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THE LEGISLATIONS AND REGULATIONS OF SOCIAL MEDIA - A STUDY OF 2
COUNTRIES – CANADA AND THE UNITED STATES

By

Laura Mircea

B.S, Southern Illinois University, 2022

A Research Paper

Submitted in Partial Fulfillment of the Requirements for the
Master of Science

School of Mass Communications and Media Arts
in the Graduate School
Southern Illinois University Carbondale
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RESEARCH PAPER APPROVAL

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A Research Paper Submitted in Partial

Fulfillment of the Requirements

for the Degree of

Master of Science

in the field of Professional Media and Media Management Studies

Approved by:

Kavita Karan, Mike Phillips, Dong Han

Graduate School
Southern Illinois University Carbondale
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Laura Mircea, for the Master of Science degree in Professional Media & Media Management Studies, presented on April 10th, 2024, at Southern Illinois University Carbondale.

TITLE: THE LEGISLATIONS AND REGULATIONS OF SOCIAL MEDIA - A STUDY OF 2 COUNTRIES – CANADA AND THE UNITED STATES

MAJOR PROFESSOR: Dr. Kavita Karan

In today's society, social media is widely popular to use for many different reasons such as communicating, marketing, networking etc. However, with social media rapidly expanding and the usage growing exponentially, it can become dangerous. Some of these dangers include privacy exposure, invasion of privacy, cyberbullying, harassment, exploitation etc. One of the bigger challenges faced is protecting children and minors on social media, and preventing false news and rumors from circling. While some countries have stricter social media laws and rules implemented by the government, other countries rely on the social media platforms themselves to regulate and protect users from the danger of social media. In this research, two countries; Canada and the United States of America, will be analyzed comparatively based on social media freedom, laws and regulations implemented on the use for social media and what they are for, as well as how they can protect users. The purpose of this research is to find out the political, social and legal system of the two countries under study, to find out the social media use of the countries, to find out the laws, regulations and legislations that are being enacted and implemented on social media in the two countries under study, to find why the legislations were put in place and to find out the reactions from citizens in respective countries regarding these laws.

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HEADING 1

INTRODUCTION

Social media has been around for almost 26 years, dating back to 1997 when the first social media site, “sixdegrees.com”, was invented, and has been taking the world by storm with multiple social media platforms and with 4.8 billion users worldwide. (Search Engine Journal 2023). Social media is used to communicate, a way of income (influencers and content creators), to market and advertise, news, and expanding circles and communities.

Issues in Social Media

Recent literature has extensively focused on the multiple uses of social media with its inherent advantages and disadvantages. The explosion in the use of social media has necessitated Governments and private organizations as well as scholars to investigate how to use and regulate social media. While social media helps society stay connected with each other and keep them entertained, it can also lead to problems both online and offline. One of the problems caused is social media addiction, where spending time on social media apps can increase dopamine levels in individuals: “Studies have shown that the constant stream of retweets, likes, and shares from these sites cause the brain’s reward area to trigger the same kind of chemical reaction seen with drugs like Cocaine” (Hilliard 2024). Individuals can turn towards social media in order to cope with loneliness, stress and depression, but may not be the best solution to cope as studies have shown an increase in mental health problems such as anxiety and depression among teenagers and adolescents when using social media. “According to Dr. Davilla, "Texting, instant messaging and social networking make it very easy for adolescents to become even more anxious, which can lead to depression." Clearly social media is inadvertently leaving youth susceptible to become overly self-conscious, anxious and ultimately depressed” (Amedie, 2015,

page 7). The stress and anxiety from social media stems from a few things that happen on the digital platforms, such as stress over posting and comments, “Thus when a teen posts a problem online it is likely to receive both positive and negative comments, causing an obsession to develop on this “problem post”. (Amedie, 2015, page 7), comparing themselves among others which lowers their self-esteem, “As people spend more time on Facebook, they visit other people’s profiles and they start envying certain individuals who they think are superior or better-off than them”(Muqaddas, Sanobia,Nawaz, 2017, pp 8), and lastly people who try to display a “perfect image” of themselves, “from the stress produced from constantly trying to project an unrealistic and unachievable perception of perfection within your social network. The social anxiety of stress is associated with trying to project a perfect self at all times.” (Amedie, 2015, pp 8). The stress of an individual making sure that their lives look good on social media or even better than others, whilst stressing over what others do and the likes and comments on their own content can take a toll over their mental health and lead them to depression and anxiety. To summarize, though individuals turn towards social media in order to cope with their depression and loneliness and feel a rush or sense of happiness, it does not last very long as anxiety and stress from the need to have approval from other users and viewing unrealistic content and experience that seems better than them can further increase.

Violence and bullying has also become an issue in social media today. Bullying has become more frequent as before media and internet, but now people can do it in the online world as well, and it is even more problematic as people can do it anonymously online, “Those who cyberbully have the ability to hide their identity posing as someone else, through false identities to terrorize their victims” (Amedie, 2015, page 12). Cyberbullying can take many forms, such as direct messaging, leaving negative comments on one's social media posts, or posting about

publicly humiliating them. People now have the ability to hide behind their internet device, making it easier to bully others.

Terrorism and violence have become a problem in the media world, due to how much information is displayed online and how easy it is to get access to that information, “Terrorism has been using social media for their benefit for gathering information, for recruiting members, for fund raising, and for propaganda schemes.” (Amedie, 2015, page 13). The use of social media is also a free way to communicate with others as well as share thoughts and opinions, which can convince as well as confuse individuals of their beliefs and what is right and wrong, “Terrorist organizations are using social media platforms for recruiting, training and communicating with their followers, supporters, donors, as it is cheaper, easier, faster and effective method of communication” (Hossein, 2018), “Propaganda through mass media has been recognized as an effective power and can be used by terrorist group as a force in spreading the message of understanding political struggle.”(Putra, 2016, page 6). Before the media, terrorism was often located in the respective country of the terrorist, while now with social media and the internet, it has spread worldwide.

News has been circulating on social media platforms since the beginning of the social media era. Posting and spreading news and news articles is highly effective and minimal in cost when posted on social media. Despite the simplicity and cost -effective strategy, it has its downside as it is also just as easy to spread fake news online. “On the one hand, its low cost, easy access, and rapid dissemination of information lead people to seek out and consume news from social media. On the other hand, it enables the widespread use of “fake news”, i.e., low quality news with intentionally false information.” (Shu, Silva, Wang, Tang, Liu, 2017). Posts on social media can be easily fabricated or changed into something else, “Within the new media

ecosystem, widely dominated by media content easily swinging between satire and parody, fabrication and manipulation” (Ștefăniță, Corbu & Buturoiu, 2018). Many people online believe what they see right away, making them susceptible to fake news, and can lead them to believing something that isn't true which can be dangerous as it can alter their mindset. One major example of this was during Covid-19. Because Covid-19 was so new in 2020, major and strict rules and legislations were put in place as a precaution, and the media and internet flooded with posts, articles, news and alerts about Covid-19, “The potential effect of Fake news stems from conspiracy theories, such as a biological weapon produced in China, water with lemon or coconut oil that could kill the virus, or drugs, which even if approved for other indications, could have potential effectiveness in prevention or treatment of COVID-19” (Rocha, Moura, Desiderio, Oliveiras, 2021). The problem with it was that so many posts and news contradicted the others, and false news was able to spread like wildfire, causing fear in the society. Some of the fake news about Covid-19 include; fake cures and prevention methods including a flood of stories advocating pseudoscientific interventions and practices to help prevent coronavirus as they often promote fake tests and cure theories on whose fault it was and why it happened (Khan, 2020). Further, misinformation includes conspiracy theories about the virus being created as a biological weapon in China (Apuke, Omar, 2021), and also claims of how governments are handling the situation, “Vladimir Putin released 500 lions in Moscow to force people to stay indoors to combat COVID-19 (Fleming, 2020). All these groundless statements are fake news” (Yang, Tian, 202). Given these issues, governments needed to implement laws and regulations relating to social media. During the 2016 and 2020 U.S elections, social media was frequently used by Congressman and politicians, creating a buzz on social media and within online users. During the 2020 elections, engagement was above 400 million, with 299 million likes/favorites

and 56 million shares or retweets on Twitter (now called “X”), and 121 million likes/reactions and 17 million shares on Facebook. (Pew Research Center, 2021). From 2016-2020 former President Donald Trump was banned from both Twitter and Facebook in 2021, for inciting violence after the White House was attacked. After two years, Trump was allowed back on social media platforms, but with restrictions and monitoring (Bond, 2023). With Social media becoming a new tool to reach citizens and connect with them, Congressmen and politicians can use it to help with their campaigns and elections. Canadian Prime minister Justin Trudeau, is extremely active and responsive on Twitter, enabling him to engage with a younger and broader audience and expand his connections more than might have otherwise occurred (Abate, Bai, Dragusin, Emtesali, Han, Leung, 2019). However, the downside is how easily fake news and misinformation is able to flow through social media. A market research company named “Ipsos”, conducted a research on Social media and elections, and how social media and misinformation affects elections in 16 different countries holding elections in 2024. From their research, they found that 56% of internet users in the 16 countries surveyed, use social media as their primary source of news, 66% of that surveyed trusted television news, 63% trusting radio news, and 61% were trusting print media news, and 48% of surveyed citizens have reported online content related to disinformation in the context of an election campaign. (Gallard, Lamotte, Quetier-Parent 2024).

With social media addiction, cyberbullying, false news and misinformation, as well as inappropriate and violent content that circulate on social media, it can become difficult to protect youths and children. As youths are developing and evolving, they are more susceptible and vulnerable to happenings around them, which in turn can affect them long term (Balocchini, Chiamenti, Lamborghini 2013). Some more dangers to youths and children on social media

include being exposed to inappropriate/violent content or messages, a stranger or older individual having the ability to hide behind a screen or profile also known as catfishing (refers to an individual creating a fake or deceptive identity or profile) in order to extort, exploit or manipulate the youth, which can lead to sharing private information. According to the Child Crime Prevention and Safety Center, children ages 12-15 are most susceptible to being manipulated or groomed by an adult they meet online, and 40% of youths remove privacy settings on their profile in order to attract more friends or followers, which can also lead to attracting strangers and child predators. Of the reported cases, 1 in 4 involved an adult asking the youth to send a sexually explicit photo of themselves, and 4% received aggressive solicitations online (Kraut 2023). It has become difficult for parents or guardians to protect their youths from the dangers on social media as “70% of teens hide their online activities from parents using methods such as private browsing, clearing history, and proxy websites” (Davis 2024).

The rapid expansion of social media has resulted in an increase of cyber bullying, mental health issues, cybercrimes such as hacking and invasion of privacy, spreading of fake news and dangers to youths and children. In view of these problems, countries have set up laws and regulations, and social media companies have set up rules and guidelines. While there are studies done on the negative and positive effects of social media on individuals, there are not many studies done on the legislations, laws and regulations of social media and the cause for implementation. It is important we study the legislative procedures and regulations that are suggested to take place over social media and to identify if it can be effective, in order to better protect society from the negative aspects as is evidenced by the studies, without violating the constitutions, and the level of freedom citizens have. In some places Social media is used in a controlled environment with legislations and regulations implemented by the government, or

extensive censorship where in China, for example, “is one of the most extensive censorships in the world making it one of the top-most countries that have banned Social Media” (Gupta, 2023). Whereas in other countries it has its freedom where users can do whatever they wish to do with it, for instance, in the United States it “remains vibrant, diverse, and largely free from government censorship, and the country’s legal framework provides some of the world’s strongest protections for free expression online.”(Freedom House 2023). Legislations and regulations are implemented to “encourage users to be more responsible when posting on social media. With established guidelines in place, users may become more conscious of their online behavior and the potential consequences of their actions (Endurance,2023). Social media platforms in the United States are used almost completely freely, where users have the freedom to post whatever they would like as long as it complies with the rules and regulations set by the social media platform company board and owner itself. However, the U.S government does have some control over it as Federal agencies have the authority to monitor the media platforms for investigations, threat detections, situational awareness, and immigration and travel screening. The Federal Communications Commission (FCC) is the government body responsible for regulating and monitoring social media. Even though the government has some control over what flows in the media, it does not have complete control due to the first amendment, which prevents greater control over what gets posted and circulated online and; “Social media platforms are private companies and can censor what people post on their websites as they see fit” (Nott, Peters, 2023). Because the First Amendment restricts government from more control, fake news and misinformation can flow heavily through the media in the United States, which can cause damages to belief systems. This research will look at Two different countries, Canada and the U.S, and how they regulate social media.

HEADING 2

OBJECTIVES

The objective of this research is to identify and compare the social issues or problems and the legislations and laws that have been made by the two countries in this study. The study examines the current implemented regulation of media platforms, the need for regulations, and to further find out what efforts have been made by government and media platform companies in order to better regulate media in the future, and what are some of the methods media can be regulated in a positive way without taking away the freedom of speech as well as spark protests among users. The final objective is to figure out whether the government should be the one to implement better regulations, or the social media companies should impose stricter self-regulation.

This study poses the following research questions.

RESEARCH QUESTIONS

1. To find out the political, social and legal system of the two countries under study?
United States and Canada
2. To find out the social media use of the countries under study?
3. To find out the issues on social media in the two countries?
4. To find out the laws, regulations and legislations that are being enacted and implemented on social media in the two countries under study?

HEADING 3

METHODOLOGY

Case studies will be done in order to compare the different reactions, laws and legislations, as well as events and the needs that created the need for laws and legislations on social media. A case study is done to research and analyze, in-depth a person, an event or a group, in order to learn as much as possible and generalize the information found for others. (Cherry, 2024). Case studies will be used to identify comparisons between different legislations and regulations of media, as well as comparisons of issues that may happen on social media from different countries chosen for this research, using studies, government websites-, research on present and past efforts done to regulate media, analysis of different news articles to reactions of both writers and citizens.

The countries chosen are: Canada, and The United States. These two countries were chosen in order to compare two countries bordering each other, and how they handle different situations and problems related to social media and its citizens.

HEADING 4

FINDINGS

Canada

Canada has a population of around 38.7 million, 36 million of whom use the internet, and 33.15 million who are active social media users, according to “Made in Canada” Canadian Statistics (Bush, 2024). Facebook is the most used social media platform, with 60.9% users out of the overall users, and TikTok is the fastest growing platform. On average, Canadians spend six and a half hours (6.5) on the internet, and just over two hours a day on social media, with the largest users age group being 24-35 year old’s, with 50.4% of users being women, and 49.6% being men.

Canadian politics work within a parliamentary democracy, and is a constitutional monarchy which derives from the British. They follow the “Westminster” traditions, as Canada was once under the British ruling before gaining independence in 1982.(House of Commons, Canada updated 2024).

Some of the laws and legislations are as follows.

Laws and Legislations on Social Media in Canada

1. The Online News Act”, (July 2023)

In Canada, as of July 2023, a new legislation was implemented called “The Online News Act”, which prevents certain social media platform giants from posting news for free on their platforms. The objective of this act is to help news outlets remain in business and earn fair income and revenue sharing by both news outlets and social media platforms. According to Canadian Heritage Minister Pablo Rodriguez; It levels the playing field by putting the power of big tech in check and ensuring that even our smallest news business can benefit through this

regime and receive fair compensation for their work (Jessica Mundie, 2023). This was also done to “promote voluntary commercial agreements between digital platforms and news outlets, with minimal government intervention.” (Government of Canada, 2023). By implementing this act, social media platforms and users have to pay the news outlets to post or share news through the social media platforms. In July 2023 Social media platform giant, Meta (Instagram and Facebook), has chosen to completely ban news flows on their platform, and implemented the block at the start of August 2023 (Paul, Scherer 2023). Originally Google also opted to ban news on its search engine, but at the end of November 2023, it was announced that Canada and Google have reached an agreement; “Canada and Google have reached a deal to keep news stories in search results and for the internet giant to pay C\$100 million (\$73.6 million USD) annually to news publishers in the country, as stated by a Canadian official (Shakil, 2023). Though an exception was made, social media platforms must have agreements with the original news outlets in Canada: “To obtain an exemption, platforms must enter into agreements supporting the diverse production of Canadian news in communities across Canada. The total value of agreements must meet a certain threshold in order to qualify for an exemption.” (Department of Canadian Heritage, Jazeera, 2023). According to Michael Geist, a law professor at University of Ottawa and the Canada Research Chair in internet and e-commerce law; The new law can however create problems instead of solutions as experts say that misinformation and “fake news” are likely to flow more freely through social media, and small business news outlets that depend on social media to gain awareness and readers (Lindeman, 2023). The criteria for digital media companies that would have to comply with the Online news act are as follows: They have a total global revenue of \$1 billion (CAD) or more in a calendar year; they operate a search engine or social media site, distributing and providing access to news content in Canada, and they have 20

million or more Canadian average monthly unique visitors or average monthly active users.
(Canadian Heritage, 2023)

The Impact of the Regulations - In reviewing the impact, it was found that it can create a problem for millennials and Gen Z, as many turn to as well as rely on, social media platforms to stay informed on what is happening in their area as well as outside of their area, “Gen Z and millennials are still more likely to get news and information more frequently from social media including Facebook, YouTube, Instagram, TikTok, Snapchat, Twitter, Reddit, LinkedIn, Twitch, and Nextdoor”(The media Insight Project, 2023). “Overall, 40% of 16- to 40-year-olds in 2022 are using Facebook daily for news compared with 57% in 2015. However, more are using Instagram, YouTube, Twitter, and Reddit” (The Media Insight Project, 2023). Since the news ban on social media, more Canadians were likely to have distrust in the news: “Recent policy changes and barriers to consuming news online and via social media have impacted Canadians’ trust levels, with 26 percent of those surveyed indicating Canada’s Online News Act (Bill C-18) and the ban of media outlets by Meta have eroded their trust in the media. Millennials (31%) and Gen Z (29%), who consume their news largely on social platforms, are more likely to report that Bill C-18 and the Meta ban have caused them to trust media less.” (Farr 2023). What is done in order to help news outlets, can actually hurt the news outlets as well as hurt/lose readers who depend on social media for news and information.

2. Competition Act (Federal).

The Competition Act (1985) contains criminal sanctions for the use of false and misleading advertising in Canada in any form of media (Daniele, 2014). In 2020, Bill C-10, The Online Streaming Act was proposed, later introduced as an Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts (Justice Laws of Canada 2024),

which passed the house of commons, but dissolved in 2021. However, the bill was reintroduced in 2022, and received royal assent in early 2023. Some of the goals of this bill include: “Regulate broadcasters and streaming services in Canada”, and “Impose conditions upon broadcasters and streaming platforms to uphold Canadian broadcasting policies”. (Wallace, 2023).

3. Criminal Code of Canada (1892)

Canada’s criminal code of conduct also applies to the online world, as there aren’t any set regulations, bills and laws on social media. If cyberbullying, sexual exploitation, threats, harassment etc. happens in the online world, it is reviewed and handled under the Criminal Code of Canada: “Depending on the nature of the activity involved, a number of *Criminal Code* offenses may apply to instances of bullying or cyberbullying, including: criminal harassment, uttering threats, intimidation, mischief in relation to data, unauthorized use of computer, identity fraud, extortion, false messages, indecent or harassing telephone calls, counselling suicide, incitement of hatred (section 319) and child pornography offences. (Justice Canada 2023).

Proposed Bills and Legislations

Efforts are being made in order to help regulate the online world at a more effective level, rather than relying on the set criminal code that was set before the digital world expanded. The Online Harms Act (2024) was introduced at the end of February 2024 in order to further and better regulate social media and the internet in seven different categories: Content that sexually victimizes a child or revictimized a survivor; Intimate content communicated without consent; Content that foments hatred; Content that incites violent extremism or terrorism; Content that incites violence; Content used to bully a child; and Content that induces a child to harm themselves (Government of Canada, 2024). As it was introduced, approval is pending.

United States

The United States government is based on the Constitution, which was written in 1787, and is made up of three branches: legislative, executive, and judicial, all of which establish a federal democratic republic form of government (The White House 2024)

In the United States, 308.27 million are active social media users, making it 91.56% of the population. Facebook is the most used platform in the United States with 77% out of the 308.27 million users, followed by YouTube with 66% of users, and Instagram with 56% users. On average, Americans spend 7 hours daily on the Internet, with a little over two hours spent on Social Media (Statista, 2023). The largest user age group is 18-29 year olds, and 51.2 percent of social media users were women, and 48.8 percent of users were men (Dixon 2024). Social media platforms in the United States operate almost completely freely, where users have the freedom to post whatever they would like to, as long as it complies with the rules and regulations set by the social media platform company board and the owner itself. The U.S. government does have some control as Federal agencies have the authority to monitor the media platforms for investigations, threat detections, situational awareness, and immigration and travel screening.

Laws and legislations

1. Federal Communications Commission (FCC) (1934) and the First Amendment (1791)

The Federal Communications Commission (FCC) is the government body responsible for regulating and monitoring social media. Even though the government has some control over what flows in the media, it does not have complete control due to the first amendment, which prevents greater control over what gets posted and circulated in the mass and online platforms a; “Social media platforms are private companies and can censor what people post on their websites as they see fit” (Nott, Peters, 2023). Because the First Amendment restricts government from

more control, fake news and misinformation can flow heavily through the media in the United States, which can cause damages to belief systems. Here are ways the first amendment prevents regulations of said control according to Nott and Peters (2023):

Hate Speech – The First Amendment protects hate speech from government censorship unless that speech incites or is likely to incite imminent lawless action.

Misinformation – The First Amendment protects false statements of fact (although it does allow for people who make false statements of fact that damage others' reputations to be sued for defamation)-

Harassment – The First Amendment does not protect true threats (serious expressions of intent to commit acts of unlawful violence) from government censorship.

However, some anti-bullying laws have been struck down for violating the First Amendment. Along with the first amendment, citizens and their reactions, and controversy are other obstacles in implementing legislations and laws on social media regulations in the United States-. “Those who oppose the government’s increasing regulations on social media companies argue that increasing government regulations on social media would cause more harm than good.... they may argue that individuals have a responsibility to monitor their own behaviors, and that it is not the government’s responsibility to promote civil discourse and virtue. Finally, they may claim that increased regulations will be detrimental to a company’s freedom to determine its own policies.” (Bill of Rights Institute, 2021). “Critics of the state social media laws warn that restricting tech companies' freedom to moderate content could lead to a torrent of hate speech, misinformation, and other violent material.” (Oremus, Zakrzewski, 2022).

The following are some of the legislations that help control social media platforms to some extent.

2. The Communications Decency Act (1996)

The Communications Decency Act (1996) regulates obscenity and indecency on the internet. Furthermore, it prohibits the use of any technology device to anonymously send threats or harass others. This act also protects social, communications and media companies from being liable for threats and harassment that happens on their website, app and line, and also allows them to remove or take down any posts that may violate moral guidelines. (Ortutay 2023)

3. Computer Fraud and Abuse Act (1986)

This Act Prohibits trespassing into a computer intentionally without authorization, also known as “hacking”. This also includes access exceeding authorization. The act was originally implemented to protect the U.S government’s operating system of computers, however, with growing concerns about hacking outside the government’s computers, the law was amended to expand to civilians and corporate companies as well. The amended law prevented company employees from revealing company secrets and private information to others, and is considered a violation of the act if a person aggregated a loss of at least \$5000 in financials, impairment to medical treatment/care, and physical injury or threat to an individual or community. The law further expanded to being applied to any device used for communications such as a phone, tablet etc. (Sheldon, Cole 2023)

4. Children's Online Privacy Protection Act (“COPPA”) (2000)

Prohibits unfair or deceptive acts used to collect information of internet/online users under 13, as well as using and or disclosing the information to others. This includes requesting, encouraging or prompting the youth under 13 to share or submit personal information online (Code of Federal Regulations 2013). The penalty for violating the act can include a fine of up to \$50,000 per person. (PRIVO 2023)

Social Media Laws by State

Arkansas

1. Distribution of Harmful Material Act (2023)

Protection of Minors from Distribution of Harmful Material Act; This Act establishes liability for the publication or distribution of material harmful to minors on the internet; imposes duties on publishers and distributors of material harmful to minors; requires reasonable age verification; provides for individual rights of action; allows for attorney's fees, court costs and punitive damages. (NCSL 2024)

2. Social media Safety Act (2023)

Social Media Safety Act (2023);requires age verification for use of social media; clarifies liability for failure to perform age verification for use of social media and illegal retention of data; requires parental consent; relates to liability for social media companies.(NCSL 2024)

California

1. Social media platforms: Drug Safety Policies(2024)

Beginning January 1st 2024, this Act provides that the existing law requires a social media platform to create and post a policy statement regarding the use of the platform to illegally distribute controlled substances. Requires a platform to retain content it has taken down or removed for a violation of its policy related to controlled substances for a specified period, except when the platform has a good faith belief that the content is related to offering, seeking, or receiving of gender-affirming health care, mental care, or reproductive care.. (NCSL 2024)

2. Commercial Sexual Exploitation: Child Sexual Abuse (2025)

Provides that the California Consumer Privacy Act grants a consumer the right to request that a business delete personal information about the consumer that the business has collected from the

consumer. Requires a social media platform to permanently block the instance of reported material and make reasonable efforts to remove and block other instances of the same material from being viewable on the platform if there is a reasonable basis to believe that the material is child sexual abuse material. This act will be enforced from beginning January 1st 2025. (NCSL 2024)

3. Social Media Platforms: Controlled Substances (2023)

Provides that existing law authorizes a person who is the target of a violent post to seek an order requiring the social media platform to remove the violent post and any related violent post the court determines shall be removed in the interests of justice. Authorizes a person to seek an order requiring a social media platform to remove content that includes an offer to transport, import into this state, sell, furnish, administer, or give away a controlled substance in violation of specified law. Until January 2028. (NCSL 2024)

Florida

1. Student Use of Social Media Platforms (2023)

Relates to technology in k-12 public schools; requires each district school board to adopt an internet safety policy for student access to the internet provided by the school district; provides requirements; requires each school district to prohibit and prevent student access to social media through internet access provided by the school district; provides an exception; prohibits the use of certain platforms on district-owned devices and through internet access provided by the school district. Effective July 1st 2023. (NCSL 2024))

2. Technology Transparency (2024)

Prohibits officers or salaried employees of governmental entities from using their positions or state resources to make certain requests of social media platforms; prohibits governmental

entities from initiating or maintaining agreements or working relationships with social media platforms under a specified circumstance; provides exceptions; prohibits certain conduct by an online platform that provides online services, products, games, or features likely to be predominantly accessed by children. Effective July 1st 2024. (NCSL 2024))

3. CS/CS/HB 3: Online Protections for Minors

Requires Social media platforms to prevent certain minors from creating an account online within the state (youths under 14), delete existing accounts owned by those aged under 14, and youths aged 14 and 15 will need parental consent to create a new account. Consequences include: “Companies that fail to do so could be sued on behalf of the child who creates an account on the platform. The minor could be awarded up to \$10,000 in damages, according to the bill. Companies found to be in violation of the law would also be liable for up to \$50,000 per violation, as well as attorney’s fees and court costs.” (Rosenblatt 2024). This bill will become effective January 1st 2025 (Florida Senate Website 2024).

Illinois

1. Child Labor Law (2024)

Amends the Child Labor Law; removes certain languages; sets forth certain information a vlogger is required to annually report to the Department of Labor, including, but not limited to the name and documentary proof of the age of the minor engaged in the work of vlogging, the number of vlogs that generated compensation during the reporting period and the total number of minutes each minor was featured in vlogs during the reporting period. Effective July 1st 2024. (NSCL 2024))

Louisiana

1. Commercial Regulations (2024)

Creates the Secure Online Child Interaction and Age Limitation Act; to provide for limitations and restrictions of certain accounts on a social media platform; to provide for age verification of account holders; to provide for parental consent; to provide for enforcement by the Department of Justice; to provide for terms, conditions, definitions, and procedures; to provide relative to implementation; and to provide for related matters. Effective July 1st 2024. (NCSL 2024))

Texas

1. Protection of Minors (2024)

Relates to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school. Effective September 1st 2024. (NCSL 2024))

2. Restricting Access to Pornographic Materials (2023)

Relates to the publication or distribution of sexual material harmful to minors on an Internet website; provides a civil penalty. Effective Since September 1st 2023. (NCSL 2024))

Utah

1. Social Media Usage Amendments (2023)

Regulates interactive computer services and the use and design of social media platforms; prohibits a social media company from using a design or feature that causes a minor to have an addiction to the company's social media platform; grants the Division of Consumer Protection enforcement and auditing authority to enforce requirements under the act; authorizes a private right of action to collect attorney fees and damages from a social media company. Effective May 3rd 2023. (NCSL 2024))

2. Social Media Regulation Amendments (2023)

Enacts the Utah Social Media Regulation Act; requires a social media company to verify the age of state residents; requires a social media company to obtain the consent of a parent or guardian before a state resident under a specified age may maintain or open an account; prohibits a social media company from permitting a person to open an account if that person does not meet age requirements under state or federal law; provides for a private right of action. Effective May 3rd 2023. (NCSL 2024))

Virginia

1. Safety While Accessing Technology Education Program (2023)

Provides that the Internet Safety Advisory Council may collaborate with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with expertise in child online safety issues and human trafficking prevention; provides that the council shall develop adoption model instructional practices for and instructional content on the safe use of media and technology by students and teachers in public elementary and secondary schools in the commonwealth. (NCSL 2024)

Laws on Cyberbullying and Online Attacks

Federally, there are no specific set laws on cyberbullying and bullying, but depending on the types of bullying happening online, it can fall under the “‘discriminatory harassment’ when the abuse is based on religion, age, national origin, race, color or sex.” category. However, a small amount of States have implemented laws on cyberbullying with the help and concerns that arose from public schools, happening within and outside of school in order to protect citizens as well as children and students against it, in which was last updated in 2011, which can be found on: <https://www.aft.org/federal-and-state-activity-bullying-prevention>

Social media platforms current guidelines and self-regulations

Social media companies do have restrictions and guidelines set in place to ensure safety of users. Some guidelines include regulations for users under the age of 16, and censorship of certain content and words used in the content. “Those aged 13-15 have their accounts set to private by default, enabling teens to make informed choices about what they choose to share, when, and with whom. Direct messaging is only available to those age 16 and older” (TikTok regulations 2023), set by TikTok, or on Instagram “when teens under 18 sign up for Instagram, accounts they don't follow cannot tag, mention or use their content in Reels Remixes or Guides by default. To protect teens from unwanted contact, we restrict people over 19 years old from sending private messages to teens who don't follow them.” (Instagram Regulations, 2022). Censorship is used by taking down posts that are deemed dangerous by the platform i.e: “ We do not allow threats of violence or incitement to violence on our platform that may result in serious physical harm.”(TikTok Regulations 2023), and "More than 40,000 people work to help keep TikTok safe, and we are grateful to third-party organizations whose research helps strengthen how we enforce our policies to keep our platform safe."(TikTok spokesperson, Konig, 2023), or content using certain words such as death. Despite all these restrictions for users under the age of 18 and content regulations, it still does not fully protect them from the violence and inappropriate content that circulates on these platforms as people find loopholes, and “extremist” content are still able to circulate.

HEADING 5

COMPARATIVE ANALYSIS AND DISCUSSIONS

Comparative Analysis of Social Media Uses and Problems and and Related Laws Governing in the Two Countries

In this section, we give an overview of the social media problems as identified earlier and the laws set up by social media companies and the government laws controlling them in the countries. These include youth and time spent on social media and its addiction; violent content, cyberbullying and harassment, youth and child protection, news and misinformation, and abuse.

1. Time Spent and Social Media Addiction

The average time spent on social media worldwide is 143 minutes per day. (Kemp 2024). On an average per day, Americans spend 2 hours and 18 minutes, and Canadians spend 1 hour and 53 minutes (Kemp 2024). While there aren't laws on screen time and social media addiction in the two countries on a government or federal level, the state of Utah is the only state that has a law that does not allow companies to develop a design or feature that can cause or increase addiction. Social media platforms such as TikTok and Meta have options in which can limit time spent on the app whether it is for someone who wants to spend less time on the platforms, or for parents to set up for their child. TikTok by default automatically has a time limit of one hour for users under the age of 17, which can be changed or turned off. TikTok also has a setting in which users can set up their own time limit on the app, in order to help self-control and addiction. Meta has the same option, where a user can set their own time limit, and both platforms have the option for parents of users under a certain age to set a time limit on each app. Cell phones also have the option to set a time limit on apps that may be downloaded on the phone, should the owner wish to reduce time spent on certain apps.

2. Laws on Violent content, Cyberbullying and Harassment

The online world has created a new form of bullying known as cyberbullying, a flaw in the internet as people can bully others behind a screen, or even anonymously. With the freedom level in Canada and the U.S, insulting messages, comments, and threats can flow freely through social media. Despite efforts made by social media company's regulations and guidelines, cyberbullying still happens often. In 2018, 25% of youths aged 12-17 in Canada reported that they were being cyberbullied, with 16% saying it was an insult or threat online by text message, and 9% was hurtful information posted about them online (Cheng, Poirier 2023). In the U.S, 59% of youths aged 13-17 reported being cyberbullied in 2018, with 42% being offensive name calling, threats, rumors and harmful posts of them (Anderson 2018).

In Canada, there are set regulations and legislations to protect citizens from threats, harassment and bullying in the criminal code applied to citizens and visitors in Canada. The criminal code moved is also applied to what happens in the online world, Since it isn't specific to the online world, it is also difficult to enforce as it is broad, and it is up to the social media platforms to further reinforce regulations on their platforms, especially rules on violent content circulating, and bullying, whether it is private through direct messaging or public, in the comment sections of a post. TikTok's Safety and Civility section in their Community Guidelines (updated 2024), they state that they are "committed to bringing people together in a way that does not lead to physical conflict", they "recognize that online content related to violence can cause real-world harm", they "do not allow any violent threats, incitement to violence, or promotion of criminal activities that may harm people, animals, or property" and "If there is a specific, credible, and imminent threat to human life or serious physical injury," they will "report it to relevant law enforcement authorities". TikTok also does not allow "language or behavior

that harasses, humiliates, threatens, or doxxed (publicly sharing or displaying one's private information without consent) anyone." TikTok also offers support resources and tools in order to help those who may be bullied. On Instagram, if content that shows violence is posted, it gets taken down, or they have a report option for users to report if they deemed necessary.

While Instagram doesn't necessarily directly deal with conflict, bullying or threats like TikTok does, Instagram does have guidelines set up in their help center advising users of their options and how they can deal with it. (Instagram Help Center, 2024). As Instagram and Facebook are owned by the same company, Meta, similar regulations apply to Facebook.

However, due to increase in harmful activities happening in the online world that are often missed and not properly regulated by both the criminal code set by Canadian government, and the regulations set by the social media and internet companies, Canada has introduced a new legislation February 26th 2024, the Online Harms Act, in effort to regulate and prevent/prohibit online bullying, harmful content, and activities that may cause harm to the community: "For too long, web giants have failed to keep kids safe online," he said. "Far too often, this has had devastating consequences." (Justin Trudeau, 2024). Along with this, changes are proposed to the original codes and laws in effort to help with the proposed bill, such as "Changes to the *Criminal Code* to better address hate crime and hate propaganda, Changes to the *Canadian Human Rights Act* to allow individuals and groups to file complaints against people who post hate speech online, and The enhancement of the laws to protect children from sexual exploitation through amendments to *an Act respecting the mandatory reporting of internet child pornography by persons who provide an internet service.*" (Government of Canada, 2024). While Canada continues working toward passing stricter and specific laws on online bullying in 2024, they have to rely on the criminal code to justify the attacks happening online, the U.S. is ahead with

the Communications Decency act regulates obscenity and indecency that may happen on the internet or technology, as well as prohibits the use of any technology device to anonymously send threats or harass others. While Federally the law remains vague on cyberbullying and online attacks, the State governments took it into their hands to further regulate cyberbullying by passing laws on cyberbullying or further expanding set laws on bullying by applying them to online bullying. All states have a specific or related law on cyberbullying and online attacks that may occur against children and students.

3. Laws on Sexual abuse- Pornographic content

TikTok has rules and regulations implemented on content showing or relating to “Adult Nudity and sexual activities”, where nudity, sexually explicit content and pornography are not allowed to be posted, and will be taken down almost immediately. TikTok also prohibits “youth exploitation and abuse, including child sexual abuse material, nudity, grooming, sextortion, solicitation, pedophilia, and physical or psychological abuse of young people. This also includes content that is real, fictional, digitally created, and shown in fine art or objects.” (TikTok Community Guidelines, 2024). Instagram also removes content that contains adult nudity or sexual activity, however less aggressively as it has a broader category of what is considered adult nudity or sexual activity. In the U.S, the law on sexual content differs by state. California will be implementing Commercial sexual exploitation: Child Sexual Abuse in 2025, where if there is a reasonable basis to believe that a material posted contains child sexual abuse, it is to be removed immediately and also make efforts to remove or block related content. Texas implemented restricting access to pornographic materials which relates to prohibiting distribution and publication of sexual materials harmful to minors, which went into effect from September 2023. In Canada’s Criminal code section 163.1 (1985), child pornography/exploitation is a criminal

offence, and authorities are working towards passing the Online Harm Act, which includes further enforces criminal offenses on sexual abuse of a child online.

4. Laws on News/ Misinformation on Social media

With social media growing into a part of society's everyday lives, the number of people who use social media as a news source has also grown. Despite the easy and convenient way of staying up to date with events happening locally as well as nationally on social media, the problems that can arise from it are misinformation/false information, and the loss of financials in news sources and outlets. In Canada, 43% said it was harder to trust what is posted on social media as it is getting harder to differentiate what is true and what is fake (Statistics Canada 2023). U.S citizens also feel that it is harder to differentiate what is true or false, as 42% said they have concerns and worry about what they read on social media is reliable (Watson 2022).

In Canada, "85 per cent said they (Gen Z) would use social media channels first, notably YouTube (41%), Instagram (38%) and TikTok (33%). On the contrary, baby boomers report relying on traditional channels (83%) to get their news."(Farr, 2023). In the Summer of 2023, Canada passed the Online News Act, preventing social media platforms and internet engines from posting news online unless they pay a fee. This was done in order to help news outlets' decline in profits. Social media platform giants, Meta and Google, were given a choice between paying to allow social media on their platforms and search engines, or ban them altogether. Meta opted to ban news on their social media platforms, Instagram and Facebook, and Google opted to pay. The news ban on social media has also caused Canadians to start distrusting the media as there can be an increase of fake news within social media. Moreover, small news businesses whose advantage at gaining awareness through social media is at a disadvantage as they now have to find a different way to market and gain viewers. In the United states, according to a poll

survey done by the Pew Research Centre (2023) , “half of Americans sometimes get their news from social media, and vastly more people get it on their digital devices than from television, radios or printed publications.”, with X being the number one social media platform used for news, followed by Facebook and TikTok, according to Statista in 2023. The FCC (Federal Communications Commissions) prohibits false information about a crime or disaster being broadcasted, if the broadcaster knows it is false and can potentially cause public harm. However, with the First amendment, it is difficult to pass a law on prohibiting or controlling fake news circulating on social media, as the First amendment protects free speech whether it is true or false. Overall, news can flow through social media in the U.S, while Canada banned news posted on Social media, unless media outlets are paid.

5. Laws on Child Protection Online

Social media usage has increased incredibly among teenagers in the last nine years. With about 90% of teens aged 13-17 online in the U.S (Laborde 2023), and approximately, 85% of users under age 17 in Canada (Summerfield 2023). Studies were done on the impact of social media on youth minds, and it has been found that teens who use social media are distracted from the outside world, have disrupted sleep, are more likely to spread rumors or share too much private information, and are exposed to cyberbullying or predators whom may try to exploit them or extort them, all which can lead to anxiety and depression. (Mayo Clinic Staff 2024).

Efforts are done among different social media platforms in order to limit exposure of different dangers and effects on users under the age of 17. Instagram has default settings in order to help protect teenagers and minimize exposure to dangers, such as, age verification, where users under 13 are not allowed to sign up for the social media platform, private account settings, where users under 16 or 18 in certain countries, are automatically set on private when they join

(their social media account limits information shown to others and limits contact from those who don't follow them), audience control whereas of 2022, accounts by users under the age of 18 cannot have their account tagged or mentioned by those who don't follow them, and users over the age of 19 cannot send a direct message to users under 18, unless the youth already follows them on Instagram. Further efforts are done in order to prevent adults unknown personally by teen users to contact them, such as taking allegations like blocking or reporting by a teen more seriously and monitoring the adult's social media activities, limiting exposure of teen accounts to adults, and sending warning messages to teens who may contact or be contacted by an adult. Instagram also limits content exposure to teens under 16, such as content about self-harm, eating habits, borderline nudity etc. (Instagram help center and policies 2024). Tiktok has similar policies, along with content posted by users under 16 will not be shown on the "for you page", Direct messaging is only available to users over the age of 16, and users have limitations to commenting on content posted by youths under 16. (TikTok policies and commitments 2024).

While the United States have already have a Children's Online Privacy Protection Act (COPPA), the Bill "Protecting kids on social media act", was introduced April 26 of 2023, which "requires social media platforms to verify the age of account holders and limits access to such platforms by children.", where social media platforms are required to verify the age of user creating an account, the account cannot be created or continue to be in use until the age of user is verified, limit access to social media to users under the age of 13, and the social media platform may not keep the information used in order to verify age. Furthermore, "require affirmative consent from the parent or guardian of a minor who is at least 13 years old to create an account for the minor on the platform, and (2) provide the parent or guardian with the ability to revoke such consent." and platforms cannot hold information of users unless they are over the age of 18.

(Congress.gov 2023). By U.S State, Arkansas has the Distribution of Harmful Material Act, which protects children and minors from harmful content on the internet. Texas is implementing Protection of Minors in which it relates to protecting minors of harmful practices in connection with use of digital and electronic devices, due to be effective September 2024. Virginia implemented Safety while accessing Technology Education program, where it provides that the ISAC may collaborate with law-enforcement in others to educate teachers and students on internet, media and technology safety. Florida passed the HB3: “Online Protection for Minors” Bill March of 2024, which revokes access to social media and creating accounts on social media from youths under 14, within the state. The Canadian government is behind on creating more restrictive and safety and social media related bills and legislations as there aren’t many in effect: “However, the law does not go far enough in protecting children’s privacy. While the information of minors is specifically called out, the law is silent on the definition of “sensitive” and “minor.” This means that businesses are left to decide what is sensitive and appropriate for minors. Further, businesses will have to navigate varying rules in each province, where different definitions of “minor” apply, depending on provincial law.” (Gordon 2023), “Although there is a main legislation in Canada representing privacy legislation, there is still no act that directly protects the privacy of young people online” (Chander 2021), “Dominic LeBlanc, Canada's public safety minister, said Tuesday that his government is still working on new legislation targeting online harm — something first promised in 2019 but which has yet to be tabled..... Public Safety Minister Dominic LeBlanc says that the federal government is pressing ahead on online harm legislation, but the internet landscape is complicated. It comes after RCMP linked a 12-year-old boy's suicide to online extortion” (CBC news 2023). In the new Act introduced February 2024, The Online Harm Act, 3 of the 7 categories part of the Online Harm Act are

aimed towards protecting children from online bullying, content that may harm a child such as content that “induces a child to hurt themselves” and content that sexually victimizes a child.

6. Laws and regulations on Hacking, and Privacy abuse

In both countries, hacking and abuse of privacy is considered illegal, and is prohibited on social media platforms. Hacking falls under the Criminal code of Canada, and has criminal offenses to it: jail time for up to 5 years. In the United States, hacking falls under the Computer Fraud and Abuse act, the Stored Communications Act, and the Electronic Communications Privacy Act which results in 1 year in jail or up to 5 years for a second offense if committed.

HEADING 6

CONCLUSION

While both countries have laws and regulations aiming towards safety towards the citizens and users in the respective countries, one country has more laws and regulations implemented or due to be implemented on social media under the government level, while the other has only begun working to implement laws and regulations. The U.S has been and still is, slowly developing and working towards keeping the country safe on social media, whether it is federally or by state, while in Canada, they are beginning to implement stricter laws after leaving it up to the rules and guidelines of the Social media companies to regulate their platforms.

Despite both countries having more freedom on social media than other countries, along with laws that don't disrupt the first amendment or their rights, problems caused within and by social media are still existent and continue to rise as the number of users increase, which lead to the need to impose regulations on the platforms. Most, if not all, legislations and laws were passed fairly recently or don't go into effect for a year after passed, and the bigger challenge is proposing and passing legislations that don't violate the constitution set in place by both countries as well as disrupt the level of freedom citizens currently have and are dependent on. As social media and issues that may be caused by it progresses, the government and legal systems should continue working towards decreasing the issues.

Some suggestions and recommendations to make social media a safer and enjoyable environment can be: the government working with social media companies in better enforcing guidelines and regulations set within the companies by creating similar laws/legislations to the current guidelines. Some of the more important moral guidelines include insulting or threatening messages towards an individual or comments on their social posts, fake news and

misinformation, better restrictions on children and youths on social media, and removing or preventing posts of violent or inappropriate content. The Government and legal systems should also work towards legislations that force or suggest social media companies to better enforce self-regulations in place on the platforms, and/or better enforce consequences on the violations of the self-regulations that occur within the platform. This research is the beginning in identifying what efforts have been made, and what efforts should be done.

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