

2025 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVE SCHLEGEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTRACTS: Establishes a duty of care for online platforms who contract with minors

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 an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §2717.4. Kids Online Protection and Anti-Grooming Act

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

11 B. For purposes of this Section:

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

15 (2)(a) "Covered platform" means an online platform, online video game,
16 messaging application, or video streaming service that accesses the internet and is
17 used, or reasonably likely to be used, by a minor.

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

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

1 (ii) An entity acting in its capacity as a broadband service provider as
2 defined in R.S. 12:430.1.

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

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

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

15 (vi) A nonprofit corporation.

16 (vii) Any school.

17 (viii) A public library.

18 (ix) A news or sports coverage website or application where the inclusion
19 of video content on the website or application is related to the website or
20 application's own gathering, reporting, or publishing of news content or sports
21 coverage and the website or application is not otherwise an online platform.

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

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

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

27 (3)(a) "Online platform" means any public website, online service, online
28 application, or mobile application that predominantly provides a community forum
29 for user generated content, such as sharing videos, images, games, audio files, or

1 other content, including a social media service, social network, or virtual reality
2 environment.

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

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

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

10 (b) Engage in microtransactions within the game.

11 (c) Communicate with other users.

12 (5)(a) "Microtransaction" means any of the following:

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

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

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

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

22 (6) "Nonprofit corporation" means any organization organized on a not-for
23 -profit basis under the provisions of Chapter II of Title 12 of the Louisiana Revised
24 Statutes of 1950.

25 (7) "School" means any child daycare center as defined in R.S. 17:407.33,
26 any public or nonpublic school enrolling students in prekindergarten through grade
27 twelve, any institution under the management and supervision of a public
28 postsecondary education management board, any nonpublic college or university, or
29 any proprietary school as defined in R.S. 17:3140.1.

1 (8) "Sexually explicit material" shall have the same meaning as provided in
2 R.S. 25:225.

3 C. Every owner or operator of a covered platform who contracts with a
4 minor shall owe a duty of care to the minor. The duty of care shall require the
5 covered platform to take the following reasonable measures in the operation of the
6 covered platform:

7 (1) Prohibit an adult from connecting to a minor on a covered platform
8 unless the initial connection is made by the minor.

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

12 (3) Prohibit a covered platform from disclosing or sharing the geolocation
13 of a minor with any individual who is not the legal representative of the minor.

14 (4) Prohibit an adult from viewing the online profile or personal data of a
15 minor on a covered platform unless the adult is connected to the minor on the
16 covered platform.

17 D. The covered platform shall notify the legal representative of a minor via
18 text, voice, or email within twenty-four hours if any of the following occur:

19 (1) A minor makes a microtransaction on a covered platform.

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

21 (3) A connection is made between an adult and a minor on a covered
22 platform.

23 E. Notwithstanding the provisions of this Section, the legal representative
24 of a minor may opt out of the protections required in this Section by providing
25 express written consent to a covered platform.

26 F. Any owner or operator of a covered platform who is found to have
27 violated the provisions of this Section shall be liable to an individual for general
28 damages, court costs, and reasonable attorney fees as ordered by the court.

29 Section 2. The provisions of this Act shall become effective on January 1, 2026.

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 37 Original

2025 Regular Session

Schlegel

Abstract: Establishes a duty of care for covered platforms who contract with minors.

Proposed law defines "connect", "covered platform", "online platform", "online video game", "microtransaction", "nonprofit organization", "school", and "sexually explicit material".

Proposed law provides that every owner or operator of a covered platform who contracts with a minor shall owe a duty of care to the minor.

Proposed law provides that a covered platform shall take the following reasonable measures in the operation of the covered platform:

- (1) Prohibit an adult from connecting to a minor on a covered platform unless the initial connection is made by a minor.
- (2) Prohibit an adult from sending private or direct messages to a minor on a covered platform by video, voice, or messaging unless the minor is connected to the adult on the covered platform.
- (3) Prohibit a covered platform from disclosing or sharing the geolocation of a minor with any individual who is not the legal representative of the minor.
- (4) Prohibit an adult from viewing the online profile or personal data of a minor on a covered platform unless the adult is connected to the minor on the covered platform.

Proposed law provides that the covered platform shall notify the legal representative of a minor within 24 hours if any of the following occur:

- (1) A minor makes a microtransaction on a covered platform.
- (2) A minor is exposed to sexually explicit material on a covered platform.
- (3) A connection is made between an adult and a minor on a covered platform.

Proposed law provides that a legal representative of a minor may opt out of the protections required by proposed law by providing express written consent to a covered platform.

Proposed law provides that any owner or operator of a covered platform who is found to have violated the provisions of proposed law shall be liable to an individual for general damages, court costs, and reasonable attorney fees as ordered by the court.

Effective Jan. 1, 2026.

(Adds R.S. 9:2717.4)