



Contra  
Costa  
County

To: Board of Supervisors  
From: LEGISLATION COMMITTEE  
Date: March 21, 2023

Subject: SB 287 (Skinner) Features that Harm Child Users: Civil Penalty--SUPPORT

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**RECOMMENDATION(S):**

ADOPT a position of "Support" on SB 287 (Skinner) Features that Harm Child Users: Civil Penalty, a bill that would prohibit a social media platform from using a design, algorithm, or feature that the platform knows, or which by the exercise of reasonable care should have known, causes child users to do any of certain things, including experience addiction to the social media platform, as recommended by the Legislation Committee.

AUTHORIZE the Chair of the Board to sign a letter supporting the bill.

**FISCAL IMPACT:**

No fiscal impact to the County anticipated from this advocacy position.

**BACKGROUND:**

At their March 13, 2023 meeting, the Legislation Committee considered [SB 287 \(Skinner\)](#) and took action to recommend the Board of Supervisors adopt a position of "Support" on the bill.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **03/21/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Ken Carlson, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 21, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: L. DeLaney, (925)  
655-2057

cc:



**BACKGROUND:**  
**(CONT'D)**

<b>Author:</b>	Nancy Skinner (D-009)
<b>Title:</b>	Features that Harm Child Users: Civil Penalty
<b>Fiscal Committee:</b>	no
<b>Urgency Clause:</b>	no
<b>Introduced:</b>	02/02/2023
<b>Disposition:</b>	Pending
<b>Location:</b>	Senate Judiciary Committee
<b>Summary:</b>	Prohibits a social media platform from using a design, algorithm, or feature that the platform knows, or which by the exercise of reasonable care should have known, causes child users to do any of certain things, including experience addiction to the social media platform.
<b>Status:</b>	02/15/2023 To SENATE Committees on JUDICIARY and APPROPRIATIONS

Although there is not currently any directly related policy in the Board of Supervisors' adopted [2023-24 State Legislative Platform](#) addressing social media, the Board has adopted an advocacy priority on legislation addressing health care, including mental health, behavioral health, and substance use disorder services. SB 287 (Skinner) was recommended for support by Contra Costa Health Services Department. A sample letter of support is Attachment A.

**Legislative Counsel's Digest**

SB 287, as introduced, Skinner. Features that harm child users: civil penalty.

Existing law, the California Consumer Privacy Act of 2018, prohibits a business from selling the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 16 years of age, or the consumer's parent or guardian, in the case of a consumer who is less than 13 years of age, has affirmatively authorized the sale of the consumer's personal information.

Existing law, the California Age-Appropriate Design Code Act, requires, beginning July 1, 2024, a business that provides an online service, product, or feature likely to be accessed by children to comply with specified requirements, including a requirement to configure all default privacy settings offered by the online service, product, or feature to the settings that offer a high level of privacy, as prescribed, and requires a business, before any new online services, products, or features are offered to the public, to complete a Data Protection Impact Assessment for any online service, product, or feature likely to be accessed by children and maintain documentation of this assessment as long as the online service, product, or feature is likely to be accessed by children.

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

The [Press Release for SB 287](#) includes the following:

"SKINNER INTRODUCES BILL TO HOLD SOCIAL MEDIA COMPANIES ACCOUNTABLE FOR THE SALE OF FENTANYL & GHOST GUNS, AND PROMOTING HARM TO KIDS

February 2, 2023

State Sen. Nancy Skinner, D-Berkeley, today introduced SB 287, which is designed to hold social media platforms

accountable for promoting the illegal sale of fentanyl to California youth and for the sale of unlawful firearms, including ghost guns. The protections in SB 287 would also hold these platforms accountable for targeting other harmful content toward youth that could result in suicide, eating disorders, dangerous dieting practices, or inflicting harm on themselves or others. “Research demonstrates that social media companies’ algorithms direct their users to specific content, including to content that promotes extremely dangerous and harmful practices. Children are particularly vulnerable to becoming addicted to these platforms and are being targeted with content that facilitates the sale of deadly fentanyl and promotes eating disorders, suicide, and other harmful practices. Additionally, social media sites promote the sale of illegal firearms, including ghost guns that can’t be traced. It’s time for California to hold social media companies accountable,” Sen. Skinner said. “SB 287 will help curb dangerous content by strengthening the legal rights that Californians have to stop social media from targeting users with harmful information via specialized algorithms, especially our kids.” SB 287 is backed by a coalition of advocacy organizations dedicated to protecting youth online, including the Children’s Advocacy Institute at the University of San Diego School of Law and Common Sense Media. “As documented over and over again, a tiny handful of rich and powerful companies are knowingly and carelessly causing an unprecedented number of our children — just children! — to die by taking their own lives, by fentanyl overdoses, from choking challenges, from addiction, and causing life-altering child anguish on a scale never before seen,” said Ed Howard, Senior Counsel, Children’s Advocacy Institute, University of San Diego School of Law. “What these companies are doing knowingly or negligently just to make even more money is morally repugnant, offending every notion of human decency and it needs to stop — now.” “We thank Senator Skinner for introducing this vital bill to protect California’s children from serious online harms,” said James P. Steyer, founder and CEO of Common Sense Media. “Large social media companies must be held accountable for the addictive design features they use to keep kids and teens using their products longer than is healthy for them to do so and for facilitating spaces where young people are targeted with unhealthy content and products, including fentanyl, which puts their lives at risk. This is one of the most important tech policy bills that will come before the Legislature this year.” For years, social media companies have argued that they’re not responsible for the content their users post on their platforms. But by creating highly specialized algorithms that can bombard people with harmful and dangerous information, social media companies are no longer operating as online community bulletin boards that are agnostic about what’s uploaded to their sites. Recently, there has been a disturbing increase of reports of [youth dying after unwittingly taking fentanyl](#) that was sold to them by people who secretly entered the youths’ conversations on Snapchat or other platforms. Similarly, arms dealers are increasingly [using social media to sell ghost guns](#) — illegal guns that can’t be traced by law enforcement and are now a major driver of gun violence. Likewise, so-called choking challenges or [blackout challenges on TikTok](#) have taken the lives of numerous children under the age of 12 around the globe. Social media algorithms are exacerbating these dangerous online trends because they are [specifically designed to addict users](#) by feeding them content that reinforces their preferences or curiosities in order to maximize advertising revenue. Users, in turn, can be led down dark and dangerous paths on the web. That’s especially perilous for children, considering that the average teen [spends 8.4 hours a day](#) on digital platforms. Under SB 287, social media companies operating in California would be barred from using algorithms or other technical features that target child users and cause them to receive content that prompts them to:

- Purchase fentanyl
- Inflict harm on themselves or others
- Develop an eating disorder or engage in dangerous dieting
- Purposely take their own lives

In addition, Sen. Skinner plans to amend SB 287 to bar social media companies from using algorithms or other technical features that prompt people to buy illegal firearms, including ghost guns. Social media companies that violate SB 287 would be subject to fines of up to \$250,000 per violation and are liable to pay attorneys’ fees and court costs related to enforcing the law. “Social media companies are no longer passive actors in the online marketplace. They’re active participants that decide what users see and what they don’t. As a result, they must be held responsible when their algorithms purposely target our children with dangerous or harmful content,” Sen. Skinner added. Sen. Nancy Skinner represents the 9th Senate District and is chair of the Senate Budget Committee and the California Legislative Women’s Caucus.”

CONSEQUENCE OF NEGATIVE ACTION: If the Board did not act on this bill, the Board would not have an official position on SB 287 (Skinner) and would not provide any advocacy for it. ATTACHMENTS Attachment A: SB 287 draft letter of support