
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 162 Original

2023 Regular Session

McMath

Proposed law creates the Secure Online Child Interaction and Age Limitation Act.

Proposed law defines certain terms including, "social media company", "social media platform", "Louisiana account holder", and "Louisiana minor account holder".

Proposed law provides that beginning March 1, 2024, a social media company shall not allow a minor in this state to hold a social media account unless the minor receives consent from a parent or guardian.

Proposed law provides that the social media company shall verify the age of any existing or new account holder on its social media platform and further provides that any account holder who has not verified its age within 14 days of an attempt to access the account shall result in the denial of access to the account until all verification requirements are met.

Proposed law requires the division of public protection within the Dept. of Justice to adopt rules to implement the provisions of proposed law, which shall include rules to establish a process to verify age and confirm parental consent, to provide for the protection of age verification information, and to provide that the social media company have a principal place of business in the United States in order to process age verification.

Proposed law provides if the account holder is a minor, the social media company shall restrict access to certain features, including but not limited to direct messaging with certain users, the display of advertisements, and the use of targeted or suggested groups, services, or users.

Proposed law provides that a minor shall not access the account between 10:30 p.m. and 6:30 a.m., based on the internet protocol address being used by the minor account holder at the time of attempting access, without the ability to bypass this restriction.

Proposed law provides that a parent or guardian shall have access to the minor's account, at any time to change or eliminate the time and day restrictions set by proposed law and to set a limit on the number of hours social media is used per day.

Proposed law provides that the division shall have the authority to receive and investigate consumer complaints that allege violations of proposed law.

Proposed law provides that the division shall have exclusive authority to administer and enforce the requirements of proposed law. Provides that the division may impose an administrative fine of up to \$2,500 for each violation of proposed law.

Proposed law provides that in a court action by the division to enforce proposed law, the court may do any of the following:

- (1) Declare that the act or practice violates a provision of proposed law.
- (2) Issue an injunction for a violation of proposed law.
- (3) Order any profits, gains, gross receipts or benefit from a violation of proposed law to be forfeited and paid to the aggrieved person.
- (4) Impose a civil penalty of up to \$2,500 for each violation of proposed law.
- (5) Award damages to the aggrieved person or other relief deemed reasonable and necessary by the court.

Proposed law provides that if a court grants a judgment or injunctive relief in favor of the division, the court shall award the division reasonable attorney fees, court costs, and investigative costs.

Proposed law provides that the division shall provide a person with an alleged violation of proposed law with a written explanation of the basis of the allegations 30 days prior to the division initiating an action against a person. Provides that the division shall not initiate an action if the person cures the alleged violation within 30 days of receiving notice from the division in accordance with proposed law.

Proposed law provides that the division may initiate a civil action against a person that does any of the following:

- (1) Fails to cure a violation after receiving the notice of an alleged violation.
- (2) Commits another violation of the same provision after curing a violation.

Proposed law provides that a person who violates an administrative or court order issued for a violation of proposed law is subject to a civil penalty of not more than \$5,000 for each violation. Provides that all civil penalties received shall be used by the division to promote consumer protection and education.

Proposed law requires the division to compile an annual report that evaluates the liability and enforcement of proposed law, summarizes the consumer interactions that are protected and not protected by proposed law, and maintains an account of all fines and civil penalties collected during the year.

Proposed law provides that a person may bring a direct action against another person that does not comply with proposed law. Provides that a person bringing an action is entitled to reasonable attorney fees, court costs, and damages in the amount of \$2,500 for each violation or damages for financial, physical, and emotional distress, or whichever is greater.

Proposed law prohibits waiver of certain protections, requirements, and private rights.

Effective August 1, 2023.

(Adds R.S. 51:1751-1760)