

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 577

2024 Regular Session

Carver

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

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes the effective date of Act No. 456 of the 2023 Regular Session from July 1, 2024 to July 1, 2025.
3. Removes the definitions "covered application stores" and "developer".
4. Adds to the definition of "social media platform".
5. Adds to what shall not be considered a "social media platform".
6. Removes applicability of proposed law to covered application stores and developers.
7. Removes that attorney general may bring a civil action on behalf of a minor account holder against a social media platform and instead adds that the attorney general may bring a civil actions to enforce any violation of proposed law.
8. Removes that a civil penalty imposed pursuant to proposed law shall be collected by the attorney general and deposited into the state general fund.
9. Requires notice by the attorney general before taking civil action against a social media platform for any violations under proposed law.
10. Requires attorney fees, court costs, and investigative costs be paid to the attorney general if a court grants judgment in favor of the attorney general for a violation of proposed law.

Digest of Bill as Finally Passed by Senate

Proposed law provides for Act No. 456 of the 2023 Regular Session which provides for the Secure Online Child Interaction and Age Limitation Act.

Proposed law provides that the effective date for Act No. 456 of the 2023 Regular Session is July 1, 2024.

Proposed law amends present law to change the effective date to July 1, 2025.

Proposed law provides for legislative findings.

Proposed law defines "account holder", "application", "child", "minor", "minor account holder", "online service, product, or feature", "resident", "sensitive 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 does not prohibit a social media platform from:

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

Proposed law provides that if a social media platform makes reasonable efforts to determine whether an account holder is a resident, or which users are under 18, the platform will not be liable for data processing undertaken for that purpose.

Proposed law provides that the attorney general may bring a civil action to enforce any violations of proposed law.

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.

Proposed law requires the attorney general to provide notice to any violators of proposed law at least 45 days before the attorney general initiates an enforcement action. Further provides that the attorney general shall not initiate an action if the person cures the notice violation within 45 days of receiving notice.

Proposed law provides that the attorney general may initiate a civil action against a person who fails to cure a violation after receiving notice or commits another violation of the same provision after curing a violation and providing a written statement in accordance with proposed law.

Proposed law requires a court to award the attorney general reasonable attorney fees, court costs, and investigative costs, if the court grants judgment or injunctive relief in favor of the attorney general.

Proposed law requires a person who violates an administrative order or court order issued for a violation of proposed law to pay a civil penalty of not more than \$5,000 per violation. Further provides that a civil penalty may be imposed in any civil action brought by the attorney general under proposed law.

Effective July 1, 2025.

(Adds R.S. 51:1761-1763; Amends Section 3 of Act No. 456 of the 2023 R.S.)