

Minnesota HF 1289, an Act requiring social media platforms to post a mental health warning label and timer notifications

OPPOSITION TESTIMONY

March 19, 2025

Minnesota Legislature House Commerce Finance and Policy Committee:

Dear CoChairs Vang Her, O'Driscoll, and Members of the Commerce Finance and Policy Committee:

NetChoice respectfully asks that you **oppose** HF 1289. This bill would mandate warning labels and timer notifications for constitutionally protected speech posted on online platforms. While well-intentioned, the legislation presents significant policy and legal concerns:

- Violates the First Amendment and;
- Would be ineffective at preventing access to obscene material.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members take teen safety seriously and have rolled out new features, settings, parental tools, and protections to better empower parents in monitoring their children's use of social media. We ask that you oppose HF 1289 and instead use this bill as a way to jumpstart a larger conversation about how best to protect minors online and consider alternatives that do not raise constitutional issues.

Mandated labeling requirements violate the First Amendment

HF 1289 may seem like a simple tweak to address the concerns of lawmakers and parents. After all, we place warning labels on lots of different products. Tobacco and alcohol products chiefly spring to mind. In California, their product labeling laws are so aggressive you can't even shop in the Disneyland gift shop without dozens of signs warning of an increased risk of cancer. But cigarettes, wine bottles, and stuffed animals aren't the same as speech.¹

Every Minnesotan—indeed every American—has constitutional guarantees to express themselves, and to engage with speech unobstructed by the government. That means that the Minnesota legislature, and every other legislature in this country, is severely limited in its ability to regulate speech or to attach stigma to lawful expression. Minnesota cannot require a speech platform to carry a message condemning the underlying lawful speech—especially given that the message is not scientifically substantiated. Even if we treat speech the same as other commercial products for the sake of argument, the courts have required mandated labels to disseminate true, uncontroversial messages. The claim that online speech is dangerous to mental health is not at all uncontroversial and, again, there is no scientific consensus.

Slightly rethink the parameters of such a warning label now that we are considering the difference between speech and unrelated commercial products. Would it be appropriate for the legislature to require the Minneapolis Star Tribune or the Duluth News Tribune to disseminate a message on behalf of the government telling the citizens of Minnesota that the news they may read in its pages could be of concern to their health? No. Similarly, the state could not mandate timed pop-up warnings to try and dissuade citizens from reading constitutionally protected expression. Such government mandates would be rightly understood as wildly unconstitutional. There is no legal difference between these hypotheticals and HF 1289.

There is a better approach

There is no evidence that such a government mandate would lead to improved outcomes for young people. HF 1289 assumes a straightforward causal relationship between social media use and negative mental health outcomes. However, the research in this area remains nuanced, with many studies showing that impacts vary significantly based on how platforms are used, individual characteristics, and

¹ [A Warning Against Warning Labels on Social Media Platforms | American Enterprise Institute - AEI](#)

other factors. Additionally, research shows that repetitive warnings quickly become ineffective as users develop "warning fatigue." By mandating that warnings appear every time a platform is accessed, users will likely become desensitized to them, rendering the warnings ineffective and merely an annoyance.

That does not mean that the state cannot or should not engage regarding the issue of mental health outcomes for children on social media. The state is free, and should be encouraged, to expand high quality research into this issue. There does not currently exist substantial scientific literature and there is no general consensus from which to meaningfully operate. The state is also free to make available to parents directly information currently available on the studies that do exist or information regarding parental controls, blocks, and other tools made available by the private sector.

Florida and Virginia have passed laws requiring specific online and social media education in the classroom. This helps arm young people with the information they need to keep their data more secure, focused on age appropriate content, and away from bad actors who would do them harm. Solutions for families and kids don't need to come in the form of government mandates and they need not violate the constitutional rights of Minnesota citizens.

For these reasons, we respectfully ask you to **oppose HF 1289**. As ever, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter. ²

Sincerely,

Amy Bos
Director of State and Federal Affairs
NetChoice

NetChoice is a trade association that works to make the internet safe for free enterprise and free expression.

² The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.