

2024 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVE CARVER AND SENATOR MCMATH

COMMERCIAL REGULATIONS: Prohibits social media companies from collecting data to use for targeted advertising to minors

1 AN ACT

2 To enact Chapter 20-A of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:1761 through 1763, relative to data collection of minors; to
4 provide for definitions; to provide for legislative findings; to provide for definitions;
5 to provide for prohibitions; to provide for enforcement; to provide for an effective
6 date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 20-A of Title 51 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 51:1761 through 1763, is hereby enacted to read as follows:

10 CHAPTER 20-A. PROTECTION OF CHILDREN'S INTERNET DATA

11 §1761. Legislative findings

12 The legislature hereby finds and declares all of the following:

13 (1) Technological advances over the past ten years and the advent of social
14 media have opened the door to children for learning and exposure to cultures and
15 interests worldwide.

16 (2) Unfortunately, data shows that over that same ten-year period, American
17 teenagers, ages twelve through fifteen, who use social media over three hours each
18 day faced twice the risk of having negative mental health outcomes, including
19 depression and anxiety symptoms.

1 (3) The American Academy of Pediatrics declared a national emergency in
2 child and adolescent mental health recognizing that the use of social media can result
3 in poor mental health, poor general health outcomes, cyberbullying-related
4 depression, body image and disordered eating behaviors, poor sleep, and most
5 tragically, death.

6 (4) The main social media platforms are well aware of the damage they are
7 doing to our children, but they have largely been held unaccountable and have little
8 desire to self-regulate as their manipulative targeted advertising to children generated
9 an estimated eleven billion dollars in advertising revenue in just one year.

10 (5) The children of Louisiana deserve better, and since the federal
11 government has failed to take the necessary action to stop data sharing, selling, and
12 targeted advertising, it is incumbent upon Louisiana to protect our children and hold
13 the major social media platforms accountable.

14 §1762. Prohibitions; data collection; targeted advertising

15 A. As used in this Chapter, the following terms have the following
16 meanings:

17 (1) "Personal data" means any data collected online that provides any of the
18 following:

19 (a) Information that reveals any of the following:

20 (i) An individual's racial or ethnic origin.

21 (ii) An individual's religious beliefs.

22 (iii) An individual's sex.

23 (iv) An individual's citizenship or immigration status.

24 (b) Information regarding an individual's medical history, mental or physical
25 health condition, or medical treatment or diagnosis by a healthcare professional.

26 (c) The processing of genetic personal data or biometric data, if the
27 processing is for the purpose of identifying a specific individual.

28 (d) Specific geolocation data.

29 (e) Biometric data.

1 (2) "Social media platform" means an internet site or application that is open
2 to the public, allows a user to create an account, and enables users to communicate
3 with other users for the primary purpose of posting information, comments,
4 messages, or images. The term does not include any of the following:

5 (a) An internet service provider.

6 (b) Electronic mail.

7 (c) An online service, application, or internet site that consists primarily of
8 news, sports, entertainment, or other information or content preselected by the
9 provider that is not user-generated and where interactive functionality is incidental
10 to, directly related to, or dependent on the provision of the content.

11 (3)(a) "Targeted advertising" means displaying an advertisement to a
12 consumer where the advertisement is selected based on personal data obtained from
13 the consumer's activities over time and across non-affiliated websites or online
14 applications to predict the consumer's preferences or interests.

15 (b) "Targeted advertising" does not include any of the following:

16 (i) Advertising based on a consumer's activities within a controller's website
17 or online application or any affiliated website or online application.

18 (ii) Advertising based on the context of a consumer's current search query
19 or visit to a website or online application.

20 (iii) Advertising directed to a consumer in response to the consumer's request
21 for information, products, services, or feedback.

22 (iv) Processing personal data solely to measure or report on advertising
23 performance, advertising reach, or advertising frequency.

24 B.(1) Any social media platform with more than one million account holders
25 globally that is operating in this state is prohibited from using personal data and
26 social media algorithms for targeting advertising at an account holder who is under
27 the age of eighteen and who is located in this state.

1 (2) Any social media platform with more than one million account holders
2 globally that is operating in this state is prohibited from selling personal data of an
3 account holder who is under the age of eighteen and who is located in this state.

4 C. Nothing in this Section prohibits a social media platform from doing any
5 of the following:

6 (1) Allowing user-generated content to appear in a chronological manner for
7 an account holder who is under the age of eighteen.

8 (2) Displaying user-generated content that has been selected or followed by
9 an account holder who is under the age of eighteen, if the content appears in a
10 chronological manner.

11 (3) Providing search results to an account holder who is under the age of
12 eighteen, if the search results are in response to a specific and immediately preceding
13 query by the account holder.

14 §1763. Enforcement; penalties

15 A. The attorney general may bring a civil action on behalf of a child who
16 resides in this state against a social media platform.

17 B. A social media platform that violates the provisions of this Chapter shall
18 be subject to a civil fine of up to ten thousand dollars per violation. A civil penalty
19 imposed pursuant to this Section shall be deposited in the general fund of the state.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 577 Original

2024 Regular Session

Carver

Abstract: Prohibits social media companies from collecting data to use for targeted advertising to minors.

Proposed law provides for legislative findings.

Proposed law defines "personal data", "social media platform", and "targeted advertising".

Proposed law provides that any social media platform with more than one million account holders globally that is operating in this state is prohibited from using personal data and social media algorithms for targeting advertising at an account holder who is under the age of 18 and who is located in this state.

Proposed law provides that any social media platform with more than one million account holders globally that is operating in this state is prohibited from selling personal data of an account holder who is under the age of 18 and who is located in this state.

Proposed law provides that nothing in proposed law prohibits a social media platform from:

- (1) Allowing user-generated content to appear in a chronological manner for an account holder who is under the age of 18.
- (2) Displaying user-generated content that has been selected or followed by an account holder who is under the age of 18, as long as the content appears in a chronological manner.
- (3) Providing search results to an account holder who is under the age of 18, if the search results are in response to a specific and immediately preceding query by the account holder.

Proposed law provides that the attorney general may bring a civil action on behalf of a child who resides in this state against a social media platform.

Proposed law provides that a social media platform that violates the provisions of proposed law shall be subject to a civil fine of up to \$10,000 per violation. A civil penalty imposed pursuant to proposed law shall be deposited in the state general fund.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 51:1761-1763)