

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3914 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Chad Caldwell

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3914

6 By: Caldwell (Chad)

7 FLOOR SUBSTITUTE

8 An Act relating to social media; establishing  
9 legislative intent; clarifying intent; defining  
10 terms; requiring reasonable age verification;  
11 requiring parental consent; permitting use of third-  
12 party vendors; clarifying reasonable age verification  
13 methods; prohibiting certain practices by social  
14 media company; permitting reporting of violations to  
15 the Office of the Attorney General; permitting the  
16 Attorney General to send certain notice; providing  
17 period to cure violations; establishing certain  
18 liability for social media companies; establishing  
19 certain liability for commercial entities and third-  
20 party vendors; providing for noncodification;  
21 providing for codification; providing an effective  
22 date; and declaring an emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

In recognition of the critical role social media plays in the  
lives of minors and its impact on their mental well-being, this  
Legislature is committed to safeguarding the youth from accessing  
platforms that have demonstrated adverse effects on their mental

1 health due to the addictive elements found in social media and the  
2 targeting of minors through the use of algorithms by social media  
3 platforms. This Legislature's intent is not to censor content found  
4 on social media platforms, but rather, to prevent access by persons  
5 who have not yet reached an age to handle the negative aspects of  
6 social media. Much like our historical commitment to curbing the  
7 use of addictive substances and behaviors among minors, such as laws  
8 regulating the use of intoxicants and gambling, this Legislature now  
9 takes proactive measures to address the emerging challenges posed by  
10 social media platforms.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 120 of Title 25, unless there is  
13 created a duplication in numbering, reads as follows:

14 A. Nothing in this bill should be construed to limit the  
15 content found on social media platforms or prohibit minors from  
16 posting content on other platforms, digital or otherwise, that they  
17 legally have access to.

18 B. As used in this act:

19 1. "Account holder" means an individual who creates an account  
20 or a profile to use a social media platform;

21 2. "Oklahoma user" means an individual who is a resident of the  
22 State of Oklahoma and who accesses or attempts to access a social  
23 media platform while present in this state by accessing the social  
24 media platform using an Oklahoma Internet protocol address or

1 otherwise known or believed to be in this state while using the  
2 social media platform;

3 3. "Commercial entity":

4 a. means a corporation, limited liability company,  
5 partnership, limited partnership, sole proprietorship,  
6 or other legally recognized entity, and

7 b. includes a third-party vendor;

8 4. "Dark pattern" means a user interface designed or  
9 manipulated with the substantial effect of subverting or impairing  
10 user autonomy, decision making, or choice and includes, but is not  
11 limited to, any practice the Federal Trade Commission refers to as a  
12 dark pattern;

13 5. "Digitized identification card" means a data file available  
14 on a mobile device that has connectivity to the Internet through a  
15 state-approved application that allows the mobile device to download  
16 the data file from the Oklahoma Department of Public Safety that  
17 contains all of the data elements visible on the face and back of a  
18 driver license or identification card and displays the current  
19 status of the driver license or identification card, including  
20 valid, expired, canceled, suspended, revoked, active, or inactive;

21 6. "Minor" means an individual under eighteen (18) years of  
22 age;

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24

1 7. "Personal information" means information that is linked or  
2 reasonably linkable to an identified or identifiable minor,  
3 including biometric information and unique identifiers to the minor;

4 8. "Reasonable age verification" means to confirm that a person  
5 seeking to access a social media platform is at least eighteen (18)  
6 years of age;

7 9. a. "Social media company" means an online forum, website,  
8 or application that a company makes available for an  
9 account holder to:

10 (1) create a public profile, establish an account, or  
11 register as a user for the primary purpose of  
12 interacting socially with other profiles and  
13 accounts,

14 (2) upload or create posts or content, which may  
15 include, but is not limited to, user-generated  
16 short video clips of dancing, voiceovers, or  
17 other acts of entertainment in which the primary  
18 purpose is not educational or informative,

19 (3) view posts, activity, or content of other account  
20 holders, and

21 (4) interact with other account holders or users,  
22 including without limitation establishing mutual  
23 connections through request and acceptance.

24 b. Social media company does not include a:

- 1 (1) media company that exclusively offers  
2 subscription content in which users follow or  
3 subscribe unilaterally and whose platforms'  
4 primary purpose is not social interaction,
- 5 (2) media company that exclusively offers interacting  
6 gaming, virtual gaming, or an online service,  
7 that allows the creation and uploading of content  
8 for the purpose of interacting gaming,  
9 entertainment, or associated entertainment, and  
10 the communication related to that content,
- 11 (3) an online service, website, or application where  
12 the exclusive function is email or direct  
13 messaging consisting of text, photographs,  
14 pictures, images, or videos shared only between  
15 the sender and the recipients, without displaying  
16 or posting publicly or to other users not  
17 specifically identified as the recipients by the  
18 sender, and
- 19 (4) company that:
- 20 (a) offers cloud storage services, enterprise  
21 cybersecurity services, educational devices,  
22 or enterprise collaboration tools for  
23 kindergarten through grade twelve (K-12)  
24 schools, and

1 (b) derives less than twenty-five percent (25%)  
2 of the company's revenue from operating a  
3 social media platform, including games and  
4 advertising, or

5 (5) company that provides career development  
6 opportunities, including professional networking,  
7 job skills, learning certifications, and job  
8 posting and application services;

9 10. a. "Social media platform" means a public or semipublic  
10 Internet-based service or application:

11 (1) that has users in Oklahoma,

12 (2) employs algorithms that analyze user data or  
13 information on users to select content for users,

14 (3) that features infinite scrolling, which means  
15 either:

16 (a) continuously loading content or content  
17 that loads as the user scrolls down the  
18 page without the need to open a separate  
19 page; or

20 (b) seamless content, or the use of pages with  
21 no visible or apparent end or page breaks,  
22 and

23 (4) (a) which a substantial function of the service  
24 or application is to connect users in order

1 to allow users to interact socially with  
2 each other within the service or  
3 application.

4 (b) A service or application that provides email  
5 or direct messaging shall not be considered  
6 to meet the criteria under subdivision (a)  
7 of division (4) of this subparagraph on the  
8 basis of that function alone.

9 b. Social media platform does not include an online  
10 service, a website, or an application if the  
11 predominant or exclusive function is:

12 (1) email,

13 (2) direct messaging consisting of messages, photos,  
14 or videos that are sent between devices by  
15 electronic means if messages are:

16 (a) shared between the sender and the recipient  
17 or recipients,

18 (b) only visible to the sender and the recipient  
19 or recipients, and

20 (c) are not posted publicly,

21 (3) a streaming service that:

22 (a) provides only licensed media in a continuous  
23 flow from the service, website, or  
24 application to the end user, and



1 (b) does not obtain a license to the media from  
2 a user or account holder by agreement of the  
3 streaming service's terms of service,

4 (4) news, sports, entertainment, or other content  
5 that is preselected by the provider and not user-  
6 generated, including without limitation if any  
7 chat, comment, or interactive functionality that  
8 is provided is incidental to, directly related  
9 to, or dependent upon provision of the content,

10 (5) online shopping or e-commerce, if the interaction  
11 with other users or account holders is generally  
12 limited to:

13 (a) the ability to post and comment on reviews,

14 (b) the ability to display lists or collections  
15 of goods for sale or wish lists, and

16 (c) other functions that are focused on online  
17 shopping or e-commerce rather than  
18 interaction between users or account  
19 holders,

20 (6) business-to-business software that is not  
21 accessible to the general public,

22 (7) cloud storage,

23 (8) shared document collaboration,  
24

- 1 (9) providing access to or interacting with data  
2 visualization platforms, libraries, or hubs,  
3 (10) to permit comments on a digital news website, if  
4 the news content is posted only by the provider  
5 of the digital news website,  
6 (11) for the purpose of providing or obtaining  
7 technical support for the social media company's  
8 social media platform, products, or services,  
9 (12) academic or scholarly research,  
10 (13) other research:  
11 (a) if:  
12 (i) the majority of the content is posted  
13 or created by the provider of the  
14 online service, website, or  
15 application, and  
16 (ii) the ability to chat, comment, or  
17 interact with other users is directly  
18 related to the provider's content,  
19 (b) that is a classified advertising service  
20 that only permits the sale of goods and  
21 prohibits the solicitation of personal  
22 services, or  
23  
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1 (c) that is used by and under the direction of  
2 an educational entity, including without  
3 limitation a:

- 4 (i) learning management system,
- 5 (ii) student engagement program, and
- 6 (iii) subject-specific or skill-specific  
7 program.

8 c. Social media platform does not include a social media  
9 platform that is controlled by a business entity that  
10 has generated less than One Hundred Million Dollars  
11 (\$100,000,000.00) in annual gross revenue;

12 11. "Substantial harm or privacy risk to minors" means the  
13 processing of personal information in a manner that may result in  
14 any reasonably foreseeable substantial physical injury, economic  
15 injury, or offensive intrusion into the privacy expectations of a  
16 reasonable minor under the circumstances, including:

- 17 a. Mental health disorders or associated behaviors,  
18 including the promotion or exacerbation of self-harm,  
19 suicide, eating disorders, and substance abuse  
20 disorders,
- 21 b. Patterns of use that indicate or encourage addictive  
22 behaviors,
- 23 c. Physical violence, online bullying, and harassment,  
24 and

1           d. Sexual exploitation, including enticement, sex  
2           trafficking, and sexual abuse and trafficking of  
3           online sexual abuse material; and

4           12. "User" means a person who has access to view all or some of  
5 the posts and content on a social media platform but is not an  
6 account holder.

7           SECTION 3.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 121 of Title 25, unless there is  
9 created a duplication in numbering, reads as follows:

10          A. A social media company shall not permit an Oklahoma user who  
11 is a minor under sixteen (16) years of age to be an account holder  
12 on the social media company's social media platform.

13          B. A social media company shall not permit an Oklahoma user who  
14 is a minor sixteen (16) years of age or older to be an account  
15 holder on the social media company's social media platform unless  
16 the minor has the express consent of a parent or legal guardian.

17          C. 1. A social media company shall verify the age of an  
18 account holder.

19          2. If an account holder is a minor, the social media company  
20 shall confirm that a minor has consent under subsection B of this  
21 section to become a new account holder, at the time an Oklahoma user  
22 opens the account.

1 D. 1. A social media company may use a third-party vendor to  
2 perform reasonable age verification before allowing access to the  
3 social media company's social media platform.

4 2. Reasonable age verification methods under paragraph 1 of  
5 this subsection include providing:

- 6 a. a digitized identification card, including a digital  
7 copy of a driver license,
- 8 b. government-issued identification,
- 9 c. any commercially reasonable age verification method,  
10 or
- 11 d. confirmation from a platform from which social media  
12 applications are downloaded that the platform has  
13 verified the age and identity of the user.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 122 of Title 25, unless there is  
16 created a duplication in numbering, reads as follows:

17 A. A social media platform that is accessed by minors shall  
18 not:

19 1. Process the personal information of any minor if the social  
20 media platform has actual knowledge of or willfully disregards that  
21 the processing may result in substantial harm or privacy risk to  
22 minors;

23 2. Profile a minor unless both of the following criteria are  
24 met:

1 a. the social media platform can demonstrate it has  
2 appropriate safeguards in place to protect minors, and

3 b. (1) profiling is necessary to provide the online  
4 service or feature requested for the aspects of  
5 the online service or feature with which the  
6 minor is actively and knowingly engaged, or

7 (2) the social media platform can demonstrate a  
8 compelling reason that profiling does not pose a  
9 substantial harm or privacy risk to minors;

10 3. Collect, sell, share, or retain any personal information  
11 that is not necessary to provide an online service or feature with  
12 which a minor is actively and knowingly engaged unless the online  
13 platform can demonstrate a compelling reason that collecting,  
14 selling, sharing, or retaining the personal information does not  
15 pose a substantial harm or privacy risk to minors;

16 4. Use the personal information of a minor for any reason other  
17 than the reason for which the personal information was collected  
18 unless the online platform can demonstrate a compelling reason that  
19 the use of the personal information does not pose a substantial harm  
20 or privacy risk to minors;

21 5. Collect, sell, or share any precise geolocation data of  
22 minors unless the collection of the precise geolocation data is  
23 strictly necessary for the online platform to provide the service,  
24 product, or feature requested and then only for the limited time

1 that the collection of the precise geolocation data is necessary to  
2 provide the service or feature;

3 6. Collect any precise geolocation data of a minor without  
4 providing an obvious sign to the minor for the duration of the  
5 collection that the precise geolocation data is being collected;

6 7. Use dark patterns to lead or encourage children to provide  
7 personal information beyond what personal information would  
8 otherwise be reasonably expected to be provided for that online  
9 service or feature, to forego privacy protections, or to take any  
10 action that the online platform has actual knowledge of or willfully  
11 disregards that may result in substantial harm or privacy risk to  
12 minors; or

13 8. Use any personal information collected to the estimate age  
14 or age range for any other purpose or retain that personal  
15 information longer than necessary to estimate age. The age estimate  
16 must be proportionate to the risks and data practice of an online  
17 service or feature.

18 B. Violations of this section of this act may be reported to  
19 the Office of the Attorney General.

20 C. If the Attorney General determines that there has been a  
21 violation of this section, the Attorney General shall send notice to  
22 the social media platform.

23 D. The social media platform shall have a forty-five (45) day  
24 period to cure the violation of this section of this act.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 123 of Title 25, unless there is  
3 created a duplication in numbering, reads as follows:

4 A. 1. A social media company that knowingly violates this act  
5 is liable if the social media company fails to perform a reasonable  
6 age verification or fails to comply with section 4 of this act.

7 2. If a social media company performs a reasonable age  
8 verification, the social media company shall not retain any  
9 identifying information of the individual after access to the social  
10 media platform has been granted.

11 B. The Attorney General may initiate an enforcement action  
12 against social media companies that allegedly commit a violation of  
13 this act.

14 C. A social media company that violates this act is liable to  
15 an individual for:

16 1. A penalty of Two Thousand Five Hundred Dollars (\$2,500.00)  
17 per violation, court costs, and reasonable attorney fees as ordered  
18 by the court; or

19 2. Damages resulting from a minor accessing a social media  
20 platform without their parent's or custodian's consent, including  
21 court costs and reasonable attorney fees as ordered by the court.

22 D. This section does not:

23 1. Apply to a news or public interest broadcast, website video,  
24 report, or event;



1        2. Affect the rights of a news-gathering organization; or

2        3. Apply to cloud service providers.

3        E. No social media platform shall be liable under this act if  
4 after performing reasonable age verification, an individual manages  
5 access to the platform through means of fraud, including, but not  
6 limited to, the use of fake identification by the individual or an  
7 individual claiming to be the minor's parent or legal guardian.

8        F. An Internet service provider, or any of its affiliates or  
9 subsidiaries, or search engines, shall not violate this act solely  
10 by providing access, connection to or from a website, or other  
11 information or content on the Internet, or a facility, system, or  
12 network that is not under that Internet service provider's control,  
13 including transmission, downloading, intermediate storage, access  
14 software, or other service that provides access or connectivity, to  
15 the extent the Internet service provider is not responsible for the  
16 creation of the content or the communication on a social media  
17 platform.

18        SECTION 6.        NEW LAW        A new section of law to be codified  
19 in the Oklahoma Statutes as Section 124 of Title 25, unless there is  
20 created a duplication in numbering, reads as follows:

21        A. A commercial entity or third-party vendor shall not retain  
22 any identifying information of an individual after access to the  
23 social media platform has been granted.

1 B. A commercial entity that is found to have knowingly retained  
2 identifying information of an individual after access to the  
3 material is granted is liable to the individual for damages  
4 resulting from the retention of the identifying information,  
5 including court costs and reasonable attorney fees as ordered by the  
6 court.

7 SECTION 7. This act shall become effective July 1, 2024.

8 SECTION 8. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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13 59-2-10731 MJ 03/12/24

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