

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Re-Reengrossed Senate Bill No. 162 by Senator McMath

1 AMENDMENT NO. 1

2 On page 1, line 3, change "1760" to "1759"

3 AMENDMENT NO. 2

4 On page 1, line 11, change "1760" to "1759"

5 AMENDMENT NO. 3

6 On page 2, delete lines 21 and 22 in their entirety and insert in lieu thereof the following:

7 **"(9) "Minor" means an individual under circumstances where a social**
 8 **media company reasonably believes or has actual knowledge that the individual**
 9 **is under the age of sixteen and is not emancipated or married. A social media**
 10 **company shall treat an individual as a minor if the social media company**
 11 **verifies that the individual is under the age of sixteen, as provided in this**
 12 **Chapter."**

13 AMENDMENT NO. 4

14 On page 2, delete lines 28 and 29, and on page 3, delete line 1, and insert in lieu thereof the
 15 following:

16 **"(12)(a) "Social media platform" means a public or semipublic**
 17 **internet-based service or application that has users in Louisiana and that meets**
 18 **all of the following:**

19 **(i) The service or application connects users in order to allow users to**
 20 **interact socially with each other within the service or application. A service or**
 21 **application that provides email or direct messaging services, enterprise cloud**
 22 **storage services, enterprise cybersecurity services, educational devices, or**
 23 **enterprise collaboration tools for K-12 schools shall not be considered to meet**
 24 **this criterion on the basis of that function alone.**

25 **(ii) The service or application allows users to do all of the following:**

26 **(aa) Construct a public or semipublic profile for purposes of signing into**
 27 **and using the service or application.**

28 **(bb) Populate a list of other users with whom an individual shares a**
 29 **social or virtual connection within the system, including subscribing to content**
 30 **related to another user.**

31 **(cc) Create or post content viewable by other users, including but not**
 32 **limited to, on message boards, in chat rooms, on video channels, or through a**
 33 **landing page or main feed that presents the user with content generated by**
 34 **other users."**

35 AMENDMENT NO. 5

36 On page 3, delete lines 6 through 9 in their entirety and insert in lieu thereof the following:

1 "(ii) A service that, pursuant to its terms of use, does not permit minors
2 to use the platform and utilizes commercially reasonable age assurance
3 mechanisms to attempt to prohibit minors from becoming an account holder or
4 user."

5 AMENDMENT NO. 6

6 On page 3, delete lines 24 through 26 in their entirety and insert in lieu thereof the following:

7 "the creation and uploading of content and the communication related to that
8 content for the purpose of interactive gaming, educational entertainment, or
9 associated entertainment."

10 AMENDMENT NO. 7

11 On page 3, line 28, after "service" and before "if" delete the comma ","

12 AMENDMENT NO. 8

13 On page 4, delete lines 1 and 2 in their entirety

14 AMENDMENT NO. 9

15 On page 4, line 3, change "(ix)" to "(viii)"

16 AMENDMENT NO. 10

17 On page 4, line 6, change "(x)" to "(ix)"

18 AMENDMENT NO. 11

19 On page 4, line 9, change "(xi)" to "(x)" and change "Business to business" to "Business-to-
20 business"

21 AMENDMENT NO. 12

22 On page 4, line 10, change "(xii)" to "(xi)"

23 AMENDMENT NO. 13

24 On page 4, line 13, change "(xiii)" to "(xii)"

25 AMENDMENT NO. 14

26 On page 4, line 14, change "(xiv)" to "(xiii)"

27 AMENDMENT NO. 15

28 On page 4, line 15, change "(xv)" to "(xiv)"

29 AMENDMENT NO. 16

30 On page 4, line 17, change "(xvi)" to "(xv)"

31 AMENDMENT NO. 17

32 On page 4, line 19, change "(xvii)" to "(xvi)"

1 AMENDMENT NO. 18

2 On page 4, line 21, change "(xviii)" to "(xvii)"

3 AMENDMENT NO. 19

4 On page 4, delete lines 23 through 29 in their entirety

5 AMENDMENT NO. 20

6 On page 5, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

7 "(xviii) Academic, scholarly, or genealogical research.

8 (xix) Internet access and broadband service.

9 (xx) A classified advertising service in which the provider of the online
10 service, website, or application is limited to all of the following:

11 (aa) Permitting only the sale of goods.

12 (bb) Prohibiting the solicitation of personal service.

13 (cc) Posting or creating a substantial amount of the content.

14 (dd) Providing the ability to chat, comment, or interact with other users
15 only if it is directly related to the provider's content.

16 (xxi) An online, service, website, or application that is used by or under
17 the direction of an educational entity, including a learning management system,
18 a student engagement program, or a subject or skill-specific program, where the
19 majority of the content is created or posted by the provider of the online service,
20 website, or application and the ability to chat, comment, or interact with other
21 users is directly related to the provider's content."

22 AMENDMENT NO. 21

23 On page 5, delete lines 7 through 29, and on page 6, delete lines 1 through 22, and insert in
24 lieu thereof the following:

25 "A. A social media company shall make commercially reasonable efforts
26 to verify the age of Louisiana account holders with a level of certainty
27 appropriate to the risks that arise from the information management practices
28 of the social media company or apply the accommodations afforded to minors
29 pursuant to this Chapter to all account holders.

30 B. A social media company shall not permit a Louisiana resident who
31 is a minor to be an account holder on the social media company's social media
32 platform unless the minor has the express consent of a parent or guardian.
33 Acceptable methods of obtaining express consent from a parent or guardian
34 include any of the following:

35 (1) Providing a form for the minor's parent or guardian to sign and
36 return to the digital service provider by common carrier, facsimile, or electronic
37 scan.

38 (2) Providing a toll-free telephone number for the minor's parent or
39 guardian to call to consent.

40

1 (3) Coordinating a call with a minor's parent or guardian over video
2 conferencing technology.

3 (4) Collecting information related to the government-issued
4 identification of the minor's parent or guardian and deleting that information
5 after confirming the identity of the minor's parent or guardian.

6 (5) Allowing the minor's parent or guardian to provide consent by
7 responding to an e-mail and taking additional steps to verify the identity of the
8 minor's parent or guardian.

9 (6) Any other commercially reasonable method of obtaining consent in
10 light of available technology.

11 C. Notwithstanding any other provision of this Chapter, a social media
12 company shall not permit a Louisiana resident who is a minor to hold or open
13 an account on a social media platform if the minor is ineligible to hold or open
14 an account pursuant to any other provision of state or federal law.

15 D. The division may adopt rules in accordance with the Administrative
16 Procedure Act that provide examples of all of the following:

17 (1) Acceptable processes or means by which a social media company
18 may meet the age verification requirements of this Chapter, including adjusting
19 for new technologies.

20 (2) Acceptable forms or methods of identification for individuals to
21 verify that they are over the age of sixteen, which may not be limited to a valid
22 identification card issued by a government entity.

23 (3) Acceptable processes or means to confirm that a parent or guardian
24 has provided consent for the minor to open or use an account pursuant to this
25 Section."

26 AMENDMENT NO. 22

27 On page 6, delete line 24 in its entirety

28 AMENDMENT NO. 23

29 On page 6, at the beginning of line 25, delete (1)

30 AMENDMENT NO. 24

31 On page 6, delete lines 27 through 29 in their entirety and insert in lieu thereof the following:

32 "(1) Adults from direct messaging a Louisiana minor account holder
33 unless the minor is already connected to the adult on the service.

34 (2) The display of any advertising in the account based on the Louisiana
35 minor account holder's personal information, except age and location.

36 (3) The collection or use of personal information from the posts, content,
37 messages, text, or usage activities of the account other than information beyond
38 what is adequate, relevant, and reasonably necessary in relation to the purposes
39 for which such information is collected, as disclosed."

1 AMENDMENT NO. 25

2 On page 7, delete lines 1 through 10 in their entirety

3 AMENDMENT NO. 26

4 On page 7, at the end of line 11, after "media account" insert "settings; parental
5 supervision"

6 AMENDMENT NO. 27

7 On page 7, line 12, delete "Beginning March 1, 2024, a" and insert in lieu thereof "A"

8 AMENDMENT NO. 28

9 On page 7, delete lines 14 through 29, and on page 8, delete lines 1 through 7 in their
10 entirety and insert in lieu thereof the following:

11 "holder as provided in this Chapter with a means for the minor account
12 holder or the parent or guardian to initiate account supervision. Such
13 supervision shall include the ability for the parent to view privacy settings of the
14 minor's account, set daily time limits for the service, schedule breaks, and offer
15 the minor the option to set up parental notifications when the minor reports a
16 person or issue."

17 AMENDMENT NO. 29

18 On page 8, line 8, change "§1756." to "§1755."

19 AMENDMENT NO. 30

20 On page 8, line 13, after "Chapter" insert "has"

21 AMENDMENT NO. 31

22 On page 8, line 14, change "§1757." to "§1756."

23 AMENDMENT NO. 32

24 On page 8, line 17, change "under Subsection (D)" to "of Subsection D"

25 AMENDMENT NO. 33

26 On page 8, line 27, change "under" to "of"

27 AMENDMENT NO. 34

28 On page 9, line 4, change "thirty days" to "forty-five days"

29 AMENDMENT NO. 35

30 On page 9, line 9, change "under" to "in"

31 AMENDMENT NO. 36

32 On page 9, line 11, change "thirty days" to "forty-five days"

1 AMENDMENT NO. 37

2 On page 9, line 14, change "~~that~~" to "who"

3 AMENDMENT NO. 38

4 On page 9, line 28, change "under" to "in accordance with"

5 AMENDMENT NO. 39

6 On page 10, line 4, change "§1758." to "§1757."

7 AMENDMENT NO. 40

8 On page 10, line 22, change "§1759." to "§1758."

9 AMENDMENT NO. 41

10 On page 11, delete line 1 in its entirety

11 AMENDMENT NO. 42

12 On page 11, line 2, change "§1760." to "§1759."

13 AMENDMENT NO. 43

14 On page 11, after line 4, add the following:

15 "Section 2. The provisions of this Act shall be given prospective application only.

16 Section 3. This Act shall become effective on July 1, 2024."