

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0695.01 Michael Dohr x4347

HOUSE BILL 24-1136

HOUSE SPONSORSHIP

Pugliese and Amabile,

SENATE SPONSORSHIP

Cutter and Smallwood,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENCOURAGE HEALTHIER SOCIAL MEDIA**
102 **USE BY YOUTH, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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

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.

HOUSE
Amended 2nd Reading
March 8, 2024

state. The department is required to convene a stakeholder group to assist 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";

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

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

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

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

1 use while teaching comprehensive health will help educators meet the
2 essential skills outlined in the 2020 Comprehensive Health Academic
3 Standards.

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

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

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

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

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

1 ONGOING MAINTENANCE OF THE RESOURCE BANK BY THE DEPARTMENT.
2 THE STAKEHOLDER GROUP SHALL ALSO IDENTIFY AVENUES FOR
3 INFORMING LOCAL EDUCATION PROVIDERS, PARENTS, YOUTH, AND THE
4 PUBLIC ABOUT THE RESOURCE BANK. THE MATERIALS AND CURRICULA
5 MAY BE USED IN ELEMENTARY AND SECONDARY SCHOOLS IN THE STATE.
6 ~~TO THE EXTENT POSSIBLE, THE RESOURCE BANK MATERIALS, SCHOLARLY~~
7 ~~ARTICLES, AND CURRICULA MUST BE YOUTH-FRIENDLY, CULTURALLY~~
8 ~~SENSITIVE, AND AVAILABLE IN BOTH ENGLISH AND SPANISH, AND MAY~~
9 ~~INCLUDE INTERNET LINKS TO SCHOLARLY ARTICLES, RESOURCES, AND~~
10 ~~MATERIALS ABOUT THE MENTAL AND PHYSICAL HEALTH IMPACTS OF~~
11 ~~SOCIAL MEDIA USE FROM ENTITIES THAT THE DEPARTMENT FINDS~~
12 ~~RELIABLE.~~

13 (b) TO CREATE THE RESOURCE BANK DESCRIBED IN SUBSECTION
14 (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL CONVENE A ~~TEMPORARY~~
15 ~~STAKEHOLDER GROUP TO IDENTIFY THE SCHOLARLY ARTICLES,~~
16 ~~MATERIALS, AND CURRICULA THAT WILL BE A PART OF THE RESOURCE~~
17 ~~BANK.~~

18 (c) ~~THE STAKEHOLDER GROUP MUST CONSIST OF NO MORE THAN~~
19 ~~FIFTEEN MEMBERS, INCLUDING A DEPARTMENT REPRESENTATIVE AND,~~
20 ~~WHEN POSSIBLE, A PERSON OR PEOPLE REPRESENTING EACH OF THE~~
21 ~~FOLLOWING: EDUCATORS; SCHOOL MENTAL HEALTH PROFESSIONALS;~~
22 ~~PARENTS; YOUTH BETWEEN THE AGES OF EIGHTEEN TO TWENTY-FIVE;~~
23 ~~PUBLIC HEALTH ADVOCACY NON-PROFITS; AND YOUTH MENTAL HEALTH~~
24 ~~PROFESSIONS SUCH AS A SOCIAL WORKER, CHILD ADOLESCENT~~
25 ~~PSYCHIATRIST, OR OTHER PROFESSIONAL SPECIALIZING IN YOUTH MENTAL~~
26 ~~HEALTH.~~

27 (d) ~~WHEN POSSIBLE, AS PART OF THE RESOURCE BANK, THE~~

1 DEPARTMENT, WITH ASSISTANCE FROM THE STAKEHOLDER GROUP, SHALL
2 IDENTIFY WHAT GRADE OR AGE-GROUP MATERIALS ARE APPROPRIATE FOR,
3 AND WHEN POSSIBLE, WHEN A MATERIAL COULD BE USED FOR A STANDARD
4 WITHIN THE COMPREHENSIVE HEALTH EDUCATION STANDARDS.

5 (2) ON AND AFTER JULY 1, 2025, THE DEPARTMENT SHALL MAKE
6 THE MATERIALS IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
7 LOCAL EDUCATION PROVIDERS, PROFESSIONAL EDUCATORS, PARENTS OR
8 GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. A LOCAL
9 EDUCATION PROVIDER IS NOT REQUIRED TO ADOPT OR IMPLEMENT ANY
10 MATERIAL OR CURRICULA FROM THE RESOURCE BANK. AT THE REQUEST OF
11 A LOCAL EDUCATION PROVIDER, THE DEPARTMENT SHALL PROVIDE
12 TECHNICAL ASSISTANCE TO THE LOCAL EDUCATION PROVIDER IN
13 DESIGNING AGE-APPROPRIATE CURRICULA PERTAINING TO MENTAL
14 HEALTH.

15 (3) THE MATERIALS AND RESOURCES IN THE RESOURCE BANK THAT
16 ARE AVAILABLE TO YOUTH MUST BE DEVELOPED AND UPDATED WITH
17 INPUT FROM YOUTH.

18 (4) LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO REPORT
19 TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE RESOURCE BANK
20 MATERIALS AND CURRICULA AND TO RECOMMEND CHANGES TO IMPROVE
21 THE MATERIALS AND CURRICULA. THE DEPARTMENT IS ENCOURAGED TO
22 UPDATE THE RESOURCE BANK MATERIALS AND CURRICULA BASED ON
23 RECOMMENDATIONS FROM LOCAL EDUCATION PROVIDERS, PROFESSIONAL
24 EDUCATORS, PARENTS OR GUARDIANS OF YOUTH, STUDENTS, AND
25 COMMUNITY PROVIDERS.

26 (5) THE DEPARTMENT SHALL COLLECT DISAGGREGATED DATA ON
27 HOW OFTEN THE MATERIALS AND CURRICULA ARE ACCESSED AND INCLUDE

1 THAT INFORMATION AT THE DEPARTMENT'S ANNUAL "SMART ACT"
2 HEARING HELD PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2.

3 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES, "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
5 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
6 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
7 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
8 30.5 OF THIS TITLE 22, THE COLORADO SCHOOL FOR THE DEAF AND THE
9 BLIND AUTHORIZED PURSUANT TO SECTION 22-80-102, AN APPROVED
10 FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402, OR A BOARD OF
11 COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE
12 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

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

15 **22-25-104. Colorado comprehensive health education program**
16 **- role of department of education - recommended curriculum**
17 **guidelines - allocation of funds - rules.** (2) The department of education
18 ~~shall have~~ HAS the authority to promote the development and
19 implementation of local comprehensive health education programs and
20 local student wellness programs, INCLUDING PROGRAMS THAT ADDRESS
21 THE MENTAL HEALTH IMPACTS OF SOCIAL MEDIA USE BY YOUTH.

22 (3) (d) THE GUIDELINES DEVELOPED BY THE DEPARTMENT OF
23 EDUCATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION FOR
24 GRADES SIX THROUGH TWELVE MUST STRONGLY ENCOURAGE INCLUDING
25 CURRICULUM ON THE MENTAL HEALTH IMPACTS OF SOCIAL MEDIA USE BY
26 YOUTH.

27 (4.5) (a) The department of education shall identify programs that

1 are evidence-based, culturally sensitive, and reflective of positive youth
2 development guidelines for use by school districts in local comprehensive
3 health education programs related to comprehensive human sexuality
4 education.

5 (b) THE DEPARTMENT OF EDUCATION SHALL CONVENE A
6 STAKEHOLDER GROUP TO IDENTIFY SCHOLARLY ARTICLES, PROGRAMS,
7 AND RESOURCES THAT ARE EVIDENCE-BASED, CULTURALLY SENSITIVE,
8 AND REFLECTIVE OF POSITIVE YOUTH DEVELOPMENT GUIDELINES FOR
9 OPTIONAL USE BY LOCAL EDUCATION PROVIDERS IN LOCAL
10 COMPREHENSIVE HEALTH EDUCATION PROGRAMS RELATED TO
11 TECHNOLOGY USE, BRAIN DEVELOPMENT, AND THE PHYSICAL AND MENTAL
12 IMPACTS OF SOCIAL MEDIA USE.

13 **SECTION 4.** In Colorado Revised Statutes, **add** part 16 to article
14 1 of title 6 as follows:

15 **PART 16**

16 **PROTECTIONS FOR YOUTH USING SOCIAL MEDIA**

17 **6-1-1601. Social media platform notification - youth users -**
18 **definition.** (1) ON OR AFTER JANUARY 1, 2026, A SOCIAL MEDIA
19 PLATFORM, BY DEFAULT, MUST DISPLAY A POP-UP OR FULL-SCREEN
20 NOTIFICATION TO A USER WHO IS UNDER THE AGE OF EIGHTEEN WHEN THE
21 USER:

22 (a) HAS SPENT ONE CUMULATIVE HOUR ON THE SOCIAL MEDIA
23 PLATFORM DURING A TWENTY-FOUR-HOUR PERIOD; OR

24 (b) IS ON A SOCIAL MEDIA PLATFORM BETWEEN THE HOURS OF TEN
25 P.M. AND SIX A.M.

26 (2) THE NOTIFICATION MUST INCLUDE DATA ON THE PUBLIC
27 HEALTH IMPACTS OF SOCIAL MEDIA USE ON THE MENTAL AND PHYSICAL

1 HEALTH OF YOUTH USERS, FROM PEER-REVIEWED SCHOLARLY ARTICLES
2 INCLUDED IN THE MENTAL HEALTH AND TECHNOLOGY RESOURCE BANK
3 ESTABLISHED IN SECTION 22-2-127.8 (2).

4 (3) THE ~~NOTIFICATION~~ REQUIRED PURSUANT TO SUBSECTION (1)(a)
5 OF THIS SECTION MUST REPEAT THIRTY MINUTES AFTER THE INITIAL
6 NOTIFICATION, THEN FIFTEEN MINUTES AFTER THE SECOND NOTIFICATION,
7 AND THEN EVERY FIVE MINUTES THEREAFTER.

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

10 (I) HAS MORE THAN ~~ONE HUNDRED~~ THOUSAND ACTIVE USERS IN
11 COLORADO;

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

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

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

24 (b) "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE AN
25 INTERNET-BASED SERVICE OR APPLICATION IN WHICH THE PREDOMINANT
26 OR EXCLUSIVE FUNCTION IS:

27 (I) ~~PROVIDING ELECTRONIC MAIL;~~

4 (A) THE ABILITY TO UPLOAD A POST AND COMMENT ON REVIEWS
5 OR THE ABILITY TO DISPLAY LISTS OR COLLECTIONS OF GOODS FOR SALE OR
6 WISH LISTS; AND

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

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

15 (IV) FACILITATING CROWD-SOURCED CONTENT FOR REFERENCE
16 GUIDES SUCH AS ENCYCLOPEDIAS AND DICTIONARIES:

17 (V) PROVIDING CLOUD-BASED ELECTRONIC STORAGE, INCLUDING
18 CLOUD-BASED STORAGE THAT ALLOWS COLLABORATIVE EDITING BY
19 INVITED USERS:

20 (VI) CONSISTING PRIMARILY OF NEWS, SPORTS, ENTERTAINMENT,
21 OR OTHER CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT
22 USER GENERATED, AND ANY CHAT, COMMENT, OR INTERACTIVE
23 FUNCTIONALITY THAT IS PROVIDED INCIDENTAL TO, DIRECTLY RELATED
24 TO, OR DEPENDENT UPON PROVISION OF THE CONTENT; OR

25 (VII) INTERACTIVE GAMING, VIRTUAL GAMING, OR AN ONLINE
26 SERVICE THAT ALLOWS THE CREATION AND UPLOADING OF CONTENT FOR
27 THE PURPOSE OF INTERACTIVE OR VIRTUAL GAMING.

1 (VIII) PROVIDING INFORMATION CONCERNING BUSINESSES,
2 PRODUCTS, OR TRAVEL INFORMATION, INCLUDING USER REVIEWS OR
3 RANKINGS OF BUSINESSES OR PRODUCTS; [REDACTED]

4 (IX) FACILITATING COMMUNICATION WITHIN A BUSINESS OR AN
5 ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
6 ENTERPRISE SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS
7 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
8 ENTERPRISE;

9 (X) SELLING ENTERPRISE SOFTWARE TO BUSINESSES,
10 GOVERNMENTS, OR NONPROFIT ORGANIZATIONS;

11 (XI) PROVIDING A STREAMING SERVICE THAT STREAMS ONLY
12 LICENSED MEDIA IN A CONTINUOUS FLOW FROM THE SERVICE, WEBSITE, OR
13 APPLICATION TO THE END USER AND DOES NOT REQUIRE A USER OR
14 ACCOUNT HOLDER TO OBTAIN A LICENSE FOR THE MEDIA BY AGREEMENT
15 WITH A SOCIAL MEDIA PLATFORM'S TERMS OF SERVICE;

16 (XII) PROVIDING AN ONLINE SERVICE, WEBSITE, OR APPLICATION
17 THAT IS USED BY OR UNDER THE DIRECTION OF AN EDUCATIONAL ENTITY,
18 INCLUDING A LEARNING MANAGEMENT SYSTEM, A STUDENT ENGAGEMENT
19 PROGRAM, OR A SUBJECT- OR SKILL-SPECIFIC PROGRAM, FOR WHICH THE
20 MAJORITY OF THE CONTENT IS CREATED OR POSTED BY THE PROVIDER OF
21 THE ONLINE SERVICE, WEBSITE, OR APPLICATION AND THE ABILITY TO
22 CHAT, COMMENT, OR INTERACT WITH OTHER USERS IS DIRECTLY RELATED
23 TO THE PROVIDER'S CONTENT:

24 (XIII) PROVIDING OR OBTAINING TECHNICAL SUPPORT FOR A
25 PLATFORM, PRODUCT, OR SERVICE;

26 (XIV) PROVIDING CAREER DEVELOPMENT OPPORTUNITIES,
27 INCLUDING PROFESSIONAL NETWORKING, JOB SKILLS, LEARNING

1 CERTIFICATIONS, AND JOB POSTING AND APPLICATION SERVICES;

2 (XV) FOCUSED ON FACILITATING ACADEMIC OR SCHOLARLY

3 RESEARCH; OR

4 (XVI) REPORTING OR DISSEMINATING NEWS INFORMATION FOR A

5 MASS MEDIUM, AS DEFINED IN SECTION 13-90-119.

6 **SECTION 5. Appropriation.** For the 2024-25 state fiscal year,

7 \$13,974 is appropriated to the department of education for use by the

8 student learning division. This appropriation is from the general fund and

9 is based on an assumption that the division will require an additional 0.2

10 FTE. To implement this act, the division may use this appropriation for

11 content specialists.

12 **SECTION 6. Act subject to petition - effective date.** This act

13 takes effect at 12:01 a.m. on the day following the expiration of the

14 ninety-day period after final adjournment of the general assembly; except

15 that, if a referendum petition is filed pursuant to section 1 (3) of article V

16 of the state constitution against this act or an item, section, or part of this

17 act within such period, then the act, item, section, or part will not take

18 effect unless approved by the people at the general election to be held in

19 November 2024 and, in such case, will take effect on the date of the

20 official declaration of the vote thereon by the governor.