

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1275

By: Caldwell (Chad)

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5

6 AS INTRODUCED

7 An Act relating to social media; providing
8 legislative intent; defining terms; prohibiting
9 minors under sixteen years of age from being an
10 account holder on certain social media platforms;
11 prohibiting minors older than sixteen years of age
12 from being an account holder on certain social media
13 platforms without express consent of parent or legal
14 guardian; requiring verification of account holder's
15 age; permitting the use of third-party vendors to
16 verify age; prohibiting social media platforms
17 accessed by minors from engaging in certain
18 activities; stating that violations may be reported
19 to the Office of the Attorney General; permitting the
20 Office of the Attorney General to send notice;
21 clarifying social media platforms shall have a period
22 to cure violations; clarifying when a social media
23 company is liable for failure to comply; permitting
24 the Attorney General to initiate an enforcement
action; providing exemptions; limiting liability;
prohibiting commercial entities or third-party
vendors from retaining certain information;
establishing liability for failure to comply;
providing for codification; providing an effective
date; and declaring an emergency.

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

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

1 In recognition of the critical role social media plays in the
2 lives of minors and its impact on their mental well-being, this
3 Legislature is committed to safeguarding the youth from accessing
4 platforms that have demonstrated adverse effects on their mental
5 health due to the addictive elements found in social media and the
6 targeting of minors through the use of algorithms by social media
7 platforms. This Legislature's intent is not to censor content found
8 on social media platforms, but rather to prevent access by persons
9 who have not yet reached an age to handle the negative aspects of
10 social media. Much like our historical commitment to curbing the
11 use of addictive substances and behaviors among minors, such as laws
12 regulating the use of intoxicants and gambling, this Legislature now
13 takes proactive measures to address the emerging challenges posed by
14 social media platforms.

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

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

22 B. As used in this act:

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

1 2. "Commercial entity":

2 a. means a corporation, limited liability company,
3 partnership, limited partnership, sole proprietorship,
4 or other legally recognized entity, and
5 b. includes a third-party vendor;

6 3. "Dark pattern" means a user interface designed or

7 manipulated with the substantial effect of subverting or impairing
8 user autonomy, decision making, or choice and includes, but is not
9 limited to, any practice the Federal Trade Commission refers to as a
10 dark pattern;

11 4. "Digitized identification card" means a data file available

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

19 5. "Fake identification" means identification which has been

20 fabricated or altered to misrepresent the age of the person using it
21 for age verification that cannot be detected through reasonable
22 efforts, taking into account available technology;

23 6. "Minor" means an individual under eighteen years of age;

24

1 7. "Oklahoma user" means an individual who is a resident of the
2 State of Oklahoma and who accesses or attempts to access a social
3 media platform while present in this state and whose location out of
4 this state is not assumed based only on the registered location of
5 the internet protocol address associated with the user;

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

9 9. "Reasonable age verification" means to confirm that a person
10 seeking to access a social media platform is at least eighteen years
11 of age;

12 10. a. "Social media company" means an online forum, website,
13 or application that a company makes available for an
14 account holder to:

15 (1) create a public profile, establish an account, or
16 register as a user for the primary purpose of
17 interacting socially with other profiles and
18 accounts,

19 (2) upload or create posts or content, which may
20 include, but is not limited to, user-generated
21 short video clips of dancing, voiceovers, or
22 other acts of entertainment in which the primary
23 purpose is not educational or informative,

- (3) view posts, activity, or content of other account holders, and
 - (4) interact with other account holders or users including, without limitation, establishing mutual connections through request and acceptance,

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

 - (1) media company that exclusively offers subscription content in which users follow or subscribe unilaterally and whose platform's primary purpose is not social interaction,
 - (2) media company that exclusively offers interactive gaming, virtual gaming, or an online service that allows the creation and uploading of content for the purpose of interactive gaming, entertainment, or associated entertainment, and the communication related to that content,
 - (3) online service, website, or application where the exclusive function is email or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender, and

(4) company that:

(a) offers cloud storage services, enterprise cybersecurity services, educational devices, or enterprise collaboration tools for kindergarten through grade twelve (K-12) schools, and

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

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

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

(1) that has users in Oklahoma,

- (2) that employs algorithms that analyze user data or information on users to select content for users,
- (3) that features infinite scrolling, which means either:

(a) continuously loading content or content
that loads as the user scrolls down the

page without the need to open a separate page, or

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

(4) which a substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application,

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

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

(1) email,

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

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

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

- (c) not posted publicly,
 - (3) a streaming service that:
 - (a) provides only licensed media in a continuous flow from the service, website, or application to the end user, and
 - (b) does not obtain a license to the media from a user or account holder by agreement of the streaming service's terms of service,
 - (4) news, sports, entertainment, or other content that is preselected by the provider and not user-generated including, without limitation, if any chat, comment, or interactive functionality that is provided is incidental to, directly related to, or dependent upon provision of the content,
 - (5) online shopping or e-commerce, if the interaction with other users or account holders is generally limited to:
 - (a) the ability to post and comment on reviews,
 - (b) the ability to display lists or collections of goods for sale or wish lists, and
 - (c) other functions that are focused on online shopping or e-commerce rather than interaction between users or account holders,

- (6) business-to-business software that is not accessible to the general public,
 - (7) cloud storage,
 - (8) shared document collaboration,
 - (9) providing access to or interacting with data visualization platforms, libraries, or hubs,
 - (10) to permit comments on a digital news website, if the news content is posted only by the provider of the digital news website,
 - (11) providing or obtaining technical support for the social media company's social media platform, products, or services,
 - (12) academic or scholarly research,
 - (13) other research:
 - (a) if:
 - (i) the majority of the content is posted or created by the provider of the online service, website, or application, and
 - (ii) the ability to chat, comment, or interact with other users is directly related to the provider's content,
 - (b) that is a classified advertising service that only permits the sale of goods and

prohibits the solicitation of personal services, or

(c) that is used by and under the direction of an educational entity including, without limitation, a:

(i) learning management system,

(ii) student engagement program, and

(iii) subject-specific or skill-specific program,

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

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

- a. mental health disorders or associated behaviors, including the promotion or exacerbation of self-harm, suicide, eating disorders, and substance abuse disorders,

b. patterns of use that indicate or encourage addictive behaviors,

c. physical violence, online bullying, and harassment,
and

d. sexual exploitation, including enticement, sex trafficking, and sexual abuse and trafficking of online sexual abuse material; and

13. "User" means a person who has access to view all or some of

the posts and content on a social media platform but is not an

account holder.

SECTION 3. NEW LAW A new section of law to be codified

in the Oklahoma Statutes as Section 121 of Title 25, unless there is created a duplication in numbering, reads as follows:

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

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

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

2. If an account holder is a minor of sixteen or seventeen years of age, the social media company shall confirm that the minor

1 has consent under subsection B of this section to become a new
2 account holder at the time the Oklahoma user opens the account.

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

6 2. Reasonable age verification methods under paragraph 1 of
7 this subsection include providing:

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

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

19 A. A social media platform that is accessed by minors shall
20 not:

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

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

- 3 a. the social media platform can demonstrate it has
4 appropriate safeguards in place to protect minors, and
5 b. (1) profiling is necessary to provide the online
6 service or feature requested for the aspects of
7 the online service or feature with which the
8 minor is actively and knowingly engaged, or
9 (2) the social media platform can demonstrate a
10 compelling reason that profiling does not pose
11 substantial harm or is a privacy risk to minors;

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

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

23 5. Collect, sell, or share any precise geolocation data of
24 minors unless the collection of the precise geolocation data is

1 strictly necessary for the online platform to provide the service,
2 product, or feature requested and then only for the limited time
3 that the collection of the precise geolocation data is necessary to
4 provide the service or feature;

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

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

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

20 B. Violations of this section may be reported to the Office of
21 the Attorney General.

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

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

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

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

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

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

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

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

21 2. Damages resulting from a minor accessing a social media
22 platform without the consent of his or her parent or custodian,
23 including court costs and reasonable attorney fees as ordered by the
24 court.

1 D. This section does not:

- 2 1. Apply to a news or public interest broadcast, website video,
3 report, or event;
- 4 2. Affect the rights of a news-gathering organization; or
- 5 3. Apply to cloud service providers.

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

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

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

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

6 B. A commercial entity that is found to have knowingly retained
7 identifying information of an individual after access to the
8 material is granted, except as provided for in subsection A of this
9 section, is liable to the individual for damages resulting from the
10 retention of the identifying information, including court costs and
11 reasonable attorney fees as ordered by the court.

12 SECTION 7. This act shall become effective July 1, 2025.

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

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18 60-1-10156 MJ 12/12/24