develop strategies to reduce
34 any harms and risks enabled by their platforms, especially to
35 children.

36 (10) To be informed with easily located, concise, and
37 user-friendly explanations about how the platforms use algorithms,
38 AI, and other platform tools for retaining users. In this regard, the
39 platforms should ensure that their users are provided tools on their
40 internet websites that are easy to find and use, that allow users to

1 effectively control the content of their feeds, that inform users of
2 AI-generated content, and that provide them with the ability to
3 easily opt out of targeted advertisements and cookies, as well as
4 AI-generated content; and be it further
5 *Resolved*, That the Chief Clerk of the Assembly transmit copies
6 of this resolution to the author for appropriate distribution.

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