

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Re-Reengrossed Senate Bill No. 162 by Senator McMath

1 AMENDMENT NO. 1

2 On page 2, delete lines 21 and 22 in their entirety and insert in lieu thereof the following:

3 **"(9) "Minor" means an individual under circumstances where a social**
 4 **media company reasonably believes or has actual knowledge that the individual**
 5 **is under the age of sixteen and is not emancipated or married. A social media**
 6 **company shall treat an individual as a minor if the social media company**
 7 **verifies that the individual is under the age of sixteen, as provided in this**
 8 **Chapter."**

9 AMENDMENT NO. 2

10 On page 2, delete lines 28 and 29, and on page 3, delete line 1, and insert in lieu thereof the
 11 following:

12 **"(12)(a) "Social media platform" means a public or semipublic**
 13 **internet-based service or application that has users in Louisiana and that meets**
 14 **all of the following:**

15 **(i) The service or application connects users in order to allow users to**
 16 **interact socially with each other within the service or application. A service or**
 17 **application that provides email or direct messaging services, enterprise cloud**
 18 **storage services, enterprise cybersecurity services, educational devices, or**
 19 **enterprise collaboration tools for K-12 schools shall not be considered to meet**
 20 **this criterion on the basis of that function alone.**

21 **(ii) The service or application allows users to do all of the following:**

22 **(aa) Construct a public or semipublic profile for purposes of signing into**
 23 **and using the service or application.**

24 **(bb) Populate a list of other users with whom an individual shares a**
 25 **social or virtual connection within the system, including subscribing to content**
 26 **related to another user.**

27 **(cc) Create or post content viewable by other users, including but not**
 28 **limited to, on message boards, in chat rooms, on video channels, or through a**
 29 **landing page or main feed that presents the user with content generated by**
 30 **other users."**

31 AMENDMENT NO. 3

32 On page 3, delete lines 6 through 9 in their entirety and insert in lieu thereof the following:

33 **"(ii) A service that, pursuant to its terms of use, does not permit minors**
 34 **to use the platform and utilizes commercially reasonable age assurance**
 35 **mechanisms to attempt to prohibit minors from becoming an account holder or**
 36 **user."**

1 AMENDMENT NO. 4

2 On page 4, delete lines 1 and 2 in their entirety

3 AMENDMENT NO. 5

4 On page 4, line 3, change "~~(ix)~~" to "(viii)"

5 AMENDMENT NO. 6

6 On page 4, line 6, change "~~(x)~~" to "(ix)"

7 AMENDMENT NO. 7

8 On page 4, line 9, change "~~(xi)~~" to "(x)"

9 AMENDMENT NO. 8

10 On page 4, line 10, change "~~(xii)~~" to "(xi)"

11 AMENDMENT NO. 9

12 On page 4, line 13, change "~~(xiii)~~" to "(xii)"

13 AMENDMENT NO. 10

14 On page 4, line 14, change "~~(xiv)~~" to "(xiii)"

15 AMENDMENT NO. 11

16 On page 4, line 15, change "~~(xv)~~" to "(xiv)"

17 AMENDMENT NO. 12

18 On page 4, line 17, change "~~(xvi)~~" to "(xv)"

19 AMENDMENT NO. 13

20 On page 4, line 19, change "~~(xvii)~~" to "(xvi)"

21 AMENDMENT NO. 14

22 On page 4, line 21, change "~~(xviii)~~" to "(xvii)"

23 AMENDMENT NO. 15

24 On page 4, line 23, change "~~(xix)~~" to "(xviii)"

25 AMENDMENT NO. 16

26 On page 4, line 27, change "~~(xx)~~" to "(xix)"

27 AMENDMENT NO. 17

28 On page 5, delete lines 7 through 29, and on page 6, delete lines 1 through 22, and insert in
29 lieu thereof the following:

30 "A. A social media company shall make commercially reasonable efforts
31 to verify the age of Louisiana account holders with a level of certainty

appropriate to the risks that arise from the information management practices of the social media company or apply the accommodations afforded to minors pursuant to this Chapter to all account holders.

B. A social media company shall not permit a Louisiana resident who is a minor to be an account holder on the social media company's social media platform unless the minor has the express consent of a parent or guardian. Acceptable methods of obtaining express consent from a parent or guardian include any of the following:

(1) Providing a form for the minor's parent or guardian to sign and return to the digital service provider by common carrier, facsimile, or electronic scan.

(2) Providing a toll-free telephone number for the minor's parent or guardian to call to consent.

(3) Coordinating a call with a minor's parent or guardian over video conferencing technology.

(4) Collecting information related to the government-issued identification of the minor's parent or guardian and deleting that information after confirming the identity of the minor's parent or guardian.

(5) Allowing the minor's parent or guardian to provide consent by responding to an e-mail and taking additional steps to verify the identity of the minor's parent or guardian.

(6) Any other commercially reasonable method of obtaining consent in light of available technology.

C. Notwithstanding any other provision of this Chapter, a social media company shall not permit a Louisiana resident who is a minor to hold or open an account on a social media platform if the minor is ineligible to hold or open an account pursuant to any other provision of state or federal law.

D. The division may adopt rules in accordance with the Administrative Procedure Act that provide examples of all of the following:

(1) Acceptable processes or means by which a social media company may meet the age verification requirements of this Chapter, including adjusting for new technologies.

(2) Acceptable forms or methods of identification for individuals to verify that they are over the age of sixteen, which may not be limited to a valid identification card issued by a government entity.

(3) Acceptable processes or means to confirm that a parent or guardian has provided consent for the minor to open or use an account pursuant to this Section."

AMENDMENT NO. 18

On page 6, delete line 24 in its entirety

AMENDMENT NO. 19

On page 6, line 25, change "(1)" to "A."

1 AMENDMENT NO. 20

2 On page 6, line 27, change "(a)" to "(1)"

3 AMENDMENT NO. 21

4 On page 6, line 29, change "(b)" to "(2)"

5 AMENDMENT NO. 22

6 On page 7, line 1, change "(c)" to "(3)"

7 AMENDMENT NO. 23

8 On page 7, line 6, change "(d)" to "(4)"

9 AMENDMENT NO. 24

10 On page 7, line 8, change "(2)" to "B."

11 AMENDMENT NO. 25

12 On page 7, line 12, change "Beginning March 1, 2024, a social" to "A social"

13 AMENDMENT NO. 26

14 On page 7, line 19, change "Beginning March 1, 2024, a social" to "A social"

15 AMENDMENT NO. 27

16 On page 11, after line 4, insert the following:

17 "Section 2. This Act shall become effective on March 1, 2024."