

119TH CONGRESS
1ST SESSION

S. _____

To require the Federal Trade Commission, with the concurrence of the Secretary of Health and Human Services acting through the Surgeon General, to implement a mental health warning label on covered platforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. BRITT (for herself and Mr. FETTERMAN) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To require the Federal Trade Commission, with the concurrence of the Secretary of Health and Human Services acting through the Surgeon General, to implement a mental health warning label on covered platforms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop the Scroll Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

1 (1) Social media platform use is associated with
2 risks to the physical and mental health of users, in-
3 cluding exposure to bullying, online harassment and
4 abuse, discrimination, and child sexual exploitation.

5 (2) Product warning labels can increase aware-
6 ness of risks and influence behavior.

7 (3) Extended use of social media, which addict-
8 ive algorithms encourage, can contribute to negative
9 health impacts associated with covered platforms.

10 (4) The Federal Government has a compelling
11 interest in ensuring that users of a covered platform
12 can make informed decisions about the amount of
13 time the user spends on the covered platform, which
14 requires an understanding of the mental health risks
15 involved with using a covered platform.

16 (5) In May 2023, the Surgeon General issued
17 an advisory warning that social media use is associ-
18 ated with a broad range of harms to mental health,
19 and then called for warning labels on covered plat-
20 forms to raise awareness of these risks and promote
21 healthier online engagement.

22 (6) Given the substantial body of evidence docu-
23 menting the adverse health effects of unregulated
24 digital engagement, it is both appropriate and nec-
25 essary to require clear, factual risk disclosures to en-

1 sure users are adequately informed before engaging
2 with such platforms.

3 (7) This approach aligns with well-established
4 public health standards that have long governed dis-
5 closure practices in industries affecting consumer
6 well-being.

7 (8) Conspicuousness of labels is important, as
8 evidenced by studies on tobacco and alcohol warning
9 labels.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) ANONYMOUS CONTENT SHARING PLAT-
13 FORM.—The term “anonymous content sharing plat-
14 form” means any website or mobile application that
15 does not require registration and is used to share
16 content, including digital images, recorded videos,
17 text conversations, or live video conversations.

18 (2) COMMISSION.—The term “Commission”
19 means the Federal Trade Commission.

20 (3) COVERED PLATFORM.—The term “covered
21 platform” means—

22 (A) a “social media platform” as such
23 term is defined in section 124 of the Traf-
24 ficking Victims Prevention and Protection Re-

1 authorization Act of 2022 (42 U.S.C. 1862w);
2 or

3 (B) an anonymous content sharing plat-
4 form.

5 (4) COVERED PLATFORM PROVIDER.—The term
6 “covered platform provider” means any person who,
7 for commercial purposes in or affecting commerce,
8 provides, manages, operates, or controls a covered
9 platform.

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of Health and Human Services.

12 (6) USER.—The term “user” means, with re-
13 spect to a covered platform, a person who registers
14 an account with, creates a profile on, or otherwise
15 accesses the covered platform.

16 **SEC. 4. WARNING LABEL.**

17 (a) IN GENERAL.—A covered platform provider
18 shall—

19 (1) each time a user accesses the covered plat-
20 form of the provider while physically located in the
21 United States, clearly and conspicuously display a
22 mental health warning label (referred to in this sec-
23 tion as a “covered label”) that complies with the re-
24 quirements under this section, including the regula-
25 tions promulgated under subsection (d);

1 (2) cause the covered label to disappear only if
2 the user—

3 (A) exits the covered platform; or

4 (B) acknowledges the potential for harm
5 and chooses to proceed to the covered platform
6 despite the risk; and

7 (3) if a user acknowledges the potential for
8 harm and chooses to proceed to the covered platform
9 in accordance with paragraph (2)(B), redisplay such
10 covered label after each hour of continuous use by
11 such user.

12 (b) CONTENT OF COVERED LABEL.—A covered label
13 shall—

14 (1) warn the user of potential negative mental
15 health impacts of accessing the covered platform;
16 and

17 (2) provide the user access to Federal resources
18 to address the potential negative mental health im-
19 pacts described in paragraph (1), including the 988
20 Suicide and Crisis Lifeline.

21 (c) RESTRICTIONS ON FORM.—A covered platform
22 provider may not—

23 (1) include a covered label exclusively through
24 a hyperlink or in the terms and conditions of the
25 covered platform;

1 (2) include extraneous information in a covered
2 label that obscures the visibility or prominence of
3 the covered label; or

4 (3) allow a user to disable a covered label, ex-
5 cept as provided in subsection (a).

6 (d) IMPLEMENTATION.—Not later than 180 days
7 after the date of enactment of this Act, the Commission,
8 with the concurrence of the Secretary acting through the
9 Surgeon General, shall promulgate regulations containing
10 appropriate requirements for a covered label.

11 (e) REVIEW.—Not later than 5 years after the date
12 on which the Commission promulgates the regulations re-
13 quired by subsection (d), and not less frequently than once
14 every 5 years thereafter, the Commission, with the concur-
15 rence of the Secretary acting through the Surgeon Gen-
16 eral, shall review and revise such regulations to address
17 changes in technology, market conditions, and medical
18 science.

19 **SEC. 5. ENFORCEMENT.**

20 (a) ENFORCEMENT BY THE COMMISSION.—

21 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
22 TICES.—A violation of this Act or a regulation pro-
23 mulgated under this Act by a covered platform pro-
24 vider shall be treated as a violation of a rule defin-
25 ing an unfair or deceptive act or practice prescribed

1 under section 18(a)(1)(B) of the Federal Trade
2 Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (2) POWERS OF THE COMMISSION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (C), the Commission shall enforce
6 this Act and any regulation promulgated under
7 this Act in the same manner, by the same
8 means, and with the same jurisdiction, powers,
9 and duties as though all applicable terms and
10 provisions of the Federal Trade Commission
11 Act (15 U.S.C. 41 et seq.) were incorporated
12 into and made a part of this Act.

13 (B) PRIVILEGES AND IMMUNITIES.—Ex-
14 cept as provided in subparagraph (C), any per-
15 son who violates this Act or any regulation pro-
16 mulgated under this Act shall be subject to the
17 penalties and entitled to the privileges and im-
18 munities provided in the Federal Trade Com-
19 mission Act (15 U.S.C. 41 et seq.).

20 (C) NONPROFIT ORGANIZATIONS AND COM-
21 MON CARRIERS.—Notwithstanding section 4 or
22 5(a)(2) of the Federal Trade Commission Act
23 (15 U.S.C. 44, 45(a)(2)) or any jurisdictional
24 limitation of the Commission, the Commission
25 shall also enforce this Act and any regulation

1 promulgated under this Act, in the same man-
2 ner provided in subparagraphs (A) and (B),
3 with respect to—

4 (i) organizations not organized to
5 carry on business for their own profit or
6 that of their members; and

7 (ii) common carriers subject to the
8 Communications Act of 1934 (47 U.S.C.
9 151 et seq.) and all Acts amendatory
10 thereof and supplementary thereto.

11 (D) AUTHORITY PRESERVED.—Nothing in
12 this Act shall be construed to limit the author-
13 ity of the Commission under any other provi-
14 sion of law.

15 (E) RULEMAKING.—The Commission, with
16 the concurrence of the Secretary acting through
17 the Surgeon General, shall promulgate in ac-
18 cordance with section 553 of title 5, United
19 States Code, such rules as may be necessary to
20 carry out this Act.

21 (b) ENFORCEMENT BY STATES.—

22 (1) AUTHORIZATION.—Subject to paragraph
23 (3), in any case in which the attorney general of a
24 State has reason to believe that an interest of the
25 residents of the State has been or is threatened or

1 adversely affected by the engagement of a covered
2 platform provider in a practice that violates this Act,
3 the attorney general of the State may, as *parens*
4 *patriae*, bring a civil action against the covered plat-
5 form provider on behalf of the residents of the State
6 in an appropriate district court of the United States
7 to obtain appropriate relief, including civil penalties
8 in the amount determined under paragraph (2).

9 (2) CIVIL PENALTIES.—A covered platform pro-
10 vider that is found, in an action brought under para-
11 graph (1), to have knowingly or repeatedly violated
12 this Act shall, in addition to any other penalty other-
13 wise applicable to a violation of this Act, be liable
14 for a civil penalty equal to the amount calculated by
15 multiplying—

16 (A) the greater of—

17 (i) the number of days during which
18 the covered platform provider was not in
19 compliance with this Act; or

20 (ii) the number of end users for whom
21 the covered label was not displayed as a re-
22 sult of the violation; by

23 (B) an amount not to exceed the maximum
24 civil penalty for which a person, partnership, or
25 corporation may be liable under section

1 5(m)(1)(A) of the Federal Trade Commission
2 Act (15 U.S.C. 45(m)(1)(A)) (including any ad-
3 justments for inflation).

4 (3) RIGHTS OF THE COMMISSION.—

5 (A) NOTICE TO THE COMMISSION.—

6 (i) IN GENERAL.—Except as provided
7 in clause (iii), the attorney general of a
8 State shall notify the Commission in writ-
9 ing that the attorney general intends to
10 bring a civil action under paragraph (1)
11 before initiating the civil action.

12 (ii) CONTENTS.—The notification re-
13 quired under clause (i) with respect to a
14 civil action shall include a copy of the com-
15 plaint to be filed to initiate the civil action.

16 (iii) EXCEPTION.—If it is not feasible
17 for the attorney general of a State to pro-
18 vide the notification required under clause
19 (i) before initiating a civil action under
20 paragraph (1), the attorney general shall
21 notify the Commission immediately upon
22 instituting the civil action.

23 (B) INTERVENTION BY THE COMMISS-
24 SION.—The Commission may—

1 (i) intervene in any civil action
2 brought by the attorney general of a State
3 under paragraph (1); and

4 (ii) upon intervening—

5 (I) be heard on all matters arising in the civil action; and

6 (II) file petitions for appeal in
7 the civil action.

8
9 (4) INVESTIGATORY POWERS.—Nothing in this
10 subsection may be construed to prevent the attorney
11 general of a State from exercising the powers conferred on the attorney general by the laws of the
12 State to—
13

14 (A) conduct investigations;

15 (B) administer oaths or affirmations; or

16 (C) compel the attendance of witnesses or
17 the production of documentary or other evidence.
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19 (5) PREEMPTIVE ACTION BY THE COMMISSION.—If the Commission institutes a civil action or
20 an administrative action with respect to a violation
21 of this Act, the attorney general of a State may not,
22 during the pendency of such action, bring a civil action under paragraph (1) against any defendant
23 named in the complaint of the Commission based on
24
25

1 the same set of facts giving rise to the alleged viola-
2 tion with respect to which the Commission instituted
3 the action.

4 (6) VENUE; SERVICE OF PROCESS.—

5 (A) VENUE.—Any action brought under
6 paragraph (1) may be brought in—

7 (i) the district court of the United
8 States that meets applicable requirements
9 relating to venue under section 1391 of
10 title 28, United States Code; or

11 (ii) another court of competent juris-
12 diction.

13 (B) SERVICE OF PROCESS.—In an action
14 brought under paragraph (1), process may be
15 served in any district in which the defendant—

16 (i) is an inhabitant; or

17 (ii) may be found.

18 (7) ACTIONS BY OTHER STATE OFFICIALS.—In
19 addition to a civil action brought by an attorney
20 general under paragraph (1), any other consumer
21 protection officer of a State who is authorized by the
22 State to do so may bring a civil action under para-
23 graph (1), subject to the same requirements and
24 limitations that apply under this subsection to a civil
25 action brought by an attorney general.

1 (8) SAVINGS PROVISION.—Nothing in this sub-
2 section may be construed to prohibit an authorized
3 official of a State from initiating or continuing any
4 proceeding in a court of the State for a violation of
5 any civil or criminal law of the State.

6 (c) EXTRATERRITORIAL JURISDICTION.—There is
7 extraterritorial jurisdiction over any violation of this Act
8 if such violation involves an individual in the United
9 States or if any act in furtherance of the violation was
10 committed in the United States.

11 **SEC. 6. EFFECTIVE DATE.**

12 This Act shall take effect on the date that is 1 year
13 after the date of enactment of this Act.