

2025 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVES SCHLEGEL, BACALA, BAYHAM, BERAULT, BILLINGS, BOYER, BUTLER, CARVER, CHENEVERT, COATES, COX, DESHOTEL, DEVILLIER, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FREIBERG, GLORIOSO, HORTON, MIKE JOHNSON, LAFLEUR, JACOB LANDRY, LARVADAIN, LYONS, MOORE, OWEN, RISER, ROMERO, SPELL, TAYLOR, TURNER, VILLIO, WILDER, WYBLE, AND ZERINGUE AND SENATORS BARROW, BOUDREAUX, CLOUD, HENRY, AND MIZELL

1 AN ACT

2 To enact R.S. 9:2717.4, relative to the duty of care when contracting with minors; to
3 establish a duty of care for a covered platform; to provide for definitions; to provide
4 for exceptions; to provide limitations on how adults interact with minors on covered
5 platforms; to provide for penalties; to provide for an effective date; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2717.4 is hereby enacted to read as follows:

9 §2717.4. Kids Online Protection and Anti-Grooming Act

10 A. This Section shall be known and may be cited as the "Kids Online
11 Protection and Anti-Grooming Act".

12 B. For purposes of this Section:

13 (1) "Connect" means the linking, associating, or interacting of user accounts
14 between an adult and a minor on a covered platform, including but not limited to
15 subscribing or friending.

1 (2)(a) "Covered platform" means an online platform, online video game,
2 messaging application, or video streaming service that accesses the internet and is
3 used by a minor.

4 (b) "Covered platform" shall not include any of the following:

5 (i) An entity acting in its capacity as a provider of a common carrier service
6 subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.).

7 (ii) An entity providing broadband internet access service as defined in 47
8 C.F.R. 54.400.

9 (iii) An entity acting in its capacity as a provider of an email service.

10 (iv) An entity acting in its capacity as a teleconferencing or video
11 conferencing service that allows reception and transmission of audio or video signals
12 for real-time communication provided that the service is not an online platform and
13 the real-time communication is initiated by using a unique link or identifier to
14 facilitate access.

15 (v) An entity acting in its capacity as a wireless messaging service, including
16 such a service provided through short messaging service or multimedia messaging
17 service protocols that is not a component of or linked to an online platform and
18 where the exclusive function is direct messaging consisting of the transmission of
19 texts, photos, or videos that are sent by electronic means, where messages are
20 transmitted from the sender to a recipient.

21 (vi) A nonprofit corporation.

22 (vii) Any school.

23 (viii) A public library.

24 (ix) A news or sports coverage website or application where the inclusion
25 of video, image, or other visual content on the website or application is related
26 primarily to the website or application's own gathering, reporting, or publishing of
27 news content or sports coverage and the website or application is not otherwise an
28 online platform.

29 (x) A product or service that primarily functions as business-to-business
30 software, such as cloud storage, file sharing, or a file collaboration service.

1 (xi) A virtual private network or similar service that exists predominantly to
2 route internet traffic between locations.

3 (xii) A federal, state, or local government with an internet domain.

4 (xiii) A video streaming service that consists primarily of entertainment or
5 other information or content that is not user-generated or user-uploaded, but is
6 preselected by the provider, and either requires users to register with a method of
7 payment or does not permit users to interact socially with each other.

8 (xiv) Platforms that primarily provide career networking and professional
9 development opportunities.

10 (3) "Minor" means an account holder on the covered platform who resides
11 in this state under circumstances where the covered platform reasonably believes or
12 has actual knowledge that the account holder is under the age of sixteen and is not
13 emancipated or married.

14 (4)(a) "Online platform" means any public website, online service, online
15 application, or mobile application that predominantly provides a community forum
16 for user-generated content, such as sharing videos, images, games, audio files, or
17 other content, including a social media service, social network, or virtual reality
18 environment.

19 (b) A website, online service, online application, or mobile application is not
20 an online platform solely on the basis that it includes a chat, comment, or other
21 interactive function that is incidental to its predominant purpose.

22 (5) "Online video game" means a video game, including an educational
23 video game, that accesses the internet and allows the user to do any of the following:

24 (a) Create and upload content that is not incidental to game play such as
25 character or level designs.

26 (b) Engage in microtransactions within the game.

27 (c) Communicate with other users.

28 (6)(a) "Microtransaction" means any of the following:

29 (i) A purchase made in an online video game involving surprise mechanics,
30 new characters, or other in-game items.

1 (ii) A purchase made using a virtual currency that is purchasable or
2 redeemable using cash or credit that is included as part of a paid subscription service.

3 (iii) Any purchase or transfer of virtual currency on a covered platform.

4 (b) The term shall not include a purchase made in an online video game
5 using a virtual currency that is earned through game play and is not otherwise
6 purchasable or redeemable using cash or credit or included as part of a paid
7 subscription service.

8 (7) "Nonprofit corporation" means any organization organized on a not-for
9 -profit basis under the provisions of Chapter II of Title 12 of the Louisiana Revised
10 Statutes of 1950.

11 (8) "Precise geolocation" means information derived from technology,
12 including but not limited to global positioning system level latitude and longitude
13 coordinates or other mechanisms, that directly identify the specific location of a
14 natural person with precision and accuracy within a radius of one thousand seven
15 hundred fifty feet. The provisions of this definition shall not extend to the content
16 of communications.

17 (9) "School" means any child daycare center as defined in R.S. 17:407.33,
18 any public or nonpublic school enrolling students in prekindergarten through grade
19 twelve, any institution under the management and supervision of a public
20 postsecondary education management board, any nonpublic college or university,
21 any program or initiative of the Board of Regents, or any proprietary school as
22 defined in R.S. 17:3140.1.

23 (10) "Sexually explicit material" shall have the same meaning as provided
24 in R.S. 25:225.

25 C. Every owner or operator of a covered platform who contracts with a
26 minor, including the creation of an online account, shall owe a duty of care to the
27 minor. The duty of care shall require the covered platform to take reasonable
28 measures in the operation of the covered platform to prioritize the privacy of the
29 minor's account and establish the following default privacy settings for minors:

1 (1) Prohibit an adult from connecting to a minor without express consent
2 from the minor's legal representative.

3 (2) Prohibit an adult from sending private or direct messages to a minor on
4 a covered platform by video, voice, or messaging, unless the minor is connected to
5 the adult on the covered platform.

6 (3) Prohibit a covered platform from disclosing or sharing the precise
7 geolocation of a minor with any individual who is not the legal representative of the
8 minor or is not a representative of a law enforcement agency authorized by law to
9 receive that information.

10 (4) Restrict the visibility of the minor's account to only connected accounts.

11 (5) Allow the legal representative of a minor to choose to be informed via
12 text, voice, email, through the legal representative's linked account or through the
13 covered platform's parental control interface within a reasonable time, if any of the
14 following occur:

15 (a) A minor is exposed to sexually explicit material on a covered platform.

16 (b) A connection is made between a minor and any other user on a covered
17 platform.

18 D. A covered platform shall enable the legal representative of a minor whose
19 account is connected to the account of the minor through the covered platform's
20 parental supervision tools to do the following:

21 (1) Utilize tools or features to manage the settings of the minor's account on
22 a covered platform.

23 (2) View accounts that are connected to or blocked from the minor's account.

24 (3) Block accounts from the minor.

25 (4) Prohibit or place limits on the minor's ability to make or receive
26 microtransactions on a covered platform.

27 E. Notwithstanding the provisions of this Section, the legal representative
28 of a minor may opt out of the protections required in this Section by providing
29 express consent to a covered platform.

1 F. The default privacy settings required in Subsection (C) of this Section
2 may only be modified by the legal representative of a minor whose account is linked
3 to the minor's account through the covered platform's parental supervision tools.

4 G.(1) Any owner or operator of a covered platform who violates the
5 provisions of this Section shall be subject to a civil fine of up to ten thousand dollars
6 per violation set and enforced by the attorney general by filing a civil enforcement
7 action in a court of competent jurisdiction.

8 (2)(a) Prior to filing a civil enforcement action, the attorney general shall
9 provide the owner or operator with a written notice that identifies each alleged
10 violation and an explanation of the basis for each allegation.

11 (b) The owner or operator may cure the alleged violations by providing the
12 attorney general, within forty-five days of receipt of the notice provided pursuant to
13 Subparagraph (a) of this Paragraph, a written statement indicating that the violation
14 is cured and no further violations will occur.

15 (c) Except as provided in Paragraph (3) of this Subsection, the attorney
16 general shall not file a civil enforcement action if the owner or operator timely cures
17 the alleged violations as provided by Subparagraph (b) of this Paragraph.

18 (3) The attorney general may file a civil enforcement action against an owner
19 or operator who does either of the following:

20 (a) Fails to cure a violation after receiving the written notice described in
21 Subparagraph (2)(a) of this Subsection.

22 (b) Commits another violation of the same provision after curing a violation
23 and providing a written statement in accordance with Subparagraph (2)(b) of this
24 Subsection.

25 (4) If a court of competent jurisdiction grants judgment or injunctive relief
26 to the attorney general, the court shall award the attorney general reasonable attorney
27 fees, court costs, and investigative costs.

28 H. All monies received from the payment of a fine or civil penalty imposed
29 and collected pursuant to the provisions of this Section shall be used by the attorney

1 ~~general for consumer protection enforcement efforts or to promote consumer~~
2 ~~protection and education.~~

3 Section 2. The provisions of this Act shall become effective on June 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____