

## RÉSUMÉ DIGEST

ACT 236 (HB 37)

2025 Regular Session

Schlegel

New law defines "connect", "covered platform", "minor", "online platform", "online video game", "microtransaction", "nonprofit organization", "precise geolocation", "school", and "sexually explicit material".

New law provides that every owner or operator of a covered platform who contracts with a minor, including the creation of an online account, shall owe a duty of care to the minor.

New law provides that the duty of care shall require the covered platform to take reasonable measures in the operation of the covered platform to prioritize the privacy of the minor's account and establish the following default privacy settings for minors:

- (1) Prohibit an adult from connecting to a minor on a covered platform without express consent from the minor's legal representative.
- (2) Prohibit an adult from sending private or direct messages to a minor on a covered platform by video, voice, or messaging unless the minor is connected to the adult on the covered platform.
- (3) Prohibit a covered platform from disclosing or sharing the precise geolocation of a minor with any individual who is not the legal representative of the minor or is not a representative of a law enforcement agency authorized by law to receive that information.
- (4) Restrict the visibility of the minor's account to only connected accounts.
- (5) Allow the legal representative of a minor to choose to be informed via text, voice, email, through the legal representatives linked account, or through the covered platform's parental control interface within a reasonable time, if any of the following occur:
  - (a) A minor is exposed to sexually explicit material on a covered platform.
  - (b) A connection is made between a minor and any other user on a covered platform.

New law provides that a covered platform shall enable the legal representative of a minor whose account is connected to the account of the minor through the covered platform's parental supervision tools to do the following:

- (1) Utilize tools or features to manage the settings of the minor's account on a covered platform.
- (2) View accounts that are connected to or blocked from the minor's account.
- (3) Block accounts from the minor.
- (4) Prohibit or place limits on the minor's ability to make or receive microtransactions on a covered platform.

New law provides that a legal representative of a minor may opt out of the protections required by new law by providing express consent to a covered platform.

New law provides that the default privacy settings required in new law may only be modified by the legal representative of the minor whose account is linked to the minor's account through the covered platform's parental supervision tools.

New law provides that any owner or operator of a covered platform who violates the provisions of new law shall be subject to a civil fine of up to \$10,000 per violation set and enforced by the attorney general by filing a civil enforcement action in a court of competent jurisdiction.

New law provides that prior to filing a civil enforcement action, the attorney general shall provide the owner or operator with a written notice that identifies each alleged violation and an explanation of the basis for each allegation. Provides that the owner or operator may cure the alleged violations by providing the attorney general, within 45 days of receipt of the notice provided pursuant to new law, a written statement indicating that the violation is cured and no further violations will occur.

New law provides that, except for when there is a failure to cure a violation after receiving the written notice, or after committing another violation of the same provision after curing a violation and providing a written statement, the attorney general shall not file a civil enforcement action if the owner or operator timely cures the alleged violations pursuant to new law. Further provides that a court may grant the attorney general reasonable attorney fees, court costs, and investigative costs if the court grants judgment or injunctive relief to the attorney general. Provides that all monies received from fines or civil penalties imposed shall be used by the attorney general for consumer protection enforcement efforts or to promote consumer protection and education.

Effective June 1, 2026.

(Adds R.S. 9:2717.4)