

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0695.01 Michael Dohr x4347

HOUSE BILL 24-1136

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENCOURAGE HEALTHIER SOCIAL MEDIA
102 USE BY YOUTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of education (department) to create and maintain a resource bank of evidence-based, research-based, and promising program materials and curricula pertaining to the mental health impacts of social media use by children and teens (youth). The resource bank will be used in elementary and secondary schools in the state. The department is required to convene a stakeholder group to assist

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

in the creation of the resource bank.

The bill requires the department to expand local student wellness programs to include programs that address the impacts of problematic technology use on the mental and physical well-being of Colorado youth.

The bill requires a social media platform to display a pop-up warning to a user who is under the age of 18 when the user:

- Has spent one hour on social media platforms in a 24-hour period; and
- Is on a social media platform between the hours of 10 p.m. and 6 a.m.

The warning must state that data shows that youth who spend more than 3 hours per day on social media double the risk of experiencing poor mental health outcomes, including anxiety and depression symptoms. The warning must include links to resources on the platform for setting screen time limits and links to the health-effect data.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) On May 23, 2023, U.S. Surgeon General Dr. Vivek Murthy
5 released a Social Media and Youth Mental Health advisory to recognize
6 the growing impact of social media on youth mental health and
7 well-being as a significant public health challenge that requires
8 immediate awareness and action;

9 (b) The advisory includes recommendations for policymakers to
10 address this issue, including to "support the development,
11 implementation, and evaluation of digital and media literacy curricula in
12 schools and within academic standards" and "ensure technology
13 companies share data relevant to the health impacts of their platforms";

14 (c) In the United States, up to 95% of youth ages 13 to 17 report
15 using social media platforms, and a third of youth report using social
16 media "almost constantly";

17 (d) A study of youth in the United States ages 12 to 15 found that

1 youth who spend three or more hours a day on social media had double
2 the risk of experiencing poor mental health outcomes, including
3 experiencing symptoms of depression and anxiety. As of 2021, the
4 average time spent on social media for this age group is three-and-a-half
5 hours a day, with one in four youth spending five or more hours a day on
6 the platforms, and one in seven spending seven or more hours a day on
7 social media.

8 (e) A systematic review of 42 studies on the effects of excessive
9 social media use found a consistent relationship between social media use
10 and poor sleep quality, reduced sleep duration, sleep difficulties, and
11 depression among youth;

12 (f) Social media sites are designed to maximize user engagement,
13 which can encourage excessive social media use and behavioral
14 dysregulation. Youth undergo critical periods of brain development, and
15 social media exposure and frequent use may be associated with distinct
16 changes in the developing brain, including overstimulation of the
17 amygdala, triggering pathways similar to those in individuals with
18 substance use or gambling addictions.

19 (g) The 2020 Comprehensive Health Academic Standards in
20 Colorado include standards for comprehensive health and physical
21 education, among them the importance of identifying and managing the
22 risk and the impacts of modern technology and social media on students'
23 physical and personal wellness;

24 (h) Understanding more about how technology and health
25 intersect can help solve certain societal problems and improve the mental
26 and physical health of Coloradans. Providing free resources educators can
27 use while teaching comprehensive health will help educators meet the

1 essential skills outlined in the 2020 Comprehensive Health Academic
2 Standards.

3 (i) At the federal level, legislation and reforms to improve social
4 media platforms that youth access are slow-moving and do not meet the
5 demands and fast-moving nature of social media; and

6 (j) States recognize the growing impact of social media and
7 problematic technology use on youth mental health and the importance of
8 enacting legislation to address those concerns. States can exercise
9 leadership in this area rather than waiting for slow-moving federal
10 legislation to do so.

11 (2) The general assembly therefore declares that it is a matter of
12 statewide concern to provide research-based education and interventions,
13 including resources on the effects of social media use on brain
14 development, how to mitigate the risks associated with social media use,
15 and how to maintain well-being while interacting in online environments,
16 to help youth make informed decisions on responsible social media use.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 22-2-127.8 as
18 follows:

19 **22-2-127.8. Social media impacts on mental health education**
20 **literacy - resource bank - technical assistance - reporting.** (1) (a) THE
21 DEPARTMENT SHALL CREATE AND MAINTAIN A RESOURCE BANK OF
22 EVIDENCE-BASED, RESEARCH-BASED, AND PROMISING PROGRAM
23 MATERIALS AND CURRICULA PERTAINING TO THE MENTAL HEALTH
24 IMPACTS OF SOCIAL MEDIA USE BY YOUTH. THE DEPARTMENT SHALL
25 CONVENE A STAKEHOLDER GROUP TO ASSIST WITH THE CREATION AND
26 MAINTENANCE OF THE RESOURCE BANK. THE STAKEHOLDER GROUP SHALL
27 ALSO IDENTIFY AVENUES FOR INFORMING LOCAL EDUCATION PROVIDERS,

1 PARENTS, YOUTH, AND THE PUBLIC ABOUT THE RESOURCE BANK. THE
2 MATERIALS AND CURRICULA MAY BE USED IN ELEMENTARY AND
3 SECONDARY SCHOOLS IN THE STATE. THE RESOURCE BANK MATERIALS
4 AND CURRICULA MUST BE YOUTH-FRIENDLY, CULTURALLY SENSITIVE, AND
5 AVAILABLE IN BOTH ENGLISH AND SPANISH, AND MAY INCLUDE INTERNET
6 LINKS TO RESOURCES AND MATERIALS ABOUT THE MENTAL HEALTH
7 IMPACTS OF SOCIAL MEDIA USE FROM ENTITIES THAT THE DEPARTMENT
8 FINDS RELIABLE.

9 (b) TO CREATE THE RESOURCE BANK DESCRIBED IN SUBSECTION
10 (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL CONVENE A
11 STAKEHOLDER GROUP TO IDENTIFY THE MATERIALS AND CURRICULA THAT
12 WILL BE A PART OF THE RESOURCE BANK.

13 (2) ON AND AFTER JULY 1, 2025, THE DEPARTMENT SHALL MAKE
14 THE MATERIALS IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
15 LOCAL EDUCATION PROVIDERS, PROFESSIONAL EDUCATORS, PARENTS OR
16 GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. A LOCAL
17 EDUCATION PROVIDER IS NOT REQUIRED TO ADOPT OR IMPLEMENT ANY
18 MATERIAL OR CURRICULA FROM THE RESOURCE BANK. AT THE REQUEST OF
19 A LOCAL EDUCATION PROVIDER, THE DEPARTMENT SHALL PROVIDE
20 TECHNICAL ASSISTANCE TO THE LOCAL EDUCATION PROVIDER IN
21 DESIGNING AGE-APPROPRIATE CURRICULA PERTAINING TO MENTAL
22 HEALTH.

23 (3) THE MATERIALS AND RESOURCES IN THE RESOURCE BANK THAT
24 ARE AVAILABLE TO YOUTH MUST BE DEVELOPED AND UPDATED WITH
25 INPUT FROM YOUTH.

26 (4) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO REPORT
27 TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE RESOURCE BANK

1 MATERIALS AND CURRICULA AND TO RECOMMEND CHANGES TO IMPROVE
2 THE MATERIALS AND CURRICULA. THE DEPARTMENT IS ENCOURAGED TO
3 UPDATE THE RESOURCE BANK MATERIALS AND CURRICULA BASED ON
4 RECOMMENDATIONS FROM LOCAL EDUCATION PROVIDERS, PROFESSIONAL
5 EDUCATORS, PARENTS OR GUARDIANS OF YOUTH, STUDENTS, AND
6 COMMUNITY PROVIDERS.

7 (5) THE DEPARTMENT SHALL COLLECT DISAGGREGATED DATA ON
8 HOW OFTEN THE MATERIALS AND CURRICULA ARE ACCESSED AND INCLUDE
9 THAT INFORMATION AT THE DEPARTMENT'S ANNUAL "SMART ACT"
10 HEARING HELD PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2.

11 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
13 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
14 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
15 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
16 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
17 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
18 OPERATES ONE OR MORE PUBLIC SCHOOLS.

19 **SECTION 3.** In Colorado Revised Statutes, 22-25-104, **amend**
20 (2) and (4.5); and **add** (3)(d) as follows:

21 **22-25-104. Colorado comprehensive health education program**
22 **- role of department of education - recommended curriculum**
23 **guidelines - allocation of funds - rules.** (2) The department of education
24 ~~shall have~~ HAS the authority to promote the development and
25 implementation of local comprehensive health education programs and
26 local student wellness programs, INCLUDING PROGRAMS THAT ADDRESS
27 THE MENTAL HEALTH IMPACTS OF SOCIAL MEDIA USE BY YOUTH.

1 (3) (d) THE GUIDELINES DEVELOPED BY THE DEPARTMENT OF
2 EDUCATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION FOR
3 GRADES SIX THROUGH TWELVE MUST INCLUDE CURRICULUM ON THE
4 MENTAL HEALTH IMPACTS OF SOCIAL MEDIA USE BY YOUTH.

5 (4.5) (a) The department of education shall identify programs that
6 are evidence-based, culturally sensitive, and reflective of positive youth
7 development guidelines for use by school districts in local comprehensive
8 health education programs related to comprehensive human sexuality
9 education.

10 (b) THE DEPARTMENT OF EDUCATION SHALL CONVENE A
11 STAKEHOLDER GROUP TO IDENTIFY PROGRAMS AND RESOURCES THAT ARE
12 EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REFLECTIVE OF POSITIVE
13 YOUTH DEVELOPMENT GUIDELINES FOR USE BY SCHOOL DISTRICTS IN
14 LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAMS RELATED TO
15 TECHNOLOGY USE, BRAIN DEVELOPMENT, AND THE PHYSICAL AND MENTAL
16 IMPACTS OF SOCIAL MEDIA USE.

17 **SECTION 4.** In Colorado Revised Statutes, **add** part 16 to article
18 1 of title 6 as follows:

19 PART 16

20 PROTECTIONS FOR YOUTH USING SOCIAL MEDIA

21 **6-1-1601. Social media platform warning - youth users -**
22 **definition.** (1) A SOCIAL MEDIA PLATFORM MUST DISPLAY A POP-UP
23 WARNING TO A USER WHO IS UNDER THE AGE OF EIGHTEEN WHEN THE
24 USER:

25 (a) HAS SPENT AN HOUR ON THE SOCIAL MEDIA PLATFORM DURING
26 A TWENTY-FOUR-HOUR PERIOD; AND

27 (b) IS ON A SOCIAL MEDIA PLATFORM BETWEEN THE HOURS OF TEN

1 P.M. AND SIX A.M.

2 (2) THE WARNING MUST STATE THAT DATA SHOWS THAT YOUTH
3 WHO SPEND MORE THAN THREE HOURS PER DAY ON SOCIAL MEDIA DOUBLE
4 THE RISK OF EXPERIENCING POOR MENTAL HEALTH OUTCOMES, INCLUDING
5 ANXIETY AND DEPRESSION SYMPTOMS. THE WARNING MUST INCLUDE
6 LINKS TO RESOURCES ON THE PLATFORM FOR SETTING SCREEN TIME LIMITS
7 AND LINKS TO THE HEALTH-EFFECT DATA.

8 (3) THE WARNING REQUIRED PURSUANT TO SUBSECTION (1)(a) OF
9 THIS SECTION MUST REPEAT THIRTY MINUTES AFTER THE INITIAL WARNING,
10 THEN FIFTEEN MINUTES AFTER THE SECOND WARNING, AND THEN EVERY
11 FIVE MINUTES THEREAFTER.

12 (4) (a) FOR PURPOSES OF THIS SECTION, "SOCIAL MEDIA PLATFORM"
13 MEANS AN INTERNET-BASED SERVICE, WEBSITE, OR APPLICATION THAT:

14 (I) HAS MORE THAN TEN THOUSAND ACTIVE USERS IN COLORADO;

15 (II) PERMITS A PERSON TO BECOME A REGISTERED USER,
16 ESTABLISH AN ACCOUNT, OR CREATE A PUBLIC OR SEMI-PUBLIC PROFILE
17 FOR THE PURPOSE OF ALLOWING USERS TO CREATE, SHARE, AND VIEW
18 USER-GENERATED CONTENT THROUGH THE ACCOUNT OR PROFILE;

19 (III) ENABLES ONE OR MORE USERS TO CREATE OR POST CONTENT
20 THAT CAN BE VIEWED BY OTHER USERS OF THE MEDIUM; AND

21 (IV) INCLUDES A SUBSTANTIAL FUNCTION TO ALLOW USERS TO
22 INTERACT SOCIALLY WITH EACH OTHER WITHIN THE SERVICE OR
23 APPLICATION. A SERVICE OR APPLICATION THAT PROVIDES ELECTRONIC
24 MAIL OR DIRECT MESSAGING SERVICES DOES NOT MEET THE CRITERION
25 DESCRIBED IN THIS SUBSECTION (4) ON THE BASIS OF THAT FUNCTION
26 ALONE.

27 (b) "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN

1 INTERNET-BASED SERVICE OR APPLICATION IN WHICH THE PREDOMINANT
2 OR EXCLUSIVE FUNCTION IS:

3 (I) ELECTRONIC MAIL;

4 (II) FACILITATING COMMERCIAL TRANSACTIONS, IF THE
5 INTERACTION WITH OTHER USERS OR ACCOUNT HOLDERS IS GENERALLY
6 LIMITED TO:

7 (A) THE ABILITY TO UPLOAD A POST AND COMMENT ON REVIEWS
8 OR THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR SALE OR
9 WISH LISTS; AND

10 (B) THE PRIMARY FUNCTION OF THE PLATFORM IS FOCUSED ON
11 ONLINE SHOPPING OR E-COMMERCE RATHER THAN INTERACTIONS BETWEEN
12 USERS OR ACCOUNT HOLDERS;

13 (III) FACILITATING TELECONFERENCING AND VIDEO
14 CONFERENCING FEATURES THAT ARE LIMITED TO CERTAIN PARTICIPANTS
15 IN THE TELECONFERENCE OR VIDEO CONFERENCE AND ARE NOT POSTED
16 PUBLICLY OR FOR BROAD DISTRIBUTION TO OTHER USERS;

17 (IV) FACILITATING SUBSCRIPTION-BASED CONTENT OR
18 NEWSLETTERS;

19 (V) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE
20 GUIDES SUCH AS ENCYCLOPEDIAS AND DICTIONARIES;

21 (VI) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING
22 CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY
23 INVITED USERS;

24 (VII) PROVIDING INFORMATION CONCERNING BUSINESSES,
25 PRODUCTS, OR TRAVEL INFORMATION, INCLUDING USER REVIEWS OR
26 RANKINGS OF BUSINESSES OR PRODUCTS; AND

27 (VIII) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN

1 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
2 ENTERPRISE SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS
3 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
4 ENTERPRISE.

5 **SECTION 5. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.