



The Honorable Cliff Hayes
Chair
Communications, Technology, and
Innovation Committee
1000 Bank Street, Richmond, VA 23218

The Honorable Adam Ebbin
Chair
General Laws and Technology Committee
1000 Bank Street, Richmond, VA 23218

January 24, 2025

Dear Chair Cliff Hayes, Chair Adam Ebbin, and Members of the Committees:

The American Consumer Institute is an independent education and research organization that promotes consumer-focused free-market solutions to state and federal policy challenges. A series of perceived harms caused by social media has sparked lawmakers across the country to address the noble cause of child online safety. Unfortunately, the policies within Virginia's *addictive feed* legislation are poorly defined, vague, legally dubious, and likely to create a series of unfortunate unintended consequences.

First, the legislation defines an *addictive feed* as a “website, online service, or online or mobile application” that is “recommended, selected, or prioritized” based “on information associated with the user or the user's device.” That definition of addiction is vague and does not rely on traditional indicators of addiction, such as dependency. Instead, it assumes without evidence that content recommendations based on user information are *inherently* addictive. Even if the legislation were to adjust the definition to clarify a dependence of some kind, it is still unclear that social media would meet the medical definition of addiction.

As Jeff Singer, MD writes for the Cato Institute: “Addiction has a biopsychosocial basis with a genetic predisposition and involves neurotransmitters and interactions within reward centers of the brain. The interaction of these factors has not been established with respect to social media use.”¹ Gambling disorder is the only behavioral disorder currently recognized by the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) because it includes relevant side effects like withdrawals when the attachment is severed,² which is unlikely to occur when social media use stops.³

The vague definition of *addictive feed* may also cast a wider net of applicability than intended. The food review website, Yelp, for example, may meet this definition of addictive feed because the website curates content based on location and information about previous interactions. Yet, few Americans would consider Yelp an *addictive* service. Virginia lawmakers should amend the

¹ Jeffrey A. Singer, “Stop Saying Social Media ‘Addiction,’” Medpage Today, September 20, 2018, <https://www.cato.org/commentary/stop-saying-social-media-addiction>.

² American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders (DSM-5), Last visited January 24, 2025, <https://www.psychiatry.org/psychiatrists/practice/dsm>.

³ Haley Weiss, “Scientists Can’t Decide if Social Media is Addictive,” Time, November 9, 2023, <https://time.com/6333257/social-media-addiction-study/>.

definition to narrow the scope of the legislation so that it is not stretched beyond its intent.

Second, the bill relies on incomplete information about the underlying relationship between social media use and mental health. A Consensus Study Report by the National Academy of Sciences, Engineering, and Medicine finds the relationship between social media and adolescent mental health is “mixed and inconclusive.”⁴ It is unsurprising then that even research by famous researcher Jonathan Haidt describes only a measly 0.17 correlation between social media and declining mental health.⁵ Anything below 0.2 is considered weak.⁶ As more researchers study the issue—and as different kinds of social media proliferate—more evidence will be discovered, and a more conclusive relationship may be established. Until then, lawmakers should understand that the evidence is inconclusive and therefore approach the issue with caution.

Third, requiring parental consent means platforms may need to collect more sensitive information to verify the age of everyone that uses their platform, thereby inadvertently exposing users to increased privacy risk as the attack surface for nefarious actors increases. And since even adults will need to verify that they are not children—and therefore not in need of parental consent—their privacy too may be impacted. This type of increased data collection is at odds with spirit of the already existing Virginia Consumer Data Protection Act (VCDPA), which limited the collection of personal information to what is “adequate, relevant, and reasonably necessary.”⁷ Virginia lawmakers should not be sending American technology companies mixed signals.

Finally, the legislation is justified on legally dubious grounds that invite legal challenges if the bill were to become law. Virginia is not the first state to introduce legislation to curb *addictive* online feeds. California passed similar legislation, which was partially⁸ blocked in December and then fully blocked until February 1, 2025 while the case is appealed.⁹

Not every unintended consequence can be anticipated and averted, but with so much uncertainty about the definitions in the bill, a risk of undermining user privacy, and a legal future likely to be challenged in court, the state of Virginia should reconsider the policies within the bill entirely. The least the General Assembly should do is pause any debate on the matter until the legal fate of similar legislation in other states is decided and more information on the relationship between social media use and addiction is established.

Sincerely,

Logan Kolas
Director of Technology Policy
American Consumer Institute

⁴ Social Media and Adolescent Health, National Academies of Sciences, Engineering, and Medicine. 2024. Social Media and Adolescent Health, Chapter 4. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27396>.

⁵ Tirzah Duren, “KOSA: A Solution in Search of a Problem,” *Washington Times*, July 23, 2024, <https://www.washingtontimes.com/news/2024/jul/23/kosa-solution-in-search-of-problem/>.

⁶ Spyridon N Papageorgiou, “On Correlation Coefficients and their Interpretation,” National Library of Medicine, Aug 26, 2022; 49(3):359–361. doi: [10.1177/14653125221076142](https://doi.org/10.1177/14653125221076142)

⁷ Virginia Consumer Data Protection Act (VCDPA) Frequently Asked Questions, Microsoft Compliance, Last visited January 24, 2025, <https://learn.microsoft.com/en-us/compliance/regulatory/vcdpa-faq>.

⁸ NetChoice, Plaintiff, v. Rob Bonta, Defendant. Order Granting in Part and Denying In Part Motion for Preliminary Injunction, Case No. 5:24-cv-07885-EJD, Last visited January 24, 2025, <https://netchoice.org/wp-content/uploads/2025/01/NetChoice-v-Bonta-2024-SB-976-Ruling-Preliminary-Injunction-in-Part-Dec-31-2024.pdf>.

⁹ NetChoice, Plaintiff, v. Rob Bonta, Defendant. Order Granting in Part Motion for Injunction Pending Appeal, Case No. 5:24-cv-07885-EJD, Last visited January 24, 2025, <https://netchoice.org/wp-content/uploads/2025/01/NetChoice-v-Bonta-2024-SB-976-Ruling-for-Injunction-Pending-Appeal-Jan-2-2025.pdf>.