

## RÉSUMÉ DIGEST

ACT 456 (SB 162)

2023 Regular Session

McMath

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

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

New law provides that a social media company shall not allow a minor in this state to hold a social media account unless the minor has consent from a parent or guardian.

New law provides that the social media company shall make commercially reasonable efforts to verify the age of account holders. Provides that a social media company is prohibited from permitting a La. resident who is a minor to be an account holder unless the minor has the express consent of a parent or guardian. New law provides acceptable methods of obtaining a parent or guardian's express consent.

New law authorizes the division of public protection within the Dept. of Justice to adopt rules to implement the provisions of new law.

New law provides prohibited actions for social media companies.

New law requires a social media company to provide a parent or guardian with means to initiate account supervision, including the ability for the parent to view privacy settings of the minor's account, set daily time limits for the service, schedule breaks, and offer the minor the option to set up parental notifications when the minor reports a person or issue.

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

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

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

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

New 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.

New law provides that the division shall provide a person with an alleged violation of new law with a written explanation of the basis of the allegations 45 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 45 days of receiving notice from the division in accordance with new law.

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

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

New law provides that a person who violates an administrative or court order issued for a violation of new 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.

New law requires the division to compile an annual report that evaluates the liability and enforcement of new law, summarize the consumer interactions that are protected and not protected by new law, and maintain an account of all fines and civil penalties collected during the year.

New law prohibits waiver of certain protections and requirements.

New law provides that the implementation of new law shall be subject to the appropriation of funds by the legislature.

Effective July 1, 2024.

(Adds R.S. 51:1751-1759)