

SWIPING WITH CONSEQUENCES: MODERN DATING APP ADDICTION AND STATE POLICY RECOMMENDATIONS

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Application-based dating platforms, or “dating apps,” have become increasingly popular in the United States and worldwide. Once downloaded to your mobile phone, dating apps are intended to help users achieve efficient and meaningful relationships through features such as user profiles and compatibility algorithms. Today, three in every ten American adults have used a dating app or website. The most popular dating apps, such as Tinder and Bumble, garner millions of active monthly users. While online dating has become a common facet of American society, this Note explores the harsh reality that contemporary dating apps are designed to get users addicted and eager to pay for premium subscriptions and advanced features. This Note will investigate this issue by first analyzing the marketing claims of modern dating apps and recent lawsuits brought by consumers regarding technology addiction. Next, it will describe the habit-forming design features of contemporary dating apps, the profit incentives behind “gamified” app design, and the resulting consumer harms. Finally, this Note will provide several state policy recommendations by examining existing laws addressing online dating safety as well as current barriers to legislative enactment. It will conclude with three recommendations for future state legislation to address the addictive features of dating app platforms, including the provision of accessible safety warnings, increased mandatory disclosures, and improved procedural safeguards.

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INTRODUCTION

Journalist and author Ginelle Testa admits that she was once addicted to dating apps.¹ Like many Americans, Testa was an active user of Tinder, Bumble, and Hinge, which she regularly used as a means for finding companionship and a long-term partner.²

1. Ginelle Testa, *I Was Addicted to Dating Apps—Until I Uncovered the Real Problem*, NEWSWEEK (July 1, 2024, 6:51 AM EDT), <https://www.newsweek.com/i-was-addicted-dating-appsuntil-i-uncovered-real-problem-1918342> [<https://perma.cc/FV7Z-62AE>].

2. *Id.*

Testa quickly became dependent on these platforms. Her harmful pattern of online dating began when she “downloaded dating apps, hunted for potential lovers, and when [she] found a candidate, [she] talked or texted for a day or two before going on a date.”³ After a few short weeks, when the other person would end their burgeoning relationship, Testa would “resume the panic cycle of tapping and scrolling and stressing and moping.”⁴ She felt that “by doom-swiping through potential matches” she could “eas[e] the pain of rejection.”⁵

As a recovering addict, Testa has described her dating app addiction as equal in intensity to her past addictions to drugs and alcohol.⁶ She was “tapping and swiping and behaving like a full-blown junkie” and likened online dating platforms to “slot machines” with an “addictive nature similar to a drink.”⁷ Testa admits her unhealthy relationship with dating apps stemmed, in part, from a fear that if she “missed a day or even a few hours” of using the apps, she “might miss [finding] the one.”⁸ As a result, she regularly checked her dating apps for around five hours a day and felt pressured to “get together with at least three people a week.”⁹

Her experiences with online dating left her feeling “crushing disappointment, guilt, shame, and further damaged self-esteem.”¹⁰ She eventually joined Sex and Love Addicts Anonymous, where she was advised to reduce her time on dating apps or delete them altogether.¹¹ In time, Testa reduced her dating app usage to an hour a day, and this limitation resulted in increased self-esteem and reduced anxiety.¹²

Despite believing that dating apps are addictive, Testa suggests that her concerns may be “arbitrary” because online dating platforms are “not going to change.”¹³ This Note, however, explores what may be done to address and alter the addictive features of contemporary app-based dating platforms. In Part I, this Note will review the prevalence of dating app usage in the United States and the marketing claims of modern dating apps. It will also explore recent lawsuits regarding consumer concerns about technology addiction, including the addiction resulting from dating

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

app usage. In Part II, this Note will examine the habit-forming design features that make modern dating apps addictive and the profit incentives behind these “gamified” design features. It will also reflect on the consumer harms associated with dating app addiction. Finally, in Part III, this Note will examine current state legislation on online dating safety to provide a framework for the issues that future dating app policies should address. It will conclude by proposing several policy recommendations for state legislation targeting dating app addiction that are designed to withstand statutory and constitutional constraints. These recommendations include the provision of accessible safety warnings, increased mandatory disclosures, and improved procedural safeguards.

I. THE MODERN DATING APP AND EMERGING CONCERNS OVER TECHNOLOGY ADDICTION

Modern dating has become defined by application-based dating platforms or “dating apps.”¹⁴ A dating app is a software application downloaded to a mobile device that is “designed to generate connections between people who are interested in romance, casual sex, or friendship.”¹⁵ In the United States, three in ten American adults have used a dating app or website.¹⁶ Popular dating apps such as Tinder and Bumble are used by millions of Americans every month, with Tinder remaining the most popular dating app in the United States.¹⁷ In 2024, Tinder led the U.S. dating app market with 23 percent market share and approximately 7.8 million monthly active users.¹⁸ This was closely followed by Hinge and Bumble, capturing 22 percent and 20 percent of the U.S. dating app market respectively.¹⁹

The growing prominence of dating apps like Tinder and Bumble might be the result of their efforts to simplify and standardize the dating experience. Once a dating app is downloaded, users begin the online dating process by setting up a

14. Treena Orchard, *Dating Apps*, in *ENCYCLOPEDIA OF SEXUALITY AND GENDER* 1 (Amy D. Lykins ed., 2019).

15. *Id.*

16. Emily A. Vogels & Colleen McClain, *Key Findings About Online Dating in the U.S.*, PEW RSCH. CTR. (Feb. 2, 2023), <https://www.pewresearch.org/short-reads/2023/02/02/key-findings-about-online-dating-in-the-u-s/> [<https://perma.cc/DA59-KBB5>].

17. David Curry, *Dating App Revenue and Usage Statistics (2026)*, BUS. APPS (Jan. 7, 2026), <https://www.businessofapps.com/data/dating-app-market/> [<https://perma.cc/4JFH-N4Q5>] [hereinafter Curry, *Dating App Market*].

18. David Curry, *Tinder Revenue and Usage Statistics (2026)*, BUS. APPS (Jan. 7, 2026), <https://www.businessofapps.com/data/tinder-statistics/> [<https://perma.cc/7VYZ-NBCA>] [hereinafter Curry, *Tinder Statistics*].

19. *Id.*

profile.²⁰ These profiles involve “posting several photos (often between three and six), writing a brief blurb, and selecting different variables that are used to generate potential matches” such as age, gender, and geographic location.²¹ After a profile is created, the app employs both user-provided information and algorithms to determine compatibility among members. These matchmaking algorithms consider data including user preferences, similarities based on shared interests, and behavioral patterns such as response times and messaging frequency.²²

Following all these considerations, dating apps present users with “a selection of profiles that align with their chosen criteria.”²³ Users may then view the pictures and profiles of these members and determine whether they wish to be connected, or “matched,” with that individual.²⁴ If two users agree to be matched, the platform facilitates communication by providing both parties the opportunity to message one another through the app.²⁵

The most distinctive feature of contemporary dating apps is “swiping.”²⁶ Swiping is the act of “browsing through profiles by thumb-brushing right or left to accept or dismiss a profile.”²⁷ When two users “mutually accept each other’s profile, they have a match.”²⁸ Swiping is a repetitive action that encourages users to make quick decisions regarding a continuous stream of new profiles.²⁹ “Prolonged swiping can be rewarding because over time, [users] will collect more and more mutual acceptances” in the form of dating app matches.³⁰ Tinder, Bumble, and Hinge all include a swipe-based mechanism on their platforms.

A. *The (Marketed) Aims of Modern Dating Apps*

The creation of online matches and the facilitation of digital conversations are key components of modern dating apps. Yet the goal of dating apps extends beyond virtual connection. Dating app companies like Tinder, Bumble, and Hinge, often claim that the

20. Orchard, *supra* note 14.

21. *Id.*

22. *The Technology Behind Popular Dating Applications*, CAPITOL TECH. U. (Feb. 14, 2024), <https://www.captechu.edu/blog/technology-behind-popular-dating-applications> [https://perma.cc/AKU7-9BR4].

23. Orchard, *supra* note 14.

24. *Id.*; *see also* *Dating App*, PCMAG, <https://www.pcmag.com/encyclopedia/term/dating-app> [https://perma.cc/CE5D-VPHX].

25. CAPITOL TECH. U., *supra* note 22.

26. Marina F. Thomas et al., *99+ Matches but a Spark Ain’t One*, 78 *TELEMATICS & INFORMATICS* 1, 2 (2023).

27. *Id.*

28. *Id.*

29. Karim Nader, *The Gamification of Dating Online*, 91 *THEORIA* 1, 5 (2024).

30. Thomas et al., *supra* note 26.

ultimate aim of their services is to help users foster meaningful relationships in person.

The marketing behind the most prominent dating apps reflects this positioning. In 2023, for example, Tinder launched its first global brand campaign, entitled “It Starts with a Swipe.”³¹ The campaign focused on relationship moments that may follow a successful Tinder match—such as choosing to “intentionally leave a toothbrush at someone’s place” or being able to sit together in “comfortable silences.”³² Although Tinder acknowledged that the campaign was intended to encourage all types of relationships, whether they “last for a few messages exchanged on the app, a day, a night, or a lifetime,” each advertisement clearly depicts satisfied users in offline and even long-term relationships.³³

Bumble and Hinge similarly center their branding around the premise of meaningful connection beyond the app. Bumble boldly claims that its mission is “to bring people closer to love.”³⁴ Its website claims that Bumble is “the most trusted and effective place to find love” by making online dating “feel intentional, safe, and authentic.”³⁵ Bumble further asserts that it uses “technology and AI to deepen human connection, [but] not [to] replace it.”³⁶ Hinge meanwhile, is defined by its recognizable tagline—“The Dating App Designed To Be Deleted”—signaling that the platform’s primary goal is to foster real-life relationships.³⁷ On its website, Hinge states that its matchmaking algorithm will result in a user’s “last first date” and promises to “succeed in getting you out on promising dates, not keeping you on the app.”³⁸

Thus, a central marketing tactic of modern dating apps is to highlight their potential for helping users build rewarding offline relationships. The prevalence of dating app usage in the twenty-first century suggests that many users sincerely believe these platforms can deliver on this goal. Recent reports indicate that 44 percent of dating app users cite finding a long-term partner as a major reason for turning to a dating app or site.³⁹ This proved successful for some users as in 2022, 10 percent of partnered

31. *Tinder Redefines Expectations with New Brand Campaign that Celebrates Gen Z’s Authentic, Fluid and Beautiful Connections*, TINDER NEWSROOM (Feb. 27, 2023), <https://www.tinderpressroom.com/2023-02-27> [<https://perma.cc/3HMC-9D6V>].

32. *Id.*

33. *Id.*

34. *About*, BUMBLE, <https://bumble.com/en-us/about/> [<https://perma.cc/ZJP5-YP5W>].

35. *Id.*

36. *Id.*

37. *The dating app designed to be deleted*, HINGE, <https://hinge.co/> [<https://perma.cc/WZC6-WYK9>].

38. *Id.*

39. Vogels & McClain, *supra* note 16.

American adults had met their current significant other through a dating site or app.⁴⁰ As dating apps become an increasingly common approach to pursuing romantic connections,⁴¹ it is vital that any adverse outcomes associated with their use be studied, discussed, and mitigated.

*B. Consumer Concerns Regarding Technology Addiction
Inside and Outside the Courtroom*

Modern dating apps may promote the worthwhile goal of matching people with compatible partners in the real world, but participation in these services can come at a sharp cost. In recent years, the issue of dating app addiction has gained attention within the online dating community and beyond. As one licensed mental health counselor explains, dating app addiction “isn’t just about wanting to meet someone and feeling stuck using these apps to do so, [it] is about having developed a need, almost a compulsion to be on the apps.”⁴²

Although dating app addiction is not a recognized medical condition, recent evidence points to “growing numbers of people [who] feel as though their use of dating platforms like Hinge and Tinder is increasingly out of control.”⁴³ A 2018 study found that the average millennial dating app user spent more than one hour each day on these platforms.⁴⁴ Such figures are well above the daily recommendation of thirty minutes or less as advised by mental health experts.⁴⁵

Consumer concerns about technology addiction have increasingly found their way into the courtroom. In recent years, federal courts in California have confronted public concerns about alleged addiction resulting from the use of social media platforms and dating apps. In 2022, a class action lawsuit was filed in the

40. *Id.*

41. *Id.*

42. Brooke Keaton, *How Dating Apps Use The Design Features of Slots To Keep Reeling You in*, CASINO.ORG (Feb. 12, 2020), <https://www.casino.org/blog/how-dating-apps-copied-slots/> [https://perma.cc/LYV3-PS98] (quoting CJ Everhart, licensed mental health counselor).

43. Serena Smith, *How big tech is fuelling dating app addiction*, DAZED (Feb. 23, 2024), <https://www.dazeddigital.com/life-culture/article/62023/1/infinite-scroll-dating-app-addiction-tinder-hinge-compulsive-predatory> [https://perma.cc/52SL-6JTJ].

44. Jack Peat, *Millennials ‘spend 10 hours a week on dating apps’*, INDEPENDENT (Jan. 23, 2018, 8:37 AM EST), <https://www.the-independent.com/life-style/dating-apps-millennials-10-hours-per-week-tinder-bumble-romance-love-a8174006.html> [https://perma.cc/V6VT-9HH9].

45. Shana Lebowitz & Tat Bellamy Walker, *A scientist who’s worked at Tinder and Bumble shares how much time to spend on dating apps to find a match and avoid wasting your energy*, BUS. INSIDER (May 15, 2020, 10:14 AM MT), <https://www.businessinsider.com/tinder-bumble-scientist-time-spent-on-dating-apps> [https://perma.cc/7S73-64S5].

Northern District of California against several major social media platforms, including Facebook, Instagram, YouTube, TikTok, and Snapchat.⁴⁶ The master complaint was filed on behalf of hundreds of children and adolescents across the United States who are allegedly “suffering an unprecedented mental health crisis fueled by . . . addictive and dangerous social media products.”⁴⁷

Plaintiffs claimed that these social media companies induced young people to “compulsively use their products” by using “behavioral and neurobiological techniques used by slot machines.”⁴⁸ The complaint further alleged that these platforms contain various features designed to encourage compulsive use, including an “algorithmically-generated, endless feed to keep users scrolling in an induced ‘flow state,’ ‘intermittent variable rewards’ that manipulate dopamine delivery to intensify use . . . [and] incessant notifications that encourage repetitive account checking.”⁴⁹

Plaintiffs argued that these technologies have “rewired how our kids think, feel, and behave” by replacing “adolescent friendships” and the “creativity of play and sport” with “disconnection, disassociation, and a legion of resulting mental and physical harms.”⁵⁰ The outcome of this broader litigation on social media addiction and minors remains ongoing as of the date of this publication.⁵¹ Regardless of its ultimate disposition, the lawsuit underscores growing consumer apprehension about technology addiction and user perceptions that some apps are deliberately designed to encourage compulsive use.

46. *In re Soc. Media Adolescent Addiction/Pers. Injury Prods. Liab. Litig.*, MDL No. 3047, No. 4:22-md-03047-YGR (N.D. Cal., Oct. 6, 2022) [hereinafter *Social Media Cases*].

47. Plaintiffs’ Amended Master Complaint ¶ 1, *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047-YGR (N.D. Cal., Apr. 14, 2023).

48. *Id.* ¶ 2.

49. *Id.* ¶ 3.

50. *Id.* ¶ 6.

51. As of the date of publication, the Social Media Cases encompass thousands of individual personal injury cases, as well as school district lawsuits and actions by attorneys general from states across the country. The first bellwether trial, *K.G.M. v. Meta Platforms, Inc.*, conducted in California state court, concluded on March 25, 2026, with a jury finding Meta and Google negligent and awarding the plaintiff \$6 million in total damages—\$3 million compensatory and \$3 million punitive—with Meta liable for 70 percent and Google for 30 percent. Both companies have indicated they plan to appeal. Additional bellwether trials are scheduled for later in 2026. See *K.G.M. v. Meta Platforms, Inc.*, JCCP No. 5255 (Cal. Super. Ct. L.A. Cnty. Mar. 25, 2026); Cecilia Kang, Ryan Mac & Eli Tan, *Meta and YouTube Found Negligent in Landmark Social Media Addiction Case*, N.Y. TIMES (Mar. 25, 2026), <https://www.nytimes.com/2026/03/25/technology/social-media-trial-verdict.html> [https://perma.cc/33HD-NWKE]; see also Maia Spoto & Madlin Mekelburg, *Meta, Google Found Liable in First Social Media Addiction Trial*, BLOOMBERG L. (Mar. 25, 2026, 15:37 MDT), <https://news.bloomberglaw.com/litigation/meta-google-found-liable-in-social-media-addiction-case> [https://perma.cc/P7RG-7B6Z].

In regard to consumer concerns about dating app addiction, on Valentine's Day 2024, a class action lawsuit was also filed in the Northern District of California against Match Group, Inc., the company that owns Tinder, Hinge, and The League.⁵² Plaintiffs alleged that Match Group violated various competition, consumer protection, and tort laws by failing to disclose that the company designs its dating apps "with addictive, game-like design features, which lock users into a perpetual pay-to-play loop."⁵³ The plaintiffs—all former dating app users—claimed that the apps were represented to them as "effective tools for establishing off-app relationships."⁵⁴ In reality, however, Match Group was "doing everything in its power to capture and sustain paying subscribers and keep them on-app."⁵⁵ Plaintiffs further alleged that the "undisclosed defective design" of these apps was "intended to erode [their] ability to disengage" and to "turn users into addicts who will purchase ever-more expensive subscriptions . . . [and] features."⁵⁶

Plaintiffs highlighted several design features they found to be psychologically manipulative. First, the complaint alleged that the content presentation format of these apps has "gamified romance" by manipulating "dopamine response by introducing intermittent variable rewards."⁵⁷ Because the platforms "present potential matches one at a time, [users] do not know what the next profile will bring," which increases the "incentive to view and engage with as many profiles as possible."⁵⁸ Similarly, "because not every positive swipe leads to a match," dating app users only receive matches at "irregular intervals," and this "purposely designed irregularity of rewards . . . makes the [apps] addicting."⁵⁹

Next, the complaint alleged that push notifications on these platforms exploit "users' fear of missing out on any potential matches [by employing] a strategic notification system."⁶⁰ Plaintiffs claimed that Match Group's notifications were deliberately delivered when users were not actively using the platform in order to "capture and retain attention at all times of the day" and reinforce their compulsive engagement.⁶¹

52. *Oksayan v. MatchGroup, Inc.*, No. 3:24-cv-00888, 2024 WL 7027173 (N.D. Cal. Dec. 10, 2024).

53. Complaint ¶¶ 2–3, *Oksayan*, No. 3:24-cv-00888 (filed Feb. 14, 2024).

54. *Id.* ¶ 3.

55. *Id.*

56. *Id.* ¶ 4.

57. *Id.* ¶ 9.

58. *Id.* ¶ 48.

59. *Id.* ¶¶ 49–50.

60. *Id.* ¶ 9.

61. *Id.* ¶¶ 9, 51.

Lastly, the complaint cited Match Group’s system of incentive rewards as an additional manipulative design feature because it rewards active users and penalizes those who disengage.⁶² On Tinder, for example, users who have been recently active “will be tagged as ‘Top Picks,’ receiving a boost in the algorithm presenting them to other users.”⁶³ Since this boost refreshes every 24 hours, users “who seek a boosted designation must be active every 24 hours . . . [to remain in] the premier match pool.”⁶⁴ Conversely, Tinder removes profiles “from the potential match pool if they do not remain committed to the Platform” through frequent engagement. Thus, Plaintiffs argued that this incentive reward system is yet another mechanism that encouraged their compulsive use.⁶⁵

In December 2024, Match Group moved to compel arbitration, asserting that its terms of use require binding arbitration and the delegation of questions of arbitrability to the arbitrator.⁶⁶ The district court granted the motion and compelled arbitration, and the case was terminated in December 2025.⁶⁷ Although the litigation did not proceed to a merits ruling, it remains significant for the purposes of this Note. This lawsuit against Match Group demonstrates the breadth and credibility of consumer concerns about dating app addiction. It also further underscores the growing tension between dating app marketing that claims these platforms will lead to meaningful offline relationships and the lived experiences of users who find these platforms to encourage addictive engagement rather than genuine connection.

II. ADDICTIVE DESIGN ELEMENTS IN DATING APPS AND THEIR POTENTIAL HARMS

As evidenced by recent litigation, a growing number of American consumers contend that dating app companies design their applications to promote compulsive use. Today, the average American is skeptical of certain design features and premium options offered by popular dating platforms. About 37 percent of Americans report that dating apps provide too many options, and

62. *Id.* ¶ 9.

63. *Id.* ¶ 57.

64. *Id.* ¶ 57.

65. *Id.* ¶ 58.

66. *See Oksayan v. MatchGroup, Inc.*, No. 3:24-cv-00888, 2024 WL 7027173, at 1 (N.D. Cal. Dec. 10, 2024).

67. *Id.* at 11.

22 percent claim that online dating has made it harder to find a long-term partner or spouse.⁶⁸

The widening dissatisfaction and mistrust of modern dating apps could stem from the deliberate use of gamification and intermittent reward mechanisms that are programmed into these platforms. Dating apps reinforce engagement through “gamification elements” including colorful graphics, on-screen notifications, and audio alerts like “dings” that are associated with a new like, match, or message.⁶⁹ Additionally, dating apps are engineered to encourage repetitive engagement in a manner similar to slot machines.⁷⁰ Just like when you spin a slot machine reel and receive an unpredictable outcome, when you swipe on a dating app, you never know what profile may appear next. Users are motivated to keep engaging with the app because a new match is possible at any given moment, much like a potential winning combination at the casino.⁷¹

Jonathan Badeen, the former Chief Security Officer of Tinder, has acknowledged that the platform was designed with the psychology of intermittent variable rewards in mind.⁷² He told a journalist that during Tinder’s development he was partly inspired by the work of psychologist B.F. Skinner.⁷³ In his research, Skinner found that when he conditioned hungry pigeons to believe their food was delivered at random rather than predictable intervals, the birds pecked for food more frequently. This outcome led Skinner to conclude that unpredictable rewards are more compelling and more likely to produce addictive behavior.⁷⁴ As Badeen observed, “Skinner essentially turned pigeons into gamblers.”⁷⁵ Badeen then drew a direct parallel from this to Tinder’s swiping mechanism by noting that users swipe and “[they] might get a match, [they] might not. [But] then you’re excited to play the game.”⁷⁶

68. COLLEEN MCCLAIN & RISA GELLES-WATNICK, FROM LOOKING FOR LOVE TO SWIPING THE FIELD: ONLINE DATING IN THE U.S., PEW RSCH. CTR. 44, 46 (2023), <https://www.pewresearch.org/internet/2023/02/02/from-looking-for-love-to-swiping-the-field-online-dating-in-the-u-s/> [https://perma.cc/6WB8-55NV].

69. *Id.*

70. Keaton, *supra* note 42.

71. *Id.*

72. Eric Johnson, *Swiping on Tinder is addictive. That’s partly because it was inspired by an experiment that ‘turned pigeons into gamblers.’*, VOX (Sept. 19, 2018, 04:15 AM MDT), <https://www.vox.com/2018/9/19/17877004/nancy-jo-sales-swiped-hbo-documentary-tinder-dating-app-addictive-pigeon-kara-swisher-decode-podcast> [https://perma.cc/Y29W-FMGE].

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

A. *Habit-forming Design Features of Modern Dating Apps*

In other words, modern dating apps are designed to be addictive. To accomplish this, developers employ what are known as habit-forming design techniques. The goal of a habit-forming product is to “solve the user’s pain by creating an association so that the user identifies the company’s product or service as the source of relief.”⁷⁷ For habit-forming technologies, developers strive to increase usage by “producing user interface (UI) and user experience (UX) design practices that draw the user into compulsive behavior.”⁷⁸

Some scholars have identified a four-step design process that can transform any mobile app into a habit-forming product.⁷⁹ These steps, and their relation to dating apps, are outlined below.

1. Triggering Use

The first step in designing a habit-forming app is “triggering” the consumer to use the product.⁸⁰ When consumers are initially introduced to the product, these triggers are external in nature—taking the form of traditional advertising or referrals from other users.⁸¹ As discussed, dating app companies are no strangers to investing heavily in marketing. In 2023, major dating app companies, including Tinder, Bumble, and Hinge, collectively spent \$220 million on advertising to re-engage users amid reports of growing dating app fatigue.⁸²

After consumers have repeatedly used a habit-forming product, they begin to experience internal triggers that “prompt the user to take action without any need for outside intervention.”⁸³ These triggers are achieved through app notifications or in-app features that promote goal-setting through consecutive use.⁸⁴ Dating app companies strategically use push notifications to draw unresponsive users back onto their platforms. This is achieved with messages such as “It’s hot in here, or is it just us? Peak time on

77. Kyle Langvardt, *Regulating Habit-Forming Technology*, 88 FORDHAM L. REV. 129, 142 (2019).

78. *Id.* at 141.

79. *Id.* at 142 (citing NIR EYAL WITH RYAN HOOVER, HOOKED: HOW TO BUILD HABIT-FORMING PRODUCTS 52 (2014)).

80. *Id.* at 142.

81. *Id.*

82. *Major Dating Apps Increase Ad Spend To Combat User Burnout*, GLOB. DATING INSIGHTS (Oct. 25, 2024), <https://www.globaldatinginsights.com/featured/major-dating-apps-increase-ad-spend-to-combat-user-burnout> [<https://perma.cc/E5BV-QAUA>].

83. Langvardt, *supra* note 77, at 142, 143.

84. *Id.*

Tinder isn't the same without you," or "Someone new wants to meet you. Open Bumble now."⁸⁵

2. Taking Action

The second step occurs when the triggered user "takes action by downloading, registering for, or using the application."⁸⁶ This behavior often involves users "scrolling" through an endless feed of online content, including photographs, videos, articles, or advertisements.⁸⁷ In the context of dating apps, user action typically consists of "swiping" through profiles in pursuit of potential matches.⁸⁸

3. Variable Rewards

The third step in designing a habit-forming app is providing a variable reward. These intermittent reward systems engage users on a random basis similar to slot machines.⁸⁹ Familiar examples on mobile apps include the confetti animation accompanying a "congratulations" text message on iPhone's iMessage or the "pull down" feature on Facebook that causes the app to "load a new, and unpredictable, set of updates."⁹⁰ The gamified elements of dating apps serve the same function. The swipe-based mechanism for receiving matches and the attention-grabbing notifications associated with a new like, match, or message, all engage users through unpredictable but effective reinforcement.⁹¹

4. Investment

The fourth and final step encourages the user "to invest somehow in the product by doing a 'bit of work' on it."⁹² Such investment might involve updating a user profile, posting a photo, or sending a message to other users.⁹³ With dating apps specifically, any action taken in the online dating process can facilitate user investment in the platform. This includes updating profile photos or written prompts, communicating with matches through in-app messaging, and browsing profiles of users who have

85. Rosie Hoggmascall, *How Tinder nails activation with push notifications*, MEDIUM (Feb. 23, 2023), <https://uxdesign.cc/how-tinder-nails-activation-with-push-notifications-bcfb5c87f72> [<https://perma.cc/B3LJ-K85N>].

86. Langvardt, *supra* note 77, at 143.

87. *Id.* at 143–44.

88. Thomas et al., *supra* note 26, at 2.

89. Langvardt, *supra* note 77, at 144.

90. *Id.* at 144–45.

91. Keaton, *supra* note 42.

92. Langvardt, *supra* note 77, at 145.

93. *Id.*

indicated interest by sending “likes.”⁹⁴ Once users have sufficiently invested in a product, they become “internally triggered” to return and check on their performance.⁹⁵

Together, these four steps illustrate the full process by which habit-forming technologies are created as well as their corresponding potential for addiction.⁹⁶

B. The Profit Incentives Behind Gamified Dating App Design

Contemporary dating apps employ habit-forming and gamified design features for one primary purpose: profit. Because it is “free to make a profile on nearly every dating app,” converting “free users into paying subscribers is at the core of the business of dating apps.”⁹⁷ To that end, dating apps provide users with a limited number of daily swipes, operating on the premise that “after exhausting their daily swipes every day for a few weeks or months, [users] will get discouraged and shell out for premium features that boost their chances of finding a match.”⁹⁸

Many dating apps offer premium subscriptions providing access to advanced features such as “improved profile visibility, priority in search results, and extended reply times for matches.”⁹⁹ Platforms like Tinder and Bumble also offer tiered subscription options such as Tinder’s Plus, Gold and Platinum tiers¹⁰⁰ and Bumble’s Boost, Premium, and Premium Plus plans.¹⁰¹ These subscriptions claim to “enhance the user experience” and “deliver a more personalized dating journey” to make the platform more “appealing and rewarding.”¹⁰²

Dating app companies depend heavily on subscription revenue to remain profitable and increasing the number of users who pay for additional features appears paramount to each platform’s

94. Orchard, *supra* note 14, at 1.

95. Langvardt, *supra* note 77, at 145.

96. *Id.*

97. Jael Goldfine, *The business of dating apps: How do swipes actually make money?*, BUS. OF BUS. (Mar. 1, 2021, 10:15 AM), <https://www.businessofbusiness.com/articles/how-dating-apps-make-money-tinder-bumble/> [https://perma.cc/Z3BB-RY8G].

98. *Id.*

99. Anuraag Jain, *Revenue Models of Popular Dating Apps: How They Make Money*, OYELABS (July 12, 2025), <https://oyelabs.com/revenue-models-of-popular-dating-apps/> [https://perma.cc/3QSU-NWL6].

100. *Subscription Tiers*, TINDER, <https://tinder.com/feature/subscription-tiers/> [https://perma.cc/9YMG-SCR4].

101. *Understanding Bumble’s paid features and subscription plans*, BUMBLE <https://support.bumble.com/hc/en-us/articles/32668790872733-Understanding-Bumble-s-paid-features-and-subscription-plans> [https://perma.cc/W2QH-MQ9N].

102. *Id.*

success. This business model has been highly lucrative. In 2025, the global dating app market generated just over \$6 billion.¹⁰³

Although this subscription-based revenue model has generated substantial returns, recent data reveals a more complex picture. Over 350 million people use dating apps worldwide, with approximately 23 million paying for premium features.¹⁰⁴ Match Group alone accounted for \$3.3 billion of the \$6 billion in global dating app revenue in 2025.¹⁰⁵ Yet this financial scale has been achieved alongside declining user bases and slowing growth. By the first quarter of 2026, Match Group's total paying users had fallen 5 percent compared to the same period in the prior year, with total users declining to 13.5 million,¹⁰⁶ while Bumble reported a 21 percent decline in total paying users during the same period.¹⁰⁷ Despite a shrinking user base, both companies were able to extract more revenue per paying user during this time. Bumble's average revenue per paying user increased 8.9 percent compared to the same period in the prior year,¹⁰⁸ and Match Group's revenue per paying user rose 7 percent at Tinder over the same period.¹⁰⁹ This pattern—fewer users paying more—suggests that dating app companies are increasingly relying on higher subscription prices and premium upsells rather than genuine user growth to sustain revenues.

C. Consumer Harms Associated with Dating App Addiction

If modern dating apps are inherently addictive, this could lead to various adverse effects on consumer mental health and welfare. There is ample evidence that heightened dating app usage is linked to negative mental health outcomes. In 2020, a cross-sectional study of 475 adults found that those who used swipe-based dating apps reported higher levels of depression, anxiety, and distress compared to those who did not use the platforms.¹¹⁰ The

103. Curry, *Dating App Market*, *supra* note 17.

104. *Id.*

105. *Id.*

106. *Match Group Announces First Quarter Results*, MATCH GROUP (May 5, 2026), <https://ir.mtch.com/investor-relations/news-events/news-events/news-details/2026/Match-Group-Announces-First-Quarter-Results/default.aspx> [<https://perma.cc/9V3W-8YDJ>].

107. *Bumble Inc. Announces First Quarter 2026 Results*, BUMBLE (May 5, 2026), <https://ir.bumble.com/news/news-details/2026/Bumble-Inc-Announces-First-Quarter-2026-Results/default.aspx> [<https://perma.cc/4RVL-2SUW>].

108. *Id.*

109. *Match Group (MTCH) Q1 2026 Earnings Call Transcript*, MOTLEY FOOL (May 5, 2026), <https://www.fool.com/earnings/call-transcripts/2026/05/05/match-group-mtch-q1-2026-earnings-transcript/> [<https://perma.cc/CJR3-HQQ8>].

110. Nicol Holtzhausen et al., *Swipe-Based Dating Application Use and Its Association with Mental Health Outcomes*, 8 BMC PSYCHOLOGY 1, 1 (2020).

International Journal of Environment Research and Public Health has found a correlation between dating app use and experiencing increased loneliness, dissatisfaction with life, and feelings of social exclusion.¹¹¹

From a consumer protection perspective, the addictive nature of dating apps could undermine the ability of companies to continue to market these platforms as meaningful tools for creating relationships. In the United States, the primary federal authority on consumer protection is Section 5 of the Federal Trade Commission Act.¹¹² Section 5 prohibits “unfair or deceptive acts or practices in or affecting commerce” and the law empowers the Federal Trade Commission (FTC) to prevent such practices.¹¹³ Many states also have their own Unfair and Deceptive Acts and Practices (UDAP) Laws.¹¹⁴

Section 5 of the FTC Act and many state UDAP laws prohibit unfair business practices that (1) cause or are likely to cause substantial injury to consumers, (2) cannot be reasonably avoided by consumers themselves, and (3) are not outweighed by countervailing benefits to consumers or to competition.¹¹⁵ The primary purpose of these laws is to prevent consumers from unnecessary financial harm when false or deceptive advertising causes them to overpay for goods or services.¹¹⁶ Accordingly, dating app companies that market their premium subscriptions or advanced features as effective avenues for finding love, while intentionally designing their products to be habit-forming, may be subject to liability under these laws.

III. BUILDING THE FRAMEWORK FOR STATE LEGISLATION TO PREVENT DATING APP ADDICTION

As the Match Group litigation illustrates, plaintiffs who sought redress for dating app addiction were compelled to bring their claims under a diverse collection of state statutes—including competition, consumer protection, and tort laws—because there was no legislation that directly addressed habit-forming technologies or technology addiction.¹¹⁷

111. Ángel Castro & Juan Ramón Barrada, *Dating Apps and Their Sociodemographic and Psychosocial Correlates: A Systematic Review*, 17 INT’L J. ENV’T RSCH. & PUB. HEALTH 1, 17 (2020).

112. Rory Van Loo, *The Public Stakes of Consumer Law: The Environment, the Economy, Health, Disinformation, and Beyond*, 107 MINN. L. REV. 2039, 2041 (2023).

113. 15 U.S.C. § 45(a).

114. Van Loo, *supra* note 112, at 2041.

115. 15 U.S.C. § 45(n).

116. Van Loo, *supra* note 112, at 2064.

117. Complaint at 1, *Oksayan v. MatchGroup, Inc.*, No. 3:24-cv-00888 (N.D. Cal., Feb. 14, 2024).

This remains the case today. As of 2026, there are no state or federal laws or regulations that specifically target dating app addiction. A minority of states, however, have enacted legislation addressing online dating safety more broadly. These laws, and the proposals that have followed, focus largely on the physical and financial well-being of online daters rather than their mental well-being. Taken together, these existing laws supply a general framework to aid in the development of future policies targeting dating app addiction. Building on this framework, this Note examines the legal barriers to enacting legislation to mitigate the addictive features of dating apps, before concluding with policy recommendations for future state laws aimed at preventing dating app addiction.

A. State Legislation Addressing Online Dating Safety

While there are benefits associated with online dating, it also exposes users to significant risks. Online dating safety laws seek to mitigate certain harms that can result from sharing personal information or meeting with strangers through dating apps and websites. These risks include sexual harassment or violence, discrimination, image-based abuse such as “revenge porn” or “sextortion,” cyberstalking, and romantic scams like “catfishing.”¹¹⁸

New Jersey was “one of the first states in the country to recognize the need to protect consumers using online dating platforms.”¹¹⁹ In 2008, the New Jersey legislature passed the Internet Dating Safety Act, which requires online dating platforms to “notify users if they do not do criminal background checks on users before allowing them to use their service.”¹²⁰ Under the Act, this notice must be clear and conspicuous, displayed in bold capital letters in a minimum twelve-point font.¹²¹ Platforms are also required to provide users with safety notifications detailing “safety measures users should practice while on the applications.”¹²² Following New Jersey’s lead, New York and Texas passed their own

118. *Online Dating*, ESAFETY COMM’R, <https://www.esafety.gov.au/key-topics/staying-safe/online-dating> [<https://perma.cc/6SEK-K8VZ>].

119. Rachael Newcomb, *How to Date – According to New Jersey Law*, KATES NUSSMAN ELLIS EARLE & LANDOLFI LLP (June 24, 2020), <https://www.katesnussman.com/blog/2020/06/how-to-date-according-to-new-jersey-law/> [<https://perma.cc/W2Y2-776V>].

120. *Id.*

121. Marissa Meredith, *Tinder Love and Care: Proposing an Industry Self-Regulation Policy Implementing Safety Procedures for Dating App Companies*, 98 IND. L. J. 721, 738 (2023).

122. *Id.* at 737.

online dating safety laws, using “almost identical language” to the New Jersey law, in 2010 and 2011, respectively.¹²³

In the last three years, state legislative activity regarding online dating safety has accelerated. New York has continued to be at the forefront of this legislation. In 2023, the New York Senate introduced a bill on internet dating service verification standards that, if enacted, would “require internet dating services to utilize license verification for New York members and implement reasonable security features that [prohibit the] usage of [an] online dating service absent identity verification.”¹²⁴

Connecticut and Colorado have also enacted laws requiring online dating services to adhere to certain safety policies.¹²⁵ In 2023, Connecticut passed a law requiring online dating operators to “maintain an online safety center, which shall be reasonably designed to provide Connecticut users with resources concerning safe dating.”¹²⁶ The online safety center must provide information on the platform’s mechanisms for reporting harmful behavior, general safety advice for online dating, links to resources concerning domestic violence and sexual harassment, and educational information on romantic scams.¹²⁷

In Colorado, the Online-Facilitated Misconduct & Remote Tracking Act was signed into law in June 2024.¹²⁸ It requires online dating services to maintain a safety policy that includes a description of prohibited content and conduct, guidelines for reporting such content and conduct, information about whether the platform performs background screenings or age verification, and measures taken by the platform to promote user safety.¹²⁹ The policy must also provide information about resources available to Colorado users who experience sexual assault, domestic violence, or other crimes.¹³⁰ The law further requires online dating services to “post a link to its safety policy on the front page of [their] website, on the settings or similar screen of its mobile application, and in its dating service contract.”¹³¹

State online dating safety laws share several common features that provide a useful framework for developing legislation targeting dating app addiction. First, these laws prioritize mandatory disclosures and transparency over restrictions on speech or

123. *Id.* at 721.

124. A. 9109, 2023-2024 Leg., Reg. Sess. (N.Y. 2024).

125. CONN. GEN. STAT. § 21a-440 (2024); COLO. REV. STAT. § 6-1-731.5 (2024).

126. CONN. GEN. STAT. § 21a-440 (2024).

127. *Id.*

128. COLO. REV. STAT. § 6-1-731.5 (2024).

129. *Id.*

130. *Id.*

131. *Id.*

expressive content. For example, New Jersey, New York, and Texas all require platforms to clearly disclose whether they conduct criminal background checks. This ensures that users are informed about practices material to their safety without requiring significant limitations on how these platforms operate internally.

Second, these laws emphasize user education and informed decision-making. New Jersey and Connecticut each require platforms to provide safety notifications, general safety guidance, and access to educational resources addressing common online dating risks. This approach mitigates harm by educating users on how to recognize and avoid those risks before they materialize. Many of these statutes also require the creation of safeguards and policies to address existing harms. Colorado's law, for instance, requires platforms to publicly post their reporting mechanisms as well as relevant support resources to help users navigate harms after an incident has occurred.

Lastly, these laws require prominent and accessible placement of safety-related information. Several statutes mandate that disclosures and safety policies be clearly visible on websites, within mobile apps, and in user agreements—with the New Jersey Act going as far as to specify font size and style. All of these conditions ensure that safety information is meaningfully communicated to consumers rather than buried in the terms of service on dating apps or websites.

B. Obstacles to Legislative Enactment: First Amendment and Section 230

Before turning to policy recommendations, it is necessary to consider some constitutional and statutory limitations that may constrain legislative efforts to mitigate dating app addiction. Two provisions are particularly relevant: the First Amendment and Section 230 of the Communications Decency Act (Section 230).¹³²

Although dating app companies are not themselves *bound* by the First Amendment with respect to content moderation decisions on their platforms, the First Amendment does *protect* the speech of these companies from government censorship.¹³³ In most cases, the First Amendment prohibits government policies that restrict the expression of private companies based on their message, ideas, subject matter, or content.¹³⁴ With particular relevance to dating apps, the Supreme Court has held that under the First

132. U.S. CONST. amend. I; 47 U.S.C. § 230.

133. Lata Nott, *Free Speech on Social Media: The Complete Guide*, FREEDOM F. (Oct. 12, 2023), <https://www.freedomforum.org/free-speech-on-social-media/> [https://perma.cc/6BUT-Q5QD].

134. *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 790–91 (2011).

Amendment, “the creation and dissemination of information [is] speech.”¹³⁵ Therefore, the First Amendment operates as a barrier to any law or regulation that would restrict the a dating app’s discretion in how it designs, curates, publishes, or distributes information.¹³⁶

Similarly, Section 230 presents a parallel constraint. The law “provides immunity to online platforms from civil liability based on third-party content, as well as immunity for removal of content in certain circumstances”¹³⁷ and was enacted to “promote the free exchange of information and ideas over the Internet and to encourage voluntary monitoring for offensive or obscene material.”¹³⁸ In the dating app context, Section 230 will likely prevent any legislation that controls how a platform publishes third-party content. This could include user profiles or in-app messaging as well as platform decisions about how to define and monitor prohibited content.

In essence, both the First Amendment and Section 230 protect the “traditional editorial functions” of dating app companies, including platform decisions on whether “to publish, withdraw, postpone or alter content.”¹³⁹ These protections also likely extend to dating app algorithms, even if they are designed to promote addictive engagement. In *Force v. Facebook*, the Second Circuit held that Section 230 provided immunity for an algorithm used to connect Facebook users with certain third-party content.¹⁴⁰ Because many dating app algorithms perform editorial functions for platforms—such as recommending that certain profiles be displayed—there is good reason to believe that such algorithms are similarly protected under both the First Amendment and Section 230.¹⁴¹

These constraints have significant implications for the scope of permissible legislation. Future dating app laws should be narrowly crafted when addressing addictive content presentation formats, notification systems, and messaging practices. As previously noted, the swipe-based mechanism and endless profile feed are central to the presentation format of modern dating apps and, despite their

135. *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 570 (2011) (quoting *Bartnicki v. Vopper*, 532 U.S. 514, 527 (2001) (“[I]f the acts of ‘disclosing’ and ‘publishing’ information do not constitute speech, it is hard to imagine what does fall within that category.”)).

136. *Bartnicki*, 532 U.S. at 527.

137. 47 U.S.C. § 230; U.S. DEPT JUST., *Department of Justice’s Review of Section 230 of the Communications Decency Act of 1996*, <https://www.justice.gov/archives/ag/departments-justice-s-review-section-230-communications-decency-act-1996> [<https://perma.cc/B49V-R2S9>].

138. *Carafano v. Metrosplash.com, Inc.*, 339 F.3d 1119, 1122 (9th Cir. 2003).

139. *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1102 (9th Cir. 2009).

140. *Force v. Facebook, Inc.*, 934 F.3d 53, 66 (2d Cir. 2019).

141. *Barnes*, 570 F.3d at 1102.

habit-forming nature, attempts to limit or eliminate them are likely barred by Section 230. This is because decisions regarding app layout directly affect how and what third-party content is published. As a result, policymakers likely cannot mandate a specific beginning or end to a user's daily display of potential matches. Policymakers should also be cautious about requiring default protective time limits on a user's app usage.

Policies that regulate the messaging, timing or frequency of dating app notifications face similar constraints. Notifications written by the dating app company itself constitute protected speech under the First Amendment. As discussed above, dating app companies strategically deploy their own notifications to lure unresponsive users back onto their platforms.¹⁴² Despite the manipulative nature of these re-engagement notifications, they are expressions of the companies' own speech, and any regulation seeking to reduce their frequency or control their timing would constitute an unconstitutional abridgment of free speech.¹⁴³

Courts have further held that platform notifications alerting users to third-party content are protected speech under Section 230.¹⁴⁴ Future legislation should therefore not seek to restrict dating app notifications concerning unread messages from other users, a recent "like" on a profile, or a prospective new match. Recommendation-based notifications (like those that suggest a user's profile to another) are similarly protected, as they function as a means by which dating app platforms publish third-party content to users.¹⁴⁵

Finally, state legislation seeking to limit private communications between dating app users by attempting to reduce the frequency of their private messaging would also violate Section 230. In *Fields v. Twitter*, the Northern District of California held that Section 230 does not bar "claims predicated on a defendant's transmission of nonpublic messages."¹⁴⁶ Accordingly, content posted by dating app users in private messages will likely be treated as third-party content, and Section 230 shields platforms from any obligation to restrict or remove it.

142. Hoggmascall, *supra* note 85.

143. *Bartnicki v. Vopper*, 532 U.S. 514, 527 (2001).

144. *See Dyroff v. Ultimate Software Group, Inc.*, 934 F.3d 1093 (9th Cir. 2019) (holding that Section 230 precluded claims against a website operator because the alleged harm stemmed from the platform's notification of users when others posted content on its message board).

145. *See Doe v. Snap Inc.*, 675 F. Supp. 3d 1087, 1094 (S.D. Cal. June 5, 2023) (holding that claims based on Snapchat's "Quick Add" function for friending other users are barred by Section 230); *Force v. Facebook, Inc.*, 934 F.3d 53 (2d Cir. 2019).

146. *Fields v. Twitter, Inc.*, 217 F. Supp. 3d 1116, 1128–29 (N.D. Cal. 2016), *aff'd*, 881 F.3d 739 (9th Cir. 2018).

C. Final Recommendations for State Legislation Addressing Dating App Addiction

To target dating app addiction, future legislation must address the habit-forming and gamified design features that undermine the ability of these apps to fulfill their purpose of creating meaningful relationships. In making these recommendations, this Note takes inspiration from common features in existing online dating safety laws, including mandated in-app disclosures and increased access to support resources and general safety guidance.¹⁴⁷

Following these guidelines, this Note offers several policy recommendations to help mitigate the risk of users developing a dating app addiction. The recommendations target three primary areas: accessible safety warnings and support resources, increased transparency through mandatory disclosures, and improved procedural safeguards.

1. Safety Warnings and Support Resources

To protect the safety of consumers, future state legislation should require dating apps to post accessible in-app warning messages addressing dating app addiction. These warnings should inform users that dating apps may foster compulsive use,¹⁴⁸ identify common signs of addictive engagement,¹⁴⁹ and outline the adverse mental health outcomes associated with such behavior.¹⁵⁰ Because habit-forming apps initially rely on notifications to prompt user engagement, in-app safety warnings should appear prior to these “internal triggers.”¹⁵¹ Therefore, the safety warning should first appear when a user downloads the app but before the user has created a dating profile. The warning message could also reappear after a predetermined period of usage, such as after a user has opened the app a certain number of times or after the app has been downloaded for a set number of days.

Similar to the online dating safety laws in Colorado and Connecticut, in-app safety warnings should provide users with information on additional support resources.¹⁵² Along with guidance on the signs of a dating app addiction, these warnings should include expert recommendations for managing screen time

147. See *supra* Section III.A.

148. Keaton, *supra* note 42; Johnson, *supra* note 72; Smith, *supra* note 43.

149. Langvardt, *supra* note 77, at 145.

150. Holtzhausen et al., *supra* note 110, at 1; Castro & Barrada, *supra* note 111, at 17; Emily Phares & Meaghan Harmon, *Dating Statistics and Facts*, FORBES (July 22, 2025), <https://www.forbes.com/health/dating/dating-statistics/> [https://perma.cc/58MT-D75K].

151. Langvardt, *supra* note 77, at 142, 143.

152. See COLO. REV. STAT. § 6-1-731.5 (2024); CONN. GEN. STAT. § 21a-440 (2024).

and information on local behavioral health services. States could also mandate platforms to offer mechanisms for reporting concerns about compulsive behavior in oneself or others, ensuring that users have clear avenues to seek intervention. By integrating educational and reporting tools directly into the app, dating platforms could promote healthy, informed decision-making and proactive management of potential harms.

These warning messages should also be clearly visible within the mobile app and be designed in ways that capture users' attention and convey their importance. Safety messages should be crafted with the gamified design features of dating apps in mind.¹⁵³ As a general rule, the warning should be no smaller in size, nor more muted in color, than any of the app's standard notification messages. Legislation may even require the message to contain bolded font or red coloring to emphasize its significance, or require it to be accompanied by an audible cue such as a "ding."¹⁵⁴

Research on habit-forming design suggests that users become more invested in an app when they are encouraged to take action and do "a bit of work" on the platform.¹⁵⁵ In turn, these warning messages should also require users to actively acknowledge them by pressing a designated button, similar to a terms-and-conditions pop-up. Taking this action will reinforce the message's credibility to users and signal the platform's endorsement of healthy online dating habits.

Like the requirements present in current online dating safety laws, these warning messages are legally permissible under both Section 230 and the First Amendment. Section 230 would not prevent this legislative mandate because in-app safety warnings on compulsive use do not contain third-party content,¹⁵⁶ nor do they prevent dating app platforms from participating in most traditional editorial functions.¹⁵⁷

While these in-app warnings would be the result of government-compelled speech, there is a high likelihood that this requirement would survive a First Amendment challenge. "Modest efforts to regulate habit-forming apps," would likely face rational basis review—a deferential and government-friendly standard—if challenged in court.¹⁵⁸ This is particularly true for policies requiring product labeling to prevent consumer deception.¹⁵⁹ As the Supreme Court stated in *Zauderer v. Office of Disciplinary Counsel*,

153. Keaton, *supra* note 42.

154. *Id.*

155. Langvardt, *supra* note 77, at 145.

156. U.S. DEP'T JUST., *supra* note 137.

157. *See Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1102 (9th Cir. 2009).

158. Langvardt, *supra* note 77, at 183.

159. *Id.*

“an advertiser’s rights are adequately protected [under the First Amendment] as long as [legislative] disclosure requirements are reasonably related to the State’s interest in preventing deception of consumers.”¹⁶⁰

Therefore, government-compelled speech designed to prevent consumer deception is not without precedent. A notable example of this permissible product labeling is the Surgeon General’s warning on tobacco products.¹⁶¹ In-app safety warnings about dating app addiction could similarly be viewed as a form of product labeling. These warnings function as factual disclosures designed to protect consumers from the misleading marketing claims that promote dating apps as a reliable method for forming offline relationships.¹⁶² Consequently, state policies requiring such warnings would likely constitute permissible government-mandated speech.

2. Mandatory Disclosures

Drawing from the structure of existing online dating safety laws, state legislation addressing dating app addiction should prioritize mandatory factual disclosures within dating app safety policies.¹⁶³ These disclosures should shed light on platform design as well as monetization practices.

Modeled on Colorado’s requirement that online dating platforms maintain a publicly posted safety policy,¹⁶⁴ such legislation should mandate that dating app companies offer clear and conspicuous disclosures about the types of user data used for algorithmic matchmaking. To avoid constitutional or legislative limitations, disclosures should not mandate how algorithms operate or restrict the platform’s expressive content.¹⁶⁵ Instead, these disclosures should educate users about how their in-app behavior shapes their online dating experience. For example, apps should disclose the forms of user behavioral data the platform collects. Dating app users should be informed whether actions such as swiping frequency, time spent on the app, or engagement with notifications and in-app messaging are factors in a matchmaking algorithm.¹⁶⁶ Providing transparency about how user behavior may influence match visibility and ranking would promote informed decision-making and reduce the risk that users unknowingly

160. *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626, 651 (1985).

161. *See id.* at 154.

162. *See supra* Section 1.A.

163. *See supra* Section III.A.

164. *See* CONN. GEN. STAT. § 21a-440 (2024); COLO. REV. STAT. § 6-1-731.5 (2024).

165. *See supra* Section III.B.

166. CAPITOL TECH. U., *supra* note 22.

engage with systems designed to prolong use rather than facilitate relationship formation.

In addition, states could require dating app companies to provide clear disclosures about the outcomes associated with paid subscriptions and premium features. Platforms could be mandated to explain, in plain language, the numerical advantages resulting from payments for algorithmic boosts, increased visibility, or access to exclusive features. This would allow users to accurately assess whether they are receiving a real benefit from in-app purchases. Platforms could also be required to disclose any limitations or diminishing returns associated with these features, such as paid benefits that naturally fluctuate in performance value during certain periods of app usage.

To ensure meaningful user awareness, mandatory disclosures should be prominently placed within the dating app user agreement and easily retrievable from the app settings. As with the disclosures mandated by existing dating safety laws, these measures would enhance user transparency and education. By clarifying how user engagement and monetization practices intersect with matchmaking outcomes, mandatory disclosures could reduce consumer deception, curb compulsive use driven by false expectations, and remain consistent with statutory and constitutional constraints.

3. Procedural Safeguards

In addition to in-app safety warnings and mandatory disclosures in user agreements, implementing procedural safeguards can play a critical role in mitigating dating app addiction. Future state legislation could focus on two primary avenues: (1) providing tools to help limit the length of user sessions to mitigate compulsive engagement and (2) reducing barriers to account or subscription cancellation to empower users to disengage when desired. By addressing these structural features of dating app design, policymakers can promote healthier user behavior while respecting platform autonomy.

a. Tools to Limit the Length of Use Sessions.

State policies can mitigate dating app addiction through several mechanisms that help provide time-based usage limits. First, dating app platforms could be required to provide users with the option to self-restrict their time spent on the platform, similar

to the “Screen Time” feature on Apple’s iPhone.¹⁶⁷ This could be accomplished through an opt-in notification presented when a user first downloads the app, alerting them to a feature that allows them to track and limit their usage time. The notification could also inform users of expert recommendations on dating app usage, with current figures suggesting a maximum of thirty minutes per day.¹⁶⁸ After this initial notification, this time-limiting feature could remain accessible in the app settings for future reference.

Second, dating app platforms could be required to enable default protective limitations on the length of individual use sessions. Because the amount of time spent on a dating app each day and the act of excessive swiping are two major indicators of a dating app addiction, protective time-based usage limits could take the form of a pop-up notification that appears after a user has spent a significant amount of time on the platform. For example, this notification could appear after a user has been on the platform for more than one hour in a single sitting or after the user has swiped through a significant number of profiles in a short period of time.¹⁶⁹

Similar to state age verification laws for accessing online adult content, in-app safety warnings cannot immediately force a user to close the app without raising free speech concerns.¹⁷⁰ They can, however, serve as an alert that the user’s behavior appears compulsive. Thus, states could require dating apps to present a pop-up message requiring users to check a box confirming they have read and understood a warning about their behavior before continuing their session on the app. Such warnings would preserve users’ autonomy to continue engaging with the app while reinforcing the notion that further use may be more harmful than helpful.

b. Reducing Barriers for Account or Subscription Cancellation.

Dating app companies can maintain user engagement by employing unnecessary barriers to account and subscription cancellation. In August 2025, for instance, the FTC secured a \$14 million settlement against Match Group for deceptive marketing

167. *Get started with Screen Time on iPhone*, APPLE, <https://support.apple.com/guide/iphone/get-started-with-screen-time-iphbfa595995/26/ios/26> [<https://perma.cc/F3VP-27GA>].

168. Lebowitz & Walker, *supra* note 45.

169. See Keaton, *supra* note 42; Thomas et al., *supra* note 26, at 2.

170. Lindsay Whitehurst, *Supreme Court upholds Texas law aimed at blocking kids from seeing pornography online*, AP News (June 28, 2025, 13:41 MDT), <https://apnews.com/article/supreme-court-porn-age-verification-texas> [<https://perma.cc/4QGW-7YUW>].

and unfair billing practices on Match.com.¹⁷¹ The order included a significant injunctive provision aimed at simplifying the subscription cancellation process on the site.¹⁷² This provision stemmed from the FTC’s September 2019 complaint, which alleged that Match.com’s multi-step cancellation practices were “confusing and cumbersome” and designed to deter cancellation by requiring consumers to click through multiple pages and answer several survey questions.¹⁷³ The Match.com settlement illustrates that online dating platforms can make it difficult for users to cancel a paid subscription or delete their account. Beyond burdensome and complex cancellation practices, simply deleting or uninstalling an app from a user’s phone does not delete their profile on most dating apps.¹⁷⁴ This leaves some consumers to believe that have successfully deleted their account while their profile remains visible to others and their data continues to reside on company servers.¹⁷⁵

A policy targeting these issues should require dating app companies to reduce barriers for users who wish to delete their profiles or cancel a paid subscription. To make the cancellation process straightforward, users must be able to complete these actions within the app, rather than being redirected to a separate website. Dating app platforms should also not be permitted to obscure account deletion or subscription cancellation options by burying them in app settings. Rather, these options should be prominently displayed among the top choices in the settings menu. Likewise, the deletion or cancellation process should not be unduly burdensome by requiring an excessive number of steps before an account or subscription is terminated. As a general rule, the number of steps required to delete an account should parallel the number of steps required to create one.

Under this provision, dating app platforms should also be barred from sending excessive follow-up communications—through notifications, text messages, or emails—to encourage users to re-engage with the platform after deleting their account. Similarly,

171. Press Release, FED. TRADE COMM’N, *Match Group Agrees to Pay \$14 Million, Permanently Stop Deceptive Advertising, Cancellation, and Billing Practices to Resolve FTC Charges* (Aug. 12, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/08/match-group-agrees-pay-14-million-permanently-stop-deceptive-advertising-cancellation-billing> [https://perma.cc/SCK3-552P].

172. *Id.*

173. Complaint ¶¶ 54–59, Fed. Trade Comm’n v. Match Group, Inc., No. 3:19-cv-02281-K (N.D. Tex. filed Sept. 25, 2019).

174. *How Do I Delete My Account?*, HINGE, <https://help.hinge.co/hc/en-us/articles/115004020968-How-do-I-delete-my-account> [https://perma.cc/B9JM-U7YZ]; *Deleting Your Account*, BUMBLE, <https://support.bumble.com/hc/en-us/articles/28784017124381-Deleting-your-account> [https://perma.cc/YC66-SQZR].

175. *Id.*

this policy should prevent dating app companies from offering discounted premium features to entice users who have expressed a desire to cancel their subscription or leave the platform entirely.

CONCLUSION

Dating app companies market their apps as effective tools for creating meaningful in-person relationships. In the United States, nearly a third of adults have used a dating app or site, and one in ten people have met their current partner through an online dating platform.¹⁷⁶ With dating app revenues increasing each year, the number of American users will likely continue to grow.¹⁷⁷ This growth will prove dangerous if modern dating apps are inherently addictive—and the evidence suggests they may be. Modern dating app platforms embody many aspects of habit-forming design, and heightened dating app usage is linked to consumer harms such as adverse mental health outcomes and financial strain.¹⁷⁸

Currently, the United States offers no targeted legislative solution to combat the pervasive effects of dating app addiction. State policies on dating apps narrow their focus to online dating safety, leaving largely unaddressed the growing public concern that these platforms are designed to be addictive.¹⁷⁹ State legislators must begin to fill this gap.

This Note offers several policy recommendations for state legislation to address the addictive design features of online dating platforms such as Tinder, Bumble, and Hinge. Inspired by existing online dating safety laws, these policy recommendations remain within the bounds of Section 230 and the First Amendment. They strive to prevent and mitigate dating app addiction through accessible safety warnings, increased mandatory disclosures, and improved procedural safeguards.

Ginelle Testa wrote that even as a recovering dating app addict, she continues to use dating apps today.¹⁸⁰ There is no question that the desire to find companionship—and to use online dating platforms to do so—has become commonplace, and at times unavoidable, in contemporary American society. For everyone who will continue to log onto Tinder, post a photo to Hinge, or message first on Bumble, legislation addressing dating app design provides necessary guardrails against technology-based addiction. For Testa

176. Vogels & McClain, *supra* note 16.

177. Curry, *Dating App Market*, *supra* note 17.

178. See Holtzhausen et al., *supra* note 110; Castro & Barrada, *supra* note 111, at 17; Phares & Harmon, *supra* note 150.

179. See CONN. GEN. STAT. § 21a-440 (2024); COLO. REV. STAT. § 6-1-731.5 (2024).

180. Testa, *supra* note 1.

and many others, these policies will further guarantee responsible matchmaking and swiping driven by intention, not compulsion.