

1 **SENATE FLOOR VERSION**

2 April 17, 2025

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1275

6 By: Caldwell (Chad), Lepak,
7 Moore, and Kendrix of the
8 House

9 and

10 Seifried of the Senate

11 [social media - legislative intent - minors -
12 account holder - social media platforms - express
13 consent - parent or legal guardian - verification -
14 third-party vendors - activities - violations -
15 Office of the Attorney General - notice - enforcement
16 action - exemptions - liability - noncodification -
17 codification]

18 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

21 In recognition of the critical role social media plays in the
22 lives of minors and its impact on their mental well-being, this
23 Legislature is committed to safeguarding the youth from accessing
24 platforms that have demonstrated adverse effects on their mental
25 health due to the addictive elements found in social media and the
26 targeting of minors through the use of algorithms by social media
27 platforms. This Legislature's intent is not to censor content found

1 on social media platforms, but rather to prevent access by persons
2 who have not yet reached an age to handle the negative aspects of
3 social media. Much like our historical commitment to curbing the
4 use of addictive substances and behaviors among minors, such as laws
5 regulating the use of intoxicants and gambling, this Legislature now
6 takes proactive measures to address the emerging challenges posed by
7 social media platforms.

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

11 A. Nothing in this act shall be construed to limit the content
12 found on social media platforms or prohibit minors from posting
13 content on other platforms, digital or otherwise, that they legally
14 have access to.

15 B. As used in this act:

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

18 2. "Commercial entity":

19 a. means a corporation, limited liability company,
20 partnership, limited partnership, sole proprietorship,
21 or other legally recognized entity, and

22 b. includes a third-party vendor;

23 3. "Dark pattern" means a user interface designed or
24 manipulated with the substantial effect of subverting or impairing

1 user autonomy, decision making, or choice and includes, but is not
2 limited to, any practice the Federal Trade Commission refers to as a
3 dark pattern;

4 4. "Digitized identification card" means a data file available
5 on a mobile device that has connectivity to the Internet through a
6 state-approved application that allows the mobile device to download
7 the data file from the Oklahoma Department of Public Safety that
8 contains all of the data elements visible on the face and back of a
9 driver license or identification card and displays the current
10 status of the driver license or identification card, including
11 valid, expired, canceled, suspended, revoked, active, or inactive;

12 5. "Fake identification" means identification which has been
13 fabricated or altered to misrepresent the age of the person using it
14 for age verification that cannot be detected through reasonable
15 efforts, taking into account available technology;

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

18 7. "Oklahoma user" means an individual who is a resident of the
19 State of Oklahoma and who accesses or attempts to access a social
20 media platform while present in this state and whose location out of
21 this state is not assumed based only on the registered location of
22 the Internet protocol address associated with the user;

23

24

1 8. "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 9. "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 10. 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
23 mutual connections through request and
24 acceptance,

1 b. social media company does not include a/an:

2 (1) media company that exclusively offers
3 subscription content in which users follow or
4 subscribe unilaterally and whose platform's
5 primary purpose is not social interaction,

6 (2) media company that exclusively offers interactive
7 gaming, virtual gaming, or an online service that
8 allows the creation and uploading of content for
9 the purpose of interactive gaming, entertainment,
10 or associated entertainment, and the
11 communication related to that content,

12 (3) online service, website, or application where the
13 exclusive function is email or direct messaging
14 consisting of text, photographs, pictures,
15 images, or videos shared only between the sender
16 and the recipients, without displaying or posting
17 publicly or to other users not specifically
18 identified as the recipients by the 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 11. a. "Social media platform" means a public or semipublic
10 Internet-based service or application:

11 (1) that has users in Oklahoma,

12 (2) that 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) which a substantial function of the service or
24 application is to connect users in order to allow

1 users to interact socially with each other within
2 the service or application,

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

7 c. social media platform does not include an online
8 service, a website, or an application if the
9 predominant or exclusive function is:

10 (1) email,

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

14 (a) shared between the sender and the recipient
15 or recipients,

16 (b) only visible to the sender and the recipient
17 or recipients, and

18 (c) not posted publicly,

19 (3) a streaming service that:

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

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) providing or obtaining technical support for the
7 social media company's social media platform,
8 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
24

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, or

8 (iv) an interactive gaming platform that
9 complies with the requirements of the
10 Children's Online Privacy Protection
11 Act, 15 U.S.C., Section 6501, and the
12 regulations, rules, guidance, and
13 exemptions pursuant to said act.

14 d. social media platform does not include a social media
15 platform that is controlled or owned by a business
16 entity that has generated less than One Hundred
17 Million Dollars (\$100,000,000.00) globally from users
18 in the United States of America in annual gross
19 revenue;

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

- 1 a. mental health disorders or associated behaviors,
2 including the promotion or exacerbation of self-harm,
3 suicide, eating disorders, and substance abuse
4 disorders,
5 b. patterns of use that indicate or encourage addictive
6 behaviors,
7 c. physical violence, online bullying, and harassment,
8 and
9 d. sexual exploitation, including enticement, sex
10 trafficking, and sexual abuse and trafficking of
11 online sexual abuse material; and

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

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

18 A. A social media company shall not permit an Oklahoma user who
19 is a minor less than sixteen (16) years of age to be an account
20 holder on a social media company's social media platform.

21 B. A social media company shall not permit an Oklahoma user who
22 is a minor of sixteen (16) or seventeen (17) years of age to be an
23 account holder on the social media company's social media platform
24

1 unless the minor has the express consent of a parent or legal
2 guardian.

3 C. 1. A social media company shall verify the age of an
4 account holder.

5 2. If an account holder is a minor of sixteen (16) or seventeen
6 (17) years of age, the social media company shall confirm that the
7 minor has consent under subsection B of this section to become a new
8 account holder at the time the Oklahoma user opens the account.

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

12 2. Reasonable age verification methods under paragraph 1 of
13 this subsection include providing:

- 14 a. a digitized identification card, including a digital
- 15 copy of a driver license,
- 16 b. government-issued identification,
- 17 c. any commercially reasonable age verification method,
- 18 or
- 19 d. confirmation from a platform from which social media
- 20 applications are downloaded that the platform has
- 21 verified the age of the user.

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

1 A. A social media platform that is accessed by minors shall
2 not:

3 1. Process the personal information of any minor if the social
4 media platform has actual knowledge of or willfully disregards that
5 the processing may result in substantial harm or is a privacy risk
6 to minors;

7 2. Profile a minor unless both of the following criteria are
8 met:

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

11 b. (1) profiling is necessary to provide the online
12 service or feature requested for the aspects of
13 the online service or feature with which the
14 minor is actively and knowingly engaged, or

15 (2) the social media platform can demonstrate a
16 compelling reason that profiling does not pose
17 substantial harm or is a privacy risk to minors;

18 3. Collect or retain any personal information that is not
19 necessary to provide an online service or feature with which a minor
20 is actively and knowingly engaged unless the online platform can
21 demonstrate a compelling reason that collecting or retaining the
22 personal information does not pose substantial harm or is a privacy
23 risk to minors;

24

1 4. Use the personal information of a minor for any reason other
2 than the reason for which the personal information was collected
3 unless the online platform can demonstrate a compelling reason that
4 the use of the personal information does not pose substantial harm
5 or is a privacy risk to minors;

6 5. Collect any precise geolocation data of minors unless the
7 collection of the precise geolocation data is strictly necessary for
8 the online platform to provide the service, product, or feature
9 requested and then only for the limited time that the collection of
10 the precise geolocation data is necessary to provide the service or
11 feature;

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

15 7. Use dark patterns to lead or encourage minors to provide
16 personal information beyond what personal information would
17 otherwise be reasonably expected to be provided for that online
18 service or feature, to forego privacy protections, or to take any
19 action that the online platform has actual knowledge of or willfully
20 disregards that may result in substantial harm or is a privacy risk
21 to minors;

22 8. Use any personal information collected to estimate the age
23 or age range for any other purpose or retain that personal
24 information longer than necessary to estimate age. The age estimate

1 must be proportionate to the risks and data practice of an online
2 service or feature; or

3 9. Sell or share any personal information or any geolocation
4 data of minors.

5 B. Violations of this section may be reported to the Office of
6 the Attorney General.

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

10 D. The social media platform shall have a forty-five-day period
11 to cure the violation of this section.

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

15 A. 1. A social media company that knowingly violates this act
16 is liable if the social media company fails to perform a reasonable
17 age verification or fails to comply with Section 4 of this act.

18 2. If a social media company performs a reasonable age
19 verification, the social media company shall not retain any
20 identifying information of the individual after access to the social
21 media platform has been granted.

22 B. The Attorney General may initiate an enforcement action
23 against social media companies that allegedly commit a violation of
24 this act.

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

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

6 2. Damages resulting from a minor accessing a social media
7 platform without the consent of his or her parent or custodian,
8 including court costs and reasonable attorney fees as ordered by the
9 court.

10 D. This section does not:

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

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

14 3. Apply to cloud service providers.

15 E. No social media platform shall be liable under this act if,
16 after performing reasonable age verification, a minor manages access
17 to the platform through means of fraud including, but not limited
18 to, the use of fake identification by the minor or an individual
19 claiming to be the parent or legal guardian of the minor.

20 F. An Internet service provider, or any of its affiliates or
21 subsidiaries, or search engines will not violate this act solely
22 when providing access, connection to or from a website, or other
23 information or content on the Internet, or a facility, system, or
24 network that is not under that Internet service provider's control,

1 including transmission, downloading, intermediate storage, access
2 software, or other service that provides access or connectivity, to
3 the extent the Internet service provider is not responsible for the
4 creation of the content or the communication on a social media
5 platform.

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

9 A. A commercial entity or third-party vendor shall not retain
10 any identifying information of an individual supplied for the
11 purpose of age verification, except if required for audit and
12 testing purposes, and in any case for no longer than thirty (30)
13 days after access to the social media platform has been granted.

14 B. A commercial entity that is found to have knowingly retained
15 identifying information of an individual after access to the
16 material is granted, except as provided for in subsection A of this
17 section, is liable to the individual for damages resulting from the
18 retention of the identifying information, including court costs and
19 reasonable attorney fees as ordered by the court.

20 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY AND TELECOMMUNICATIONS
21 April 17, 2025 - DO PASS AS AMENDED
22
23
24