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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 577  
by Representative CarverAMENDMENT NO. 1

On page 1, line 3, change "1763" to "1764"

AMENDMENT NO. 2On page 1, line 5, after "prohibitions;" insert "to provide for protection from liability under  
certain circumstances, to provide for application stores; to provide for civil fines;"AMENDMENT NO. 3

On page 1, line 9, change "1763" to "1764"

AMENDMENT NO. 4

On page 2, delete lines 17 through 23 and insert the following in lieu thereof:

(1) "Account holder" means a person who has, or opens, an account or profile to use a social media company's platform and who is a resident of this state, including a minor account holder.

(2) "Application" means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, or any other general purpose computing device.

(3) "Child", unless otherwise specified, means a consumer who is under sixteen years of age.

(4) "Covered application store" means a publicly available website, software application, electronic service, or platform that distributes and facilitates the download of applications from third-party developers to users of a computer, a mobile device, or any other general purpose computing device.

(5) "Developer" means any person, entity, or organization that creates, owns, or controls an application that is likely to be accessed by children and is responsible for the design, development, maintenance, and distribution of the application to end users through an application store.

(6) "Minor" means an individual under circumstances where a social media platform has actual knowledge that the individual is under the age of eighteen and is not emancipated or married.

(7) "Minor account holder" means an account holder who is a minor.

(8) "Online service, product, or feature" does not mean any of the following:

(a) Internet access and broadband service.

(b) A telecommunications service, as defined in 47 U.S.C. 153.

(c) The delivery or use of a physical product.

(9) "Resident" means an individual who currently resides in this state.

(10) "Sensitive personal data" means data collected directly from an account holder online that provides any of the following:

(a) Information that reveals any of the following about the account holder:

(i) Racial or ethnic origin.

(ii) Religious beliefs.

(iii) Gender.

(iv) Citizenship or immigration status."

1 AMENDMENT NO. 5

2 On page 2, line 26, change "The processing of genetic" to "Genetic"

3 AMENDMENT NO. 6

4 On page 2, line 27, change "individual." to "account holder."

5 AMENDMENT NO. 7

6 On page 2, delete line 29 in its entirety

7 AMENDMENT NO. 8

8 On page 3, line 1, change "(2)" to "(11)"

9 AMENDMENT NO. 9

10 On page 3, between lines 10 and 11, insert the following:

11 "(d) Interactive gaming, virtual gaming, or an online service that allows the  
12 creation and uploading of content and the communication related to that content for  
13 the purpose of interactive gaming, educational entertainment, or associated  
14 entertainment."

15 AMENDMENT NO. 10

16 On page 3, line 11, change "(3)(a)" to "(12)(a)"

17 AMENDMENT NO. 11

18 On page 3, line 12, change "consumer" to "account holder"

19 AMENDMENT NO. 12

20 On page 3, line 13, change "consumer's" to "account holder's"

21 AMENDMENT NO. 13

22 On page 3, line 14, change "consumer's" to "account holder's"

23 AMENDMENT NO. 14

24 On page 3, line 16, change "a consumer's" to "an account holder's"

25 AMENDMENT NO. 15

26 On page 3, line 18, change "a consumer's" to "an account holder's"

27 AMENDMENT NO. 16

28 On page 3, line 20, change "a consumer" to "an account holder" and change "consumer's"  
29 to "account holder's"

30 AMENDMENT NO. 17

31 On page 3, line 25, change "using personal data and" to "displaying"

1 AMENDMENT NO. 18

2 On page 3, delete lines 26 and 27 in their entirety, and insert in lieu thereof:

3 "targeted advertising at a minor account holder."

4 AMENDMENT NO. 19

5 On page 4, line 2, after "selling" and before "personal" insert "sensitive" and at the end of  
6 the line change "an" to "a"

7 AMENDMENT NO. 20

8 On page 4, delete line 3 in its entirety and insert "minor account holder."

9 AMENDMENT NO. 21

10 On page 4, delete line 7 in its entirety and insert "a minor account holder."

11 AMENDMENT NO. 22

12 On page 4, delete lines 9 and 10 in their entirety and insert "a minor account holder."

13 AMENDMENT NO. 23

14 On page 4, line 11, change "an account holder who is under the age of" to "a minor account  
15 holder."

16 AMENDMENT NO. 24

17 On page 4, line 12, delete "eighteen."

18 AMENDMENT NO. 25

19 On page 4, between lines 13 and 14, insert the following:

20 "D. If a social media platform makes reasonable efforts to determine whether  
21 an account holder is a resident, a social media platform will not be liable for data  
22 processing undertaken for that purpose, or for an erroneous determination with  
23 respect to residency.

24 E. If a social media platform chooses to conduct age estimation to determine  
25 which users are under eighteen, the social media platform will not be liable for data  
26 processing undertaken during the period in which it is estimating age, or for an  
27 erroneous estimation, or for data processing in the absence of reasonable evidence  
28 that the account holder is a minor.

29 §1763. Application stores

30 A. A covered application store that provides applications shall take all of the  
31 following actions:

32 (1) Take commercially reasonable steps to determine or estimate age of an  
33 account holder.

34 (2) Obtain parental or guardian consent prior to permitting a known child to  
35 download an application distributed or made accessible via the covered company's  
36 application store.

37 (3) Connect the developer of an application in the covered company's  
38 application store that is downloaded by a child upon approval by a parent or guardian  
39 with the approving parent or guardian for the purpose of connecting parents with the  
40 features outlined in R.S. 51:1754.

41 (4) Provide developers in the covered company's application store with a  
42 signal regarding both of the following:

1           (i) Whether a parent or guardian has provided consent in accordance with  
2 this Subsection.

3           (ii) Whether a child is under the age of thirteen, at least thirteen years of age  
4 and under sixteen years of age, or at least sixteen years of age and under eighteen  
5 years of age, via a real-time application programming interface, or API, on an  
6 ongoing basis to support the delivery of the features outlined in R.S. 51:1754.

7           B. Developers may rely on age signals and application store parental consent  
8 provided Subsection A of this Section for the purposes of complying with R.S.  
9 51:1752.

10          C. A covered company shall comply with this Chapter in a  
11 nondiscriminatory manner, specifically including but not limited to:

12           (1) A covered company shall impose at least the same restrictions and  
13 obligations on its own applications and application distribution as it does on those  
14 from third-party applications or application distributors.

15           (2) A covered company shall not use data collected from third parties, or  
16 consent mechanisms deployed for third parties, in the course of compliance with this  
17 Chapter to compete against those third parties, give the covered company's services  
18 preference relative to those of third parties, or to otherwise use this data or consent  
19 mechanism in an anti-competitive manner."

20 AMENDMENT NO. 26

21 On page 4, line 14, change "§1763." to "§1764."

22 AMENDMENT NO. 27

23 On page 4, line 15, change "child who" to "minor account holder"

24 AMENDMENT NO. 28

25 On page 4, line 16, delete "resides in this state"