

Mental Health and Eating Disorders & the Kids Online Safety Act (KOSA)

[H.R.7891](#), Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- Instagram hosts more than 90,000 pro-eating disorder accounts, which reach more than 20,000,000 users, generating more than \$230 million in profits for Meta. ([Fairplay 2022](#))
- Young users on TikTok are served pro eating disorder content every 8 minutes. ([CCDH 2022](#))
- The amount of emergency room visits for girls with eating disorders has doubled since 2019. ([AAP, 2022](#))
- Meta has proven with its own internal research that its products negatively impact mental health, sleep, social relationships, and productivity. ([Mass. v. Meta, 2023](#))

Big Tech's business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. Online platforms deploy sophisticated design features to keep young users online, including content recommendation systems that are demonstrated to send users down rabbit holes of increasingly extreme content. Algorithms promote content that keeps young users coming back for more, even when platforms know that they are increasing anxiety, depression, and eating disorders.

Section 102 - Duty of Care:

Under Section 102, certain social media platforms will have an obligation to exercise reasonable care in the creation and implementation of design features to prevent and mitigate anxiety, depression, eating disorders, substance use disorders, and suicidal behaviors "consistent with evidence-informed medical information." This will hold platforms responsible for business decisions and design issues such as:

- The decision to offer young users filters that imitate plastic surgery effects despite internal research that the filters are harmful. ([Mass. v. Meta, 2023](#))
- Algorithmic recommendation systems that maximize for user engagement and send users down rabbit holes of pro-suicide and pro-eating disorder content. ([WSJ 2023](#), [WSJ 2021](#))
- Publicly displaying "like" counts to young users on posts, even when internal research finds that doing so negatively impacts minors. ([Mass. v. Meta, 2023](#))

April 2024



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Section 103 - Default Settings and User Controls

Platforms will be required to provide users that they know are minors with important safeguards. **These safeguards will be turned on by default for those users.** Required tools and safeguards include:

- “[T]he ability to limit design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, such as **infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features** that result in compulsive usage of the covered platform by the minor.”
- The option to **opt out of personalized recommendation systems or limit types or categories of recommendations from those systems.**
- Reporting mechanisms that must be readily available, easy to use, and confirm receipt of a parent’s complaint. The largest platforms (i.e. Instagram and TikTok) must respond to reports within 10 days; smaller platforms must respond within 21 days.

Section 105 - Transparency Requirements

The largest social media platforms will be required to issue annual reports to the public, based on independent, third-party audits. **These provisions will require platforms to provide information about the reasonably foreseeable risks they are creating around mental health harms and eating disorders.** Under Section 105, those reports must:

- Describe the platform’s use of features that maximize a minor’s time and activity and describe any potentially risky uses of minors’ personal data.
- **Include an assessment of the risks of physical, mental, and developmental harms to minors and the steps the platform has taken to address them.**
- **Provide an account of reports of harm received, separated out by the types or categories of harm.**
- Describe automated detection systems and internal processes for responding to reports and **assess their effectiveness.**

These provisions will force platforms to be explicit about their financial interest in extending young users’ time online and the features and functions they deploy to accomplish those goals. Platforms will be required to explain the ways in which they weigh their interest in maximizing time online against the health and well-being of kids and teens.

Compulsive Use and Addiction & the Kids Online Safety Act (KOSA)

H.R.7891, Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- Children and teens are bombarded with an average of 237 notifications per day, disrupting sleep, school work, and face-to-face relationships. (Common Sense Media 2023)
- Some young users report checking their phones hundreds of times per day, and scrolling TikTok and Instagram for hours at a time. (Common Sense Media 2023)
- One-third of teens say they are using either Snapchat, YouTube, TikTok, Instagram, or Facebook “almost constantly.” (Pew 2022)

Big Tech’s business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. Online platforms deploy sophisticated design features that keep children and teens hooked no matter the cost, so they can be tracked and profiled for targeted ads. Dramatic increases in social media use are contributing to a mental health crisis for young users.

Section 102 - Duty of Care:

Under Section 102, certain social media platforms will have an obligation to exercise reasonable care in the creation and implementation of design features **to prevent and mitigate compulsive usage behavior**. Platforms regularly use problematic design features to increase compulsive use that would be subject to scrutiny under the Duty of Care, such as:

- Using infinite scroll to coax young users into an addictive “flow state” (Brown University, 2021)
- Using intermittent variable rewards to withhold desirable content until the moment a young user is about to log off, as on TikTok. (In Re: Social Media Products Liability Litigation, 2023)
- Using push notifications and social comparison metrics like Snap scores to drive compulsive use (Nir and Far)

Compulsive Use and Addiction & the Kids Online Safety Act (KOSA)

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Section 103 - Default Settings and User Controls

Platforms will be required to provide users that they know are minors with important safeguards. **These safeguards will be turned on by default for those users.** Required tools and safeguards include:

- “[T]he ability to limit design features that encourage or increase the frequency, time spent, or activity of minors on the covered platform, **such as infinite scrolling, auto playing, rewards for time spent on the platform, notifications, and other design features** that result in compulsive usage of the covered platform by the minor.”
- The option to **opt out of personalized recommendation systems or limit types or categories of recommendations** from those systems.
- **Tools for parents to track and restrict total time spent on the platform.**

Section 105 - Transparency Requirements

The largest social media platforms will be required to issue annual reports to the public, based on independent, third-party audits. **These provisions will require platforms to provide information about features designed to increase use and reasonably foreseeable risks of addiction harms they are creating.** Under Section 105, those reports must:

- Explain the platform’s commercial interest in minors.
- **Describe the platform’s use of features that maximize a minor’s time and activity, including infinite scroll, autoplay, rewards for time spent, and notifications.**
- Describe any potentially risky uses of minors’ personal data.
- Assess the reasonably foreseeable risks of harm that a platform poses to minors and the steps the platform has taken to address them.

These provisions will force platforms to be explicit about their financial interest in extending young users’ time online and the features and functions they deploy to accomplish those goals. Platforms will be required to explain the ways in which they weigh their interest in maximizing time online against the health and well-being of kids and teens.

Cyberbullying & the Kids Online Safety Act (KOSA)

[H.R.7891](#), Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- Almost half of all teens in the U.S. have been cyberbullied. ([Pew 2022](#))
- Bullying can impact a child or teen's academic performance and increase their likelihood of depression, anxiety, sleep problems, and adulthood substance abuse. ([American Academy of Pediatrics 2022](#))
- Anonymous peer messaging apps and features like NGL, Yolo, and YikYak have consistently led to cyberbullying and abusive content, resulting in mental health harms and suicide. ([NYT 2015](#), [NYT 2017](#), [News & Observer 2024](#))

Big Tech's business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. Many minors' social lives are centered online. As technology has opened up opportunities to communicate, it has also created new avenues for bullying, allowing bullies to harm victims outside of school hours and without having to address their victims face-to-face.

Section 102 - Duty of Care:

Under Section 102, certain social media platforms will have an obligation to exercise reasonable care in the creation and implementation of design features **to prevent and mitigate physical violence, online bullying, and harassment of minors**. This will hold platforms responsible for business decisions and design issues such as:

- Features and plug-ins that lure kids and teens into a false sense of security and encourage bullying. ([L.A. Times 2021](#))
- Design choices that make it easy for potential harassers or bullies to contact minors, such as Fortnite's decision to turn on live voice and text chatting by default for minors. ([FTC 2022](#))
- Internal research that shows high rates of users experience and witness cyberbullying. For example, Meta's Bad Emotional Experience Feedback survey showed that 27-29% of teenagers had witnessed bullying on Instagram in the previous 7 days and 9-10% had been the target of bullying. ([New Mexico v. Meta Doc. No 36-2 2024](#))

Cyberbullying & the Kids Online Safety Act (KOSA)

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The anonymity of cyberbullying removes many restraints on meanness and amplifies the ferocity of aggression. It's easier to inflict pain and suffering on others when you don't have to look them in the eye.

Psychology Today

Section 103 - Default Settings and User Controls

Platforms will be required to provide users that they know are minors with important safeguards. **These safeguards will be turned on by default for those users.** Required tools and safeguards include:

- **Tools that limit the ability of other users or visitors to communicate with a minor.**
- Tools that allow parents of children under 13 to manage their child's privacy settings and parents of teens to see their teen's privacy settings.
- Reporting mechanisms that are readily available, easy to use, and confirm receipt of a parent's complaint. The largest platforms must respond to reports within 10 days (i.e. Instagram and TikTok); smaller platforms must respond within 21 days.

Section 105 - Transparency Requirements

The largest social media platforms will be required to provide annual reports based on independent, third-party audits. **These provisions will require platforms to provide specific information about reports of bullying, as well as internal analyses about the risks of bullying and harassment their platforms create for young users.** Under Section 105, those reports must:

- **Provide an account of reports of harm received, separated out by the types or categories of harm.**
- Describe internal processes for responding to reports and provide the rate, timeliness, and effectiveness of report responses.
- **Include an assessment of the risks of physical, mental, and developmental harms to minors,** the steps the platform has taken to mitigate those harms, and the effectiveness of those mitigation efforts.

Dangerous Viral Challenges & the Kids Online Safety Act (KOSA)

[H.R.7891](#), Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- Hundreds of young people have died attempting the choking challenge (also known as the blackout or pass out challenge). ([Erik's Cause 2024](#))
- At least 15 children under 12 and five children ages 13-14 died as a result of trying the blackout challenge between Spring 2021 and Fall 2022 – and that's just one of several dangerous challenges promoted regularly to young people. ([Bloomberg 2022](#))
- The brain's prefrontal cortex – which controls rational thought – is still developing into a young person's twenties. Viral challenges prey upon kids' and teens' impulsiveness and desire to get likes and go viral. ([American Academy of Pediatrics 2023](#)).

Big Tech's business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. Online platforms deploy sophisticated design features that keep children and teens hooked no matter the cost, so they can be tracked and profiled for targeted ads. Algorithms promote content that keeps young users coming back for more, even when platforms know they are exposing kids and teens to potentially fatal challenges.

Section 103 – Parental and User Tools

KOSA requires platforms to provide users that they know are minors with important safeguards and tools. **These safeguards will be turned on by default for those users.** Section 103's requirements for parental reporting will be particularly important for forcing platforms to confront the problem of dangerous challenges. The bill requires:

- Reporting mechanisms that must be readily available, easy to use, and **confirm receipt of a parent's complaint.** The largest platforms (i.e. Instagram and TikTok) must respond to reports within 10 days; smaller platforms must respond within 21 days.

Under Section 103, platforms must also provide:

- The ability to view a minor's privacy settings and change those settings if the user is a child under the age of 13.
- Tools to track and limit a minor's time spent on the platform.

Dangerous Viral Challenges & the Kids Online Safety Act (KOSA)

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“The PR line at TikTok is that user safety is our No. 1 priority. That’s not true. Growth is the No. 1 priority. Being the No. 1 app in the world is the No. 1 priority. Making more money is the No. 1 priority.”
Anonymous TikTok Employee, Bloomberg 2022
”

Section 105 – Transparency Requirements

KOSA’s transparency requirements will be critical to addressing the risks viral challenges pose to kids and teens. Under Section 105, the largest social media platforms will be required to provide annual reports based on independent, third-party audits. Those reports must:

- **Provide an account of reports of harm received, separated out by the types or categories of harm.**
- Describe internal processes for responding to reports and provide the rate, timeliness, and effectiveness of report responses.
- **Include an assessment of the risks of physical, mental, and developmental to minors**, the steps the platform has taken to mitigate those harms, and the effectiveness of those mitigation efforts.
 - **The platform must include any effort it has made to adapt algorithmic recommendation systems to prevent or mitigate harm.**
- Describe the platform’s use of features that maximize a minor’s time and activity and describe any potentially risky uses of minors’ personal data.

These provisions will require social media platforms to share the number of reports received about dangerous challenge videos as well as their assessment of the physical risks they pose to young users. Ultimately, the reporting requirements will significantly increase platforms’ incentives to address the promotion of dangerous challenges to kids and teens.

Drugs and Illegal Substances & the Kids Online Safety Act (KOSA)

[H.R.7891](#), Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- “An average of 22 adolescents 14 to 18 years of age died in the U.S. each week in 2022 from drug overdoses... driven by fentanyl in counterfeit pills[.]” ([UCLA 2024](#))
- Investigations have repeatedly found that Instagram makes it easy for teens to search for and find drugs. ([Tech Transparency Project 2022](#))
- In a Wall Street Journal investigation of accounts registered to teenagers, hundreds of drug-promoting videos were served to teen accounts. “TikTok served one account registered as a 13-year-old at least 569 videos about drug use, references to cocaine and meth addiction, and promotional videos for online sales of drug products and paraphernalia.” ([WSJ 2021](#))

Big Tech’s business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. The relationship between social media’s design features – including post and friend suggestions based on geolocation data and one-click friend-adding features – and kids’ and teens’ access to narcotic drugs and other illegal substances has been well documented by families ([NYT 2022](#), [ABC 2023](#)) as well as researchers and journalists (see side panel).

Section 102 - Duty of Care:

Under Section 102, certain social media platforms will have an obligation to exercise reasonable care in the creation and implementation of design features **to prevent and mitigate “[p]romotion and marketing of narcotic drugs (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol.”**

This will hold platforms responsible for business decisions and design issues such as:

- Promoting the sale of narcotic drugs and other illegal substances
- Design features that make it easy for unknown adults to add young users
- Geolocation services that help users selling illegal substances find and track kids and teens

Drugs and Illegal Substances & the Kids Online Safety Act (KOSA)

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Section 103 - Default Settings and User Controls

Section 103 specifies that “A covered platform shall not facilitate the advertising of narcotic drugs (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)), tobacco products, gambling, or alcohol” to users that it knows are minors. It also requires that platforms provide those users and their families with specific safeguards.

These safeguards will be turned on by default for minors and include:

- **Tools that limit the ability of other users or visitors to communicate with a minor.**
- Tools that allow parents of children under 13 to manage their child’s privacy settings and parents of teens to see their teen’s privacy settings.
- Reporting mechanisms that must be readily available, easy to use, and confirm receipt of a parent’s complaint. The largest platforms must respond to reports within 10 days (i.e. Instagram and TikTok); smaller platforms must respond within 21 days.

Section 105 - Transparency Requirements

The largest social media platforms will be required to provide annual reports based on independent, third-party audits. **These provisions will require platforms to provide information about drug and illegal substance marketing and sales issues on their platforms, as well as an account of any reports received from families in crisis.** Under Section 105, those reports must:

- Assess the likelihood that the platform will be used by minors and explain the platform’s commercial interest in minors.
- **Provide an account of reports of harm received, separated out by the types or categories of harm.**
- Include an assessment of the risks of physical, mental, and developmental harms to minors, the steps the platform has taken to mitigate those harms, and the effectiveness of those mitigation efforts.
 - **This includes any effort the platform has made to adapt algorithmic recommendation systems to prevent or mitigate harm.**

Together, these provisions will require social media and gaming platforms to make explicit their understanding of the marketing and sale of explicit substances to minor users on their platforms.

Sexual Exploitation and Abuse & the Kids Online Safety Act (KOSA)

H.R.7891, Introduced by Representatives Kathy Castor (FL-14) and Gus Bilirakis (FL-12)

Fast Facts

- The National Center for Missing and Exploited Children reported over 12,500 cases of financial exploitation in 2023, many of which took place on major social media platforms like Instagram, Facebook, and Snapchat. ([Washington Post, 2024](#))
- Internal research at Instagram found that 1 in 8 users under 16 had experienced unwanted sexual advances on the platform in the previous 7 days. ([WSJ 2023](#))
- Between 2021 and 2022, at least 20 cases of online sexual exploitation resulted in teen suicide. ([Washington Post, 2024](#))
- Investigations by the New Mexico Attorney General's office found that child accounts on Meta's platforms were algorithmically pushed to graphic sexual content and were inundated with message requests from sexual predators. ([WSJ 2023](#))

Big Tech's business model prioritizes maximizing user engagement for profit over the health and safety of kids and teens. Online platforms deploy sophisticated design features that keep children and teens hooked no matter the cost, so they can be tracked and profiled for targeted ads. A complete lack of common sense safety features creates an unacceptable risk of sexual exploitation for minors.

Section 102 - Duty of Care:

Under Section 102, certain social media platforms will have an obligation to exercise reasonable care in the creation and implementation of design features **to prevent and mitigate the sexual exploitation and abuse of minors**. This will hold platforms responsible for business decisions and design issues such as:

- Design choices and algorithmic content recommendation systems that funnel children and teens to predators and sexual exploitation.
- Features that allow young users to be targeted and contacted by online predators.
- Internal research that reveals that parental supervision and other safety features are underutilized and ineffective. ([Washington Post, 2024](#))
- Design features such as infinite scroll, intermittent variable rewards, and push notifications to keep young users hooked, preventing them from separating from the platforms when they are at heightened risk of exploitation.

Sexual Exploitation and Abuse & the Kids Online Safety Act (KOSA)

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Section 103 - Default Settings and User Controls

Platforms will be required to provide users that they know are minors with important safeguards. **These safeguards will be turned on by default for those users.** Required tools and safeguards include:

- **Tools that limit the ability of other users or visitors to communicate with a minor.**
- Tools that allow parents of children under 13 to manage their child's privacy settings and parents of teens to see their teen's privacy settings.
- Reporting mechanisms that are readily available, easy to use, and confirm receipt of a parent's complaint. The largest platforms must respond to reports within 10 days (i.e. Instagram and TikTok); smaller platforms must respond within 21 days.
- The option to opt out of personalized recommendation systems or limit types or categories of recommendations from those systems.

Section 105 - Transparency Requirements

The largest social media platforms will be required to issue annual reports to the public, based on independent, third-party audits. These provisions will require companies to provide information about the sexual exploitation and abuse of children and teens via their platforms. Under Section 105, those reports must:

- **Provide an account of reports of harm received, separated out by the types or categories of harm.**
- Describe internal processes for responding to reports and provide the rate, timeliness, and effectiveness of report responses.
- **Include an assessment of the risks of physical, mental, and developmental harms to minors**, the steps the platform has taken to mitigate those harms, and the effectiveness of those mitigation efforts.
 - **The platform must include any effort it has made to adapt algorithmic recommendation systems to prevent or mitigate harm.**
- Describe automated detection systems and internal processes for responding to reports **and assess their effectiveness.**