

2025 Regular Session

HOUSE BILL NO. 37

BY REPRESENTATIVES SCHLEGEL, BACALA, BAYHAM, BERAULT, BILLINGS, BOYER, BUTLER, CARVER, CHENEVERT, COATES, COX, DESHOTEL, DEVILLIER, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FREIBERG, GLORIOSO, HORTON, MIKE JOHNSON, LAFLEUR, JACOB LANDRY, LARVADAIN, LYONS, MOORE, OWEN, RISER, ROMERO, SPELL, TAYLOR, TURNER, VILLIO, WILDER, WYBLE, AND ZERINGUE

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 by a minor.

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

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

3 (ii) An entity providing broadband internet access service as defined in 47
4 C.F.R. 54.400.

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

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

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

17 (vi) A nonprofit corporation.

18 (vii) Any school.

19 (viii) A public library.

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

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

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

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

1 (3)(a) "Online platform" means any public website, online service, online
2 application, or mobile application that predominantly provides a community forum
3 for user-generated content, such as sharing videos, images, games, audio files, or
4 other content, including a social media service, social network, or virtual reality
5 environment.

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

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

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

13 (b) Engage in microtransactions within the game.

14 (c) Communicate with other users.

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

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

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

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

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

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

28 (7) "Precise geolocation" means information derived from technology,
29 including but not limited to global positioning system level latitude and longitude

1 coordinates or other mechanisms, that directly identify the specific location of a
2 natural person with precision and accuracy within a radius of one thousand seven
3 hundred fifty feet. The provisions of this definition shall not extend to the content
4 of communications.

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

10 (9) "Sexually explicit material" shall have the same meaning as provided in
11 R.S. 25:225.

12 C. Every owner or operator of a covered platform who contracts with a
13 minor, including the creation of an online account, shall owe a duty of care to the
14 minor. The duty of care shall require the covered platform to take the following
15 reasonable measures in the operation of the covered platform:

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

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

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

24 (4) Prohibit an adult from viewing the online profile of a minor on a covered
25 platform unless the adult is connected to the minor on the covered platform.

26 D. The covered platform shall inform the legal representative of a minor via
27 text, voice, email, or through the covered platform's parental control interface within
28 a reasonable time if any of the following occur:

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

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

2 (3) A connection is made between a minor and any other user on a covered
3 platform.

4 E. Notwithstanding the provisions of this Section, the legal representative
5 of a minor may opt out of the protections required in this Section by providing
6 express consent to a covered platform.

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

10 Section 2. The provisions of this Act shall become effective on March 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 Reengrossed

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", "precise geolocation", "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, including the creation of an online account.

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 precise 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 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 via text, email, or through the covered platform's parental control interface within a reasonable time 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 a minor and any other user 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 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 March 1, 2026.

(Adds R.S. 9:2717.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Change the effective date from January 1, 2026, to March 1, 2026.
3. Remove the language "or reasonably likely to be used" from the definition of "covered platform".
4. Change the definition of a broadband service from the language in R.S. 12:430.1 to 47 C.F.R. 43.400.
5. Remove the language for a wireless messaging service that provides that the "predominant function" is wireless messaging and will now provide that it is the exclusive function.
6. Define "precise geolocation" and specify the geolocation is precise for the purpose of disclosure of the geolocation of a minor.
7. Specify that the duty of care owed to a minor by a covered platform includes the creation of an online account.
8. Remove the prohibition of an adult from viewing the personal data of a minor on a covered platform.
9. Change the methods in which a covered platform shall inform the legal representative of a minor. Change that the notification from 24 hours to a reasonable time.
10. Remove the requirement that express consent be written.
11. Change the notification requirements and provide that a covered platform notify the legal representative of a minor when a connection is made between a minor and any other user on a covered platform.