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H.797

Introduced by Representatives Arsenault of Williston, Anthony of Barre City,  
Berbeco of Winooski, Burrows of West Windsor, Buss of  
Woodstock, Carpenter of Hyde Park, Carroll of Bennington,  
Chapin of East Montpelier, Chesnut-Tangerman of Middletown  
Springs, Cole of Hartford, Dodge of Essex, Dolan of Waitsfield,  
Graning of Jericho, Headrick of Burlington, Hooper of  
Randolph, Jerome of Brandon, LaBounty of Lyndon, Lalley of  
Shelburne, Logan of Burlington, McGill of Bridport, Mrowicki  
of Putney, Mulvaney-Stanak of Burlington, Nugent of South  
Burlington, Stebbins of Burlington, Torre of Moretown, and  
Williams of Barre City

Referred to Committee on

Date:

Subject: Commerce; consumer protection; public health; social media  
platforms; child users; addiction

Statement of purpose of bill as introduced: This bill proposes to enhance the  
authority of the Attorney General to regulate social media platforms in  
Vermont for the purpose of protecting the health and safety of child users. In  
addition, it provides a financial structure to support additional resources  
needed by the Attorney General to administer and implement its provisions.

1 An act relating to the regulation of social media platforms for the protection  
2 of child users

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 9 V.S.A. chapter 63, subchapter 12 is added to read:

5 Subchapter 12. Social Media Platforms

6 § 2497. TITLE

7 This subchapter shall be known and may be cited as “the Vermont Social  
8 Media Safety Act”.

9 § 2497a. PURPOSE

10 The purpose of this subchapter is to enhance the authority of the Attorney  
11 General to regulate social media platforms in Vermont for the purpose of  
12 protecting the health and safety of child users.

13 § 2497b. FINDINGS; INTENT

14 (a) The General Assembly finds:

15 (1) In May 2023, U.S. Surgeon General Dr. Vivek Murthy issued an  
16 Advisory on Social Media and Youth Mental Health. Surgeon General  
17 Advisories are reserved for significant public health challenges that require the  
18 nation’s immediate awareness and action.

19 (2) The Advisory notes that social media use by youth is nearly  
20 universal. Studies show that up to 95 percent of youth 13–17 years of age use  
21 social media platforms: two-thirds of whom report daily use, while one-third  
22 report using social media “almost constantly.” Although 13 years of age is

1 commonly the required minimum age used by social media platforms in the  
2 United States, nearly 40 percent of children 8–12 years of age use social  
3 media.

4 (3) A 2023 Gallup survey found that the average teen in the United  
5 States spends 4.8 hours on social media per day, and 22 percent of 10th grade  
6 girls spend seven or more hours on social media per day.

7 (4) The Advisory cautions that, “excessive and problematic use of social  
8 media can harm children and adolescents,” and that, “social media platforms  
9 are often designed to maximize user engagement, which has the potential to  
10 encourage excessive use and behavioral dysregulation.”

11 (5) The percentage of U.S. teen girls 12–17 years of age who had major  
12 depression in the past year increased 145 percent between 2010 and 2021. For  
13 teen boys, the increase during the same time period was 161 percent. This  
14 time period aligns with the steady rise of social media use among teens.

15 (6) The 2021 Vermont Youth Risk Behavior Survey, which surveys  
16 middle and high school students in Vermont, found that 35 percent of high  
17 school students experienced poor mental health “most of the time” or  
18 “always.” The same was true for 22 percent of middle school students. In  
19 addition, 18 percent of middle school students had “seriously thought about  
20 suicide,” and one in five high school students had hurt themselves without

1 wanting to die in the past 12 months. A full seven percent of high school  
2 students in Vermont had attempted suicide.

3 (7) Social media platforms manipulate brain chemistry through the use  
4 of such features as “likes,” infinite scroll, and ephemeral content, effectively  
5 “drugifying” their products. As explained by psychiatrist and addiction expert  
6 Dr. Anna Lembke: “Technology and innovation (have) allowed us to drugify  
7 almost every human behavior . . . The rising rates of depression, anxiety, and  
8 suicide . . . are due in part to the fact that we are overloading our brain’s  
9 reward pathway with too much dopamine . . . In our brain’s effort to  
10 compensate for too much pleasure, we are essentially individually and  
11 collectively downregulating our own dopamine production and transmission,  
12 not just to baseline levels, but actually below baseline levels. So we are in a  
13 dopamine deficit state. Which means that we’re all unhappier, more anxious,  
14 more depressed, more irritable, less able to take joy in the things that used to  
15 give us joy or that have given people joy for generations, and also more  
16 susceptible to pain.”

17 (8) The harmful effects of such design features are particularly  
18 problematic for the most vulnerable among us – our children.

19 (9) Social media addiction is a type of behavioral addiction that is  
20 characterized by an urge to constantly use social media.

1           (10) Children who compulsively use social media may be at risk of  
2           developing serious physical and mental health problems, including suicidal  
3           thoughts, self-harm, depression, eating disorders, ADD/ADHD, distorted self-  
4           image and, in some cases, death.

5           (11) Many design features are specifically intended to promote and  
6           prolong user engagement on a social media platform to maximize company  
7           profit from targeted advertising and data harvesting, despite causing child users  
8           significant physical and mental harm.

9           (12) This business model must be subject to public health and regulatory  
10          oversight in a manner that promotes accountability and fairness as well as  
11          innovation and quality. In other words, regulations must strike an appropriate  
12          balance between preserving the potential benefits of social media use among  
13          child users and mitigating the potential risk of harm from excessive and  
14          problematic use.

15          (13) In the unfortunate absence of federal action, 35 states and Puerto  
16          Rico have legislation pending that would regulate one or more aspect of social  
17          media platforms. Eleven states have enacted laws or adopted resolutions on  
18          the subject.

19          (14) Vermont, similarly, has a compelling governmental interest in  
20          exercising its consumer protection authority to protect unsuspecting child users  
21          from developing and suffering the tragic effects of social media addiction.

1       (b) Through this subchapter, it is the intent of the General Assembly to  
2       apply long-standing consumer protection principles to social media companies  
3       and in so doing explicitly recognize the intangible forms of injury associated  
4       with the use of social media platforms, as well as the appropriateness of  
5       applying such principles to the company-consumer relationship established by  
6       the provision and use of a social media platform. It is not the intent of the  
7       General Assembly to establish requirements that are more burdensome than  
8       reasonably necessary to accomplish the subchapter’s purpose or that  
9       unconstitutionally infringe upon rights protected by the First Amendment to  
10       the U.S. Constitution, or Chapter I, Article 13 of the Vermont Constitution.

11       § 2497c. DEFINITIONS

12       As used in this subchapter:

13       (1) “Addiction” means the use of one or more social media platforms,  
14       the use of which:

15               (A) indicates preoccupation or obsession with, or withdrawal or  
16       difficulty to cease or reduce the use of, a social media platform despite the  
17       child user’s desire to cease or reduce such use; and

18               (B) causes physical, mental, emotional, developmental, or material  
19       harm to the child user.

20       (2) “Child user” means a person who is under 18 years of age and uses  
21       one or more social media platforms.

1           (3) “Content” means any statements, materials, documents, photographs,  
2           graphics, or other information that is created, posted, shared, or otherwise  
3           transmitted on a social media platform.

4           (4) “Design feature” means any practice, affordance, algorithm, or other  
5           technology related to a user’s experience on a social media platform.

6           (5) “Harmful” means causes or contributes to or has the potential to  
7           cause or contribute to social media addiction among child users of a social  
8           media platform.

9           (6) “Public or semipublic internet-based service or application” excludes  
10          any internet-based service or application that is used to facilitate  
11          communication within a business or enterprise among employees or affiliates  
12          of the business or enterprise, provided that access to the service or application  
13          is restricted to employees or affiliates of the business or enterprise using the  
14          service or application.

15          (7) “Social media company” or “company” means a person that  
16          provides a social media platform.

17          (8)(A) “Social media platform” or “platform” means a public or  
18          semipublic internet-based service or application that:

19                 (i) allows users to construct a public or semipublic profile for the  
20                 purposes of using the platform, populate a list of other users with whom the

1 user shares a social connection through the platform, and post content viewable  
2 by other users of the platform;

3 (ii) is designed to connect users in order to allow users to interact  
4 socially with each other within the service or application; and

5 (iii) has a monthly average of at least 25,000 active users in  
6 Vermont.

7 (B) A social media platform does not include a service or application  
8 if the primary or exclusive function of the platform is to provide electronic  
9 mail or direct messaging services or to enable users to play video games.

10 § 2497d. PROHIBITED PRACTICES

11 (a) It shall be an unfair or deceptive act or practice in commerce in  
12 violation of section 2453 of this chapter for a social media company to use any  
13 design feature on a social media platform that the company knew, or by the  
14 exercise of reasonable care should have known, is harmful.

15 (b) The Attorney General may adopt by rule specific design features that  
16 constitute unfair or deceptive conduct under this section, including with respect  
17 to algorithmic recommendation systems, infinite scrolling, status metrics, push  
18 notifications, ephemeral content, and autoplay features.

19 (c) A social media company shall not be deemed to have violated  
20 subsection (a) of this section if the Attorney General finds that the company:



1           (1) demonstrates that it conducts quarterly audits of the design features  
2           of its social media platform to determine whether they are harmful and hires an  
3           independent third party to conduct an annual audit of the design features of its  
4           social media platform to determine whether they are harmful; and

5           (2) if an audit determines that a design feature is harmful, the company  
6           has corrected the design feature within 30 days after the completion of the  
7           audit.

8           (d) Nothing in this section shall be construed to impose liability on a social  
9           media company for:

10           (1) content that is generated, uploaded, or shared on its social media  
11           platform by a user of the platform;

12           (2) content that is created solely by a third party and passively displayed  
13           by the social media platform;

14           (3) information or content for which the social media platform was not,  
15           in whole or in part, responsible for creating or developing; or

16           (4) conduct involving child users that would otherwise be protected  
17           under 47 U.S.C. § 230, the First Amendment to the U.S. Constitution, or  
18           Chapter I, Article 13 of the Vermont Constitution.

19           § 2497e. CERTIFICATE OF COMPLIANCE; COMPANY REGISTRY

20           (a) A social media company shall not operate a social media platform in  
21           Vermont without a valid certificate of social media safety compliance. The

1 Attorney General shall develop and maintain on a publicly available, easily  
2 accessible website a registry comprising all companies certified under this  
3 section.

4 (b) The Attorney General shall develop a process by which a social media  
5 company may certify its compliance with the social media safety requirements  
6 of this subchapter.

7 § 2497f. CONSUMER COMPLAINTS; RECORDS

8 (a) For the purpose of creating a single location within State government  
9 for the receipt and tracking of consumer complaints regarding social media  
10 platforms and any harmful effects on child users, the Attorney General, in  
11 consultation with the Commissioners of Health and of Mental Health, shall  
12 establish and implement a protocol for handling such complaints. The protocol  
13 shall include a process for maintaining a database that aggregates and tracks  
14 the number, nature, disposition status, and resolution time of complaints  
15 received directly by State government or indirectly from records submitted to  
16 the Attorney General under subsection (b) of this section. A summary of the  
17 complaints received shall be reported to the General Assembly in the annual  
18 supervision report required by section 2497m of this subchapter.

19 (b) Beginning on January 1, 2025, a social media company shall maintain a  
20 complete record of any consumer complaints received regarding the design  
21 features of its social media platform and any harmful effects on child users.

1 The record shall include the total number of complaints received, the nature of  
2 each complaint, the disposition of each complaint, the time it took to process  
3 and resolve each complaint, and any other relevant information requested by  
4 the Attorney General. Beginning on or before January 1, 2026, a company  
5 shall include in its annual report required by subsection 2497g(b) of this  
6 subchapter a copy of the record of complaints for the preceding year.

7 (c) As used in this section, “complaint” means any communication  
8 primarily expressing a grievance.

9 § 2497g. MONITORING; COMPANY REPORT

10 (a) The Attorney General, with input from the Commissioners of Health  
11 and of Mental Health, shall research and routinely monitor the design features  
12 of social media platforms and assess their effect, positive or negative, on child  
13 users. In addition, the Attorney General shall monitor the degree of  
14 competition among social media companies in Vermont and how it effects  
15 users of social media platforms, particularly with respect to user-engagement  
16 options, as well as growth and innovation in the industry, generally.

17 (b) To assist the Attorney General with carrying out the purpose of this  
18 section, on or before January 1, 2025, and annually thereafter, a social media  
19 company shall submit a report to the Attorney General that includes company  
20 audits and third-party audits for the preceding calendar year that pertain to the  
21 design features of its social media platform and whether they are harmful. In

1 addition, the company shall provide material information regarding its policies  
2 and procedures for identifying, managing, and mitigating harmful design  
3 features.

4 § 2497h. TRANSPARENCY; INFORMED CONSUMER CHOICES

5 (a) On a public website maintained by the Office of the Attorney General,  
6 the Attorney General, with input from the Commissioners of Health and of  
7 Mental Health, shall provide information for consumers regarding any risk of  
8 harmful effects caused or exacerbated by the use of social media platforms,  
9 particularly for child users, as well as recommendations for mitigating such  
10 risks.

11 (b) If deemed appropriate by the Attorney General for the purpose of  
12 protecting the public welfare, the Attorney General may adopt by rule a  
13 requirement that a social media company provides notice to consumers of the  
14 potential harmful effects of social media platforms with respect to child users.  
15 The notice shall be in a form and manner prescribed by rule. In addition, the  
16 rule may also include a requirement that a company provide to consumers a  
17 description of its content moderation standards, including content  
18 recommendation algorithms, enforcement processes, complaint procedures,  
19 information on social media addiction and treatment resources, and any other  
20 disclosures deemed appropriate by the Attorney General.

1     § 2497i. INVESTIGATIONS; ENFORCEMENT; PENALTIES

2           (a) The Attorney General may investigate the business practices of a social  
3     media company pursuant to the investigatory powers established under this  
4     chapter.

5           (b) A person who violates a provision of this subchapter, or a rule adopted  
6     pursuant to this subchapter, commits an unlawful act under section 2453 of this  
7     chapter.

8           (c) A person who intentionally violates section 2497d of this subchapter  
9     shall be subject to a civil penalty of not more than \$100,000.00 for each day  
10    the unfair or deceptive act or practice is committed.

11          (d) A person who negligently violates section 2497d of this subchapter  
12    shall be subject to a civil penalty of not more than \$25,000.00 for each day the  
13    unfair or deceptive act or practice is committed.

14    § 2497j. INFORMATION AND MONITORING COSTS

15          To the extent deemed necessary and appropriate by the Attorney General,  
16    the costs incurred by the Office of the Attorney General in implementing this  
17    subchapter may be assessed on an equitable and practicable basis against all  
18    social media companies doing business in Vermont and deposited into the  
19    Social Media Safety Fund established in section 2497k of this subchapter. The  
20    Attorney General shall adopt the assessment rate by rule.

1     § 2497k. SOCIAL MEDIA SAFETY FUND

2           (a) There is created pursuant to 32 V.S.A. chapter 7, subchapter 5 a special  
3     fund to be known as the Social Media Safety Fund. The Fund shall be  
4     administered by the Attorney General to implement and effectuate the policies  
5     and purposes established in this subchapter.

6           (b) The Fund shall comprise any monies from time to time appropriated to  
7     the Fund by the General Assembly, transferred to the Fund pursuant to sections  
8     2497i (civil penalties) and 2497j (information and monitoring costs) of this  
9     subchapter, or received from any other source, private or public, subject to the  
10    provisions of 32 V.S.A. § 5.

11          (c) Unexpended balances and any earnings shall remain in the Fund for use  
12    in accord with the purposes of this subchapter.

13     § 2497l. CONFIDENTIALITY

14          The Attorney General shall maintain the confidentiality of any information  
15    received under this subchapter that the Attorney General determines is exempt  
16    from public inspection and copying under the Public Records Act or other  
17    applicable law unless disclosure is ordered by a court.

18     § 2497m. ANNUAL SUPERVISION REPORT

19          On or before January 15 of each year and notwithstanding 2 V.S.A. § 20(d),  
20    the Attorney General shall submit a report to the General Assembly, which  
21    shall include the Attorney General's findings and recommendations related to

1 the use of social media platforms in Vermont and measures for mitigating any  
2 potential harmful effects on child users. In particular, the Attorney General  
3 shall assess the availability and efficacy of any content-neutral interventions  
4 companies could implement to reduce social media addiction. In addition, the  
5 report shall include the amount and purpose of expenditures from the Social  
6 Media Safety Fund for the prior fiscal year and may include a recommended  
7 appropriation to the Fund, as needed and consistent with the purpose of the  
8 Fund.

9 § 2497n. RULES; FINDINGS OF UNLAWFUL CONDUCT

10 (a) In addition to the rules otherwise required by this subchapter, the  
11 Attorney General may adopt any other rule the Attorney General deems  
12 necessary to implement the purpose and policies of this subchapter.

13 (b) The rules, as well as any finding of unlawful conduct under this  
14 subchapter, shall be consistent with the rules, regulations, and decisions of the  
15 Federal Trade Commission and the Federal Communications Commission and  
16 with federal court interpretations of the Federal Trade Commission Act, as  
17 amended, and the Communications Act of 1934, as amended.

18 § 2497o. EFFECT ON OTHER LAWS

19 This subchapter shall not limit other statutory rights of a consumer or  
20 statutory obligations of a social media company under Vermont law.

1     § 2497p. STATUTORY CONSTRUCTION; SEVERABILITY

2           (a) It is the intent of the General Assembly that the provisions of this  
3     subchapter are liberally construed to accomplish its purposes.

4           (b) As provided in 1 V.S.A. § 215, the provisions of this subchapter are  
5     severable. If any provision of this subchapter is invalid, or if application  
6     thereof to any person or circumstance is invalid, the invalidity shall not affect  
7     other provisions or applications that can be given effect without the invalid  
8     provision or application.

9     § 2497q. STATE AUTHORITY

10           Vermont enacts this subchapter pursuant to all inherent State authority  
11     under the 10th Amendment to the U.S. Constitution and all relevant authority  
12     granted and reserved to the states by Title 15 and Title 47 of the U.S. Code,  
13     including the authority to impose requirements necessary to protect public  
14     safety and welfare and safeguard the rights of consumers.

15     Sec. 2. EFFECTIVE DATE

16           This act shall take effect on July 1, 2024.