

Representative Gray

33-LS0990\U.10
Walsh
4/22/24

AMENDMENT # 3

OFFERED IN THE HOUSE
TO: CSHB 254(JUD)

1 Page 1, line 2, following "Internet": (title amendment)

2 Insert "; and relating to use of social media by minors"

3

4 Page 4, following line 17:

5 Insert a new bill section to read:

6 "* Sec. 2. AS 45.50 is amended by adding new sections to read:

7

Article 5A. Social Media Platforms and Minors.

8

Sec. 45.50.650. User age restrictions. (a) A social media platform may not allow a minor under 14 years of age who is a resident of the state to enter into a contract with the platform to create or maintain an account on the platform.

9

(b) A social media platform may not allow a minor who is 14 or 15 years of age and a resident of the state to enter into a contract with the platform to create or maintain an account on the platform without first obtaining written consent from the minor's confirmed parent.

11

12

13

14

15

(c) A social media platform shall verify the age of each user of the platform in the state using a commercially reasonable age verification method. In this subsection, "commercially reasonable age verification method" includes requiring the user to provide a digitized identification card, requiring the person to comply with a commercial age verification system that verifies age using government-issued identification, or another method that relies on public or private transactional data.

16

17

18

19

20

21

22

23

(d) A third party that obtains identifying information about a user to verify age under (c) of this section may not retain the information after the user's age has been verified.

1 **Sec. 45.50.660. Account termination and deletion of personal information.**

2 (a) A social media platform shall terminate the account of

3 (1) a minor under 14 years of age; and

4 (2) a minor who is 14 or 15 years of age whose confirmed parent has
5 not provided written consent for the minor to maintain the account.

6 (b) A social media platform shall provide a 90-day period during which a
7 minor user or a minor user's confirmed parent may dispute the termination of an
8 account under (a) of this section. Termination takes effect after 90 days if the minor
9 user or the minor user's confirmed parent does not effectively dispute the termination.

10 (c) A social media platform shall allow a minor user under 16 years of age or
11 the minor user's confirmed parent to request to terminate the minor's account. Account
12 termination under this subsection must take effect within 10 business days after the
13 termination request.

14 (d) A social media platform shall permanently delete all personal information
15 held by the social media platform related to an account terminated under this section,
16 unless the social media platform is required by law to retain the information.

17 **Sec. 45.50.670. Enforcement and penalties.** (a) If a third party providing age
18 verification under AS 45.50.650(c) or social media platform violates AS 45.50.650 -
19 45.50.690, the attorney general may bring an action in superior court to seek
20 injunctive relief, civil penalties, or other appropriate remedies.

21 (b) A third party providing age verification under AS 45.50.650(c) or social
22 media platform that violates AS 45.50.650 - 45.50.690 is subject to a civil penalty of
23 not more than \$10,000 for each violation.

24 (c) When determining the amount of a civil penalty under this section, the
25 superior court shall consider

26 (1) the seriousness of the violation, including the nature,
27 circumstances, extent, and gravity of the violation;

28 (2) the history of prior violations;

29 (3) the deterrent effect of the civil penalty;

30 (4) the economic effect of the civil penalty on the violator;

31 (5) the violator's knowledge of the requirements of AS 45.50.650 -

1 45.50.690; and

2 (6) any other information that justice requires.

3 **Sec. 45.50.680. Private right of action.** If a third party providing age
4 verification under AS 45.50.650(c) or social media platform violates AS 45.50.650 -
5 45.50.690, a parent or other person with legal custody of a minor user who is harmed
6 by the violation may bring an action against the platform in superior court to seek
7 actual damages, punitive damages, attorney fees, and costs.

8 **Sec. 45.50.690. Definitions.** In AS 45.50.650 - 45.50.690,

9 (1) "confirmed parent" means a parent or other person who has legal
10 custody of a minor under 16 years of age and whose identity and relationship to the
11 minor have been verified by a social media platform;

12 (2) "minor" means an individual under 18 years of age who has not
13 had the disabilities of a minor removed as described in AS 09.55.590;

14 (3) "social media platform" means an online service, application, or
15 Internet website that is available to the general public and that allows users to create,
16 share, or view user-generated content, including text, images, videos, or audio; "social
17 media platform" does not include an online service, application, or Internet website
18 that exclusively provides

19 (A) electronic mail services; or

20 (B) direct messaging consisting of text, photographs, pictures,
21 images, or videos shared only between the sender and a recipient, without
22 displaying or posting to other users not specifically identified as a recipient by
23 the sender;

24 (4) "user" means a person who accesses or uses a social media
25 platform."