



## Division of Legislative Services

# ISSUE BRIEF

## Warning Labels on Social Media Platforms

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### OVERVIEW

In a [2018 Pew Research Center poll](#), smartphone ownership among teens 13-17 was 95% with teens reporting owning a smartphone or having access to one. This increased prevalence of smartphone ownership has contributed to a rise in online presence across all social media platforms. In a more recent [Pew Research Center poll 2023](#), the share of teens who maintain a constant online presence has roughly doubled since 2014-2015: from 24% in 2014-2015 to 46% in 2023.

While the advancement in technology and social media has enabled adolescents to remain connected to the lives of their friends and maintain a level of awareness regarding social and political issues, increased scrutiny has raised questions on the long-term impacts of these advancements. A [2019 study](#) examined whether the amount of time spent on social media among 6,595 U.S. adolescents (12-15 years old) yielded any associations with high levels of mental health issues. Their findings revealed that adolescents who spend more than 3 hours per day on social media may be at a high risk for mental health problems despite accounting for any history of mental health problems. Other [studies](#), however, reveal that the empirical evidence for harm with social media usage is speculative rather than conclusive. Often, [critics](#) of the premise that social media is associated with mental health problems argue the absence of any direct relationship between the two variables. They cite the methodological and statistical limitations of conducting these studies as a point to question their evidence.

As the debate regarding the impacts of social media on adolescents continues, policy makers in many states are taking the approach of caution and introducing various types of regulations on social media. These regulations range from [creating study commissions and task forces](#), [establishing age-appropriate design codes](#), [requiring age verification or parental consent](#), [adding digital and media courses](#), and [regulating cellphone use in schools](#). While some of these policies have been enacted majority have only been introduced or failed to make it through the legislative process due to various concerns brought from stakeholders alleging that these policies infringe on the First Amendment. These challenges to regulating social media have motivated policy makers to craft alternative approaches to regulate social media. In 2024, former [U.S. Surgeon General, Vivek H. Murthy](#), along with [42 state attorney generals](#) called on federal lawmakers to pass legislation authorizing the placement of warning labels on social media platforms. These warning labels would be displayed upon initially opening a social media platform and every thirty minutes to increase awareness for consumers and change behavior. While Congress has introduced the [Stop the Scroll Act](#) in 2024 which calls for the Federal Trade Commission to implement warning labels on social media platforms, other states ([Minnesota](#), [New York](#), [Texas](#)) are seeking to accelerate implementation by introducing their own versions of the regulation.

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## ADVANTAGES OF WARNING LABELS ON SOCIAL MEDIA PLATFORMS

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**Raises Awareness** of associated mental health impacts with extensive social media usage.

**Captures ALL consumers** of social media not only children or consumers with extensive use of social media.

**Applies ONLY to specific social media platforms** and excludes platforms that go beyond the narrow definition of “social media platforms.”

**Administratively feasible and publicly accepted** as warning labels already exist on tobacco and alcohol products.

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## CHALLENGES OF WARNING LABELS ON SOCIAL MEDIA PLATFORMS

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**First Amendment infringement.** Critics contend that social media platforms are “speech” platforms unlike tobacco or alcohol manufactures. Therefore, a warning label on social media platforms is an infringement on freedom of speech.

**Misleading consumers.** Due to absence of scientific consensus on the impacts of social media on mental health, placing a warning label on social media platforms would be misleading and inaccurate to consumers.

**Tools are already available** that provide parents and smartphone users the ability to limit usage of their smartphones or social media usage such as [StayFree](#), [Freedom](#), [Forest](#), and [Digital Wellbeing](#). Additionally, smartphones already come with software that provides for parental control functionalities.

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## STATE IMPLEMENTATION OF WARNING LABELS ON SOCIAL MEDIA PLATFORMS

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As of publication of this issue brief, only Minnesota (HF 1289), Texas (HB 499), and New York (SB 4505) have introduced legislation on  
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placing warning labels on social media platforms.

## Legislation Structure and Components

**Authority and Enforcement.** In all the states where the legislation has been introduced, authority to define what is displayed is given to the state health department and enforcement is provided to the attorney general (except for Texas).

**Content of label.** While the state health department is given authority to dictate the contents of the warning label, Texas and Minnesota require that certain information be displayed such as a statement that an individual’s personal data is being used and a statement of available resources for individuals experiencing significant mental health issues including the phone number or link to Suicide & Crisis lifeline

**Time restrictions.** Minnesota’s legislation allows social media platforms to grant users the ability to customize or deactivate the pop-up. Texas allows the user to exit out of the pop-up warning label and New York leaves the discretion to the state health department.

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## CONSIDERATIONS FOR DELAWARE LEGISLATORS

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**Defining social media.** Currently, Delaware Code does not define social media. Delaware legislators could consider providing a narrow definition for social media to capture only social media platforms that employ an addictive algorithm.

**Content of Warning Label.** Delaware legislators could consider given the Secretary of the Department of Health and Human Services discretion on the content of the label using evidence-based studies.