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## DIGEST

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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.