

July 2, 2024

# Tech Lobby Follows NY Playbook on California Social Media Bill

Titus Wu  
correspondent

- Similar measure in New York enacted despite tech pressure
- Bill author says it won't limit nor harm queer youth

The tech industry is using a similar lobbying strategy to the one tried in New York as it attempts to derail a California measure ([SB 976](#)) that would put major restrictions on social media notifications and addictive feeds for children.

Tech groups have recruited some allies from the LGBTQ+ community to oppose the [measure](#), which would generally prohibit algorithmic feeds as well as notifications during school and sleep hours without parental consent.

The bill by state Sen. Nancy Skinner (D) is modeled after a [recently enacted](#) New York law and comes as California lawmakers enter the final stretch of the session before adjourning by the end of August.

The tech industry fiercely opposes efforts in both New York and California, arguing they would face age-verification and free-speech challenges. Opponents say those from marginalized groups such as LGBTQ+ teens could be in danger and left unable to connect with others from their community. The argument failed to sway New York lawmakers as Gov. Kathy Hochul (D) signed the measure last month.

California's effort didn't encounter LGBTQ+ opposition until last week when the tech coalition Chamber of Progress [sent a letter](#) to state Assembly Speaker Robert Rivas (D) opposing the bill. Three national LGBTQ+ groups, most notably the Trevor Project, signed onto the June 26 letter.

"The coalition we have for this week's letter we believe will be persuasive in California, where lawmakers are attuned to the impact of their legislation on marginalized communities," Chris MacKenzie, spokesperson for Chamber of Progress, said.

Skinner and bill supporters dismissed claims the bill would hurt queer youth.

"There is nothing in SB 976 that would prevent any young person from contacting, reaching out, interacting with like-minded individuals or community of interest," she said. "Nothing."

## Parental Consent

The letter highlighted what it said is a potential downside of the measure giving more parental control over their child's internet usage. Not all parents are the best guardians to have such oversight, the letter said, with social media being a crucial lifeline for many LGBTQ+ children. Parental consent would play a crucial part under the bill, the letter noted.

The Skinner measure does not give parents complete control over their child's social media account. Parents would only control notifications and a child's access to an algorithm-curated feed under the bill, while those in chronological order wouldn't have such restrictions.

"Parents could choose to allow for the 'non-chronological feed' or algorithmic feed, Skinner said. "Other than that, there is no parental consent in that bill required for whatever content a minor is choosing."

Woodhull Freedom Foundation, one of the pro-LGBTQ+ organizations that signed onto the letter, said the parental control, even if limited, would cause queer youth to be more cautious about using social media.

"Giving sort of this control over to the parent is a little bit concerning," Mandy Salley, chief operating officer at the foundation, said. "One of the things we talk about all the time is the chilling effect. If I'm a person who's not quite out, I might not feel OK accessing those things if I know my parent is going to be able to control my algorithm. Even though it's not a direct sort of infringement, it's possible that it's going to limit access for queer and LGBT youth."

More locally focused California LGBTQ+ advocates haven't expressed concerns to Skinner, she said. While a number of New York-based organizations were skeptical of New York's legislation, counterparts in California have largely stayed silent on the Skinner measure.

For example, Equality California hasn't taken a formal position on the bill, spokesperson Jorge Reyes Salinas said in a statement. "We are reviewing the bill and having discussions with Senator Skinner's office to ensure that their good-faith efforts to address the real dangers of social media do not create unintended harmful consequences that impact LGBTQ+ youth and other marginalized groups," Salinas added.

## Potential Legal Challenge

Part of any LGBTQ-related concern revolves around the bill's broader issue of privacy and age verification, Salley said. Tech groups argue the bill's requirement of determining who is a child and parent would be highly invasive and infringe upon free-speech protections.

A US Supreme Court [ruling](#) Monday sending a pair of social media cases on Florida and Texas laws back to lower courts could complicate implementation of the Skinner measure and the New York law.

Social media algorithms qualify as a form of protected speech, Justice Elena Kagan wrote in the decision, which sent the Texas case back to lower courts to determine if the state overstepped its authority by limiting how social media companies can censure posts on their platforms.

California lawmakers have made some adjustments to address privacy criticisms, such as adding in a requirement that any collected information used to determine age — such as government ID — would have to be deleted immediately afterward.

The state attorney general would make rules around “reasonably determining” a user’s age instead of verifying it, under the bill, as well as ensuring one is a parent. Bill supporters also insist the measure has nothing to do with content moderation.

The tech industry has warned that it may challenge the bill in court if enacted. Skinner, however, said she’s confident that her bill is legally sound.

“We have crossed every t and dotted every i to have it pass legal muster,” she said. “It is not uncommon for bills that regulate powerful entities for the powerful entities to challenge bills in court.”

---

To contact the reporter on this story: Titus Wu in Sacramento, Calif.  
at [twu@bloombergindustry.com](mailto:twu@bloombergindustry.com)

To contact the editors responsible for this story: Bill Swindell  
at [bswindell@bloombergindustry.com](mailto:bswindell@bloombergindustry.com); Cheryl Saenz at [csaenz@bloombergindustry.com](mailto:csaenz@bloombergindustry.com)