

RÉSUMÉ DIGEST

ACT 656 (HB 577)

2024 Regular Session

Carver

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

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

New law amends new law to change the effective date to July 1, 2025.

New law provides for legislative findings.

New 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".

New 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.

New 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.

New 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.

New 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.

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

New law provides that a social media platform that violates the provisions of new law shall be subject to a civil fine of up to \$10,000 per violation.

New law requires the attorney general to provide notice to any violators of new 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.

New 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 new law.

New 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.

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

New law provides that all monies received from a fine or civil penalty pursuant to new law shall be used by the attorney general to promote consumer protection and education.

Effective upon signature of governor (July 1, 2025).

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