

1 HOUSE BILL NO. 925

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE SOCIAL MEDIA YOUTH PROTECTION
5 ACT; REQUIRING A SOCIAL MEDIA COMPANY TO IMPLEMENT AN AGE-ASSURANCE SYSTEM;
6 REQUIRING A SOCIAL MEDIA COMPANY TO PROVIDE SUPERVISORY TOOLS TO MINOR ACCOUNT
7 HOLDERS; REQUIRING PARENTAL CONSENT FOR DATA PRIVACY SETTINGS OF MINOR ACCOUNT
8 HOLDERS; PROVIDING PENALTIES; PROVIDING AN APPROPRIATION; PROVIDING DEFINITIONS; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Short title.** [Sections 1 through 8] may be cited as the "Social Media
14 Youth Protection Act".

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16 NEW SECTION. **Section 2. Legislative findings.** The legislature finds and declares that:

17 (1) the state has a compelling interest in safeguarding the well-being and privacy of minors
18 in the state;

19 (2) the state has enacted safeguards around products and activities that pose risks to minors,
20 including regulations on motor vehicles, medications, and products and services targeted to children;

21 (3) minors are particularly vulnerable to manipulation by the use of curation algorithms and the
22 engagement-driven design elements of social media companies;

23 (4) a minor's excessive use of an algorithmically curated social media service is likely to cause
24 adverse mental health outcomes, regardless of the content being viewed;

25 (5) the addictive design features of certain social media services contribute to excessive use of a
26 social media service by minors, impacting sleep patterns, mental and physical health, and academic
27 performance;

28 (6) prolonged and unregulated social media use has been linked to adverse effects on the mental

1 health of minors, including increased rates of anxiety, depression, and social isolation;

2 (7) the proliferation of social media services has led to the widespread collection and utilization of
3 personal information, exposing minors to potential harms related to privacy and identity;

4 (8) algorithmically curated social media services are designed without sufficient tools to ensure
5 adequate parental oversight, exposing minors to risks that could be mitigated with additional parental control;

6 (9) existing measures employed by social media companies to protect minors have proven
7 insufficient;

8 (10) the state has a compelling interest to protect minors from the adverse outcomes linked to the
9 excessive use of algorithmically curated social media services; and

10 (11) the state should ensure that minors' personal data is given special protection, as minors may
11 have less awareness of the risks, consequences, and safeguards related to a social media company's
12 processing of minors' personal data.

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14 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 8], the following definitions
15 apply:

16 (1) "Account holder" means a person who has, creates, or opens an account or profile to use a
17 social media service.

18 (2) "Adverse mental health outcome" means a condition affecting a minor's mental health that:

19 (a) is diagnosable by a licensed mental health care provider; and

20 (b) is acknowledged by professional mental health experts as having a negative impact on a
21 minor's well-being. The term includes depression, anxiety, suicidal thoughts or behaviors, and self-harm
22 thoughts or behaviors.

23 (3) "Age-assurance system" means measures reasonably calculated to enable a social media
24 company to identify whether a current or prospective account holder is a minor with an accuracy rate of at least
25 95%.

26 (4) "Algorithmically curated social media service" means a social media service that drives user
27 engagement primarily through the use of:

28 (a) a curation algorithm; and

1 (b) engagement-driven design elements.

2 (5) "Connected account" means an account on a social media service that is directly connected to:

3 (a) the account of the minor account holder; or

4 (b) an account that is directly connected to an account that is directly connected to the account of
5 the minor account holder.

6 (6) "Content" means any information, visual depictions, tools, features, links, software, or other
7 materials that appear on or are available or enabled through a social media service.

8 (7) (a) "Curation algorithm" means a computational process or set of rules designed to encourage
9 prolonged or frequent engagement that is used by a social media service to determine, influence, or
10 personalize:

11 (i) the content a user views;

12 (ii) the order in which content is displayed;

13 (iii) how prominently content is displayed; and

14 (iv) the manner in which content is displayed.

15 (b) The term does not include the curation of:

16 (i) responses to specific user queries or user prompts requesting content related to defined topics
17 or interests selected by the user;

18 (ii) content to ensure that only age-appropriate material is provided to a user based on the user's
19 age;

20 (iii) content that prevents a minor from viewing violent, bullying, threatening, or harassing content;

21 or

22 (iv) content to comply with any state or federal law restricting the display of material harmful to
23 minors.

24 (8) "Engagement-driven design element" means:

25 (a) autoplay features that continuously play content without requiring user interaction;

26 (b) scroll or pagination that loads additional content as long as the user continues scrolling; or

27 (c) push notifications.

28 (9) "Excessive use" means the use of a social media service by a minor to an extent that the use

1 substantially interferes with the minor's normal functioning in:

2 (a) academic performance;

3 (b) sleep;

4 (c) in-person relationships;

5 (d) mental health; or

6 (e) physical health.

7 (10) "Minor" means an individual who is under 18 years of age and who:

8 (a) has not been granted an order of limited emancipation by a court pursuant to 41-1-503; or

9 (b) has not been married.

10 (11) "Parent" means a parent, guardian, or other person or entity having legal custody of a minor
11 child.

12 (12) "Personal information" means information that is linked or can be reasonably linked to an
13 identified individual or an identifiable individual. The term includes a person's:

14 (a) first and last name;

15 (b) date of birth;

16 (c) home or physical address, including street name and city;

17 (d) screen name or username that reveals an individual's email address, first name, or last name;

18 (e) telephone number;

19 (f) social security number;

20 (g) photograph, video, or audio file containing a person's image or voice;

21 (h) geolocation information sufficient to identify the street name and city; and

22 (i) any other identifier that a person may use to contact a specific individual.

23 (13) "Push notification" means an automatic electronic message that is displayed on an account
24 holder's device when the user interface for the social media service is not actively open or visible on the device
25 and that prompts the account holder to repeatedly check and engage with the social media service.

26 (14) "Social media company" means an entity that owns or operates a social media service.

27 (15) "Social media service" means a public website or application that:

28 (a) displays content that is primarily generated by account holders and not by the social media

- 1 company;
- 2 (b) permits an individual to register as an account holder and create a profile that is made visible to
- 3 the general public or a set of other users defined by the account holder;
- 4 (c) connects account holders to allow users to interact socially with each other within the website
- 5 or application;
- 6 (d) makes available to each account holder a list or lists of other account holders with whom the
- 7 account holder shares a connection within the system; and
- 8 (e) allows account holders to post content viewable by other users.

9 (16) "User" means an individual who accesses or uses a social media service.

10 (17) "Verifiable parental consent" means authorization that a parent provides for a social media

11 service to collect, use, and disclose personal information of a minor account holder and that complies with the

12 following verifiability requirements:

13 (a) the social media service shall provide advance notice to the parent describing information

14 practices related to the minor account holder's personal information; and

15 (b) the social media service must receive confirmation that the parent received the notice

16 described in subsection (17)(a).

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18 **NEW SECTION. Section 4. Age assurance required.** (1) A social media company shall implement

19 an age-assurance system to determine whether a current or prospective account holder on the social media

20 company's social media service is a minor.

21 (2) An account holder that the social media company identifies as a minor through the use of an

22 age-assurance system is subject to the requirements in [sections 5 and 6].

23 (3) A social media company shall:

24 (a) implement a review process allowing account holders to appeal the account holder's age

25 designation by submitting documentary evidence to establish the account holder's age range; and

26 (b) review evidence submitted by the account holder and make a determination within 30 days of

27 submission of the evidence.

28 (4) A social media company shall segregate any personal information gathered specifically within

1 the age-assurance system and may not use the personal information for any purposes other than those listed in
2 [section 7(4)(a) through (4)(f)].

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4 **NEW SECTION. Section 5. Requirements for minor account holders.** For minor account holders
5 on a social media service, a social media company shall:

- 6 (1) set default privacy settings to prioritize maximum privacy, including settings that:
- 7 (a) restrict the visibility of a minor account holder's account to only connected accounts;
- 8 (b) limit the minor account holder's ability to share content to only connected accounts;
- 9 (c) restrict any data collection and sale of data from a minor account holder's account that is not
10 required for core functioning of the social media service;
- 11 (d) disable search engine indexing of the profiles of minor account holders;
- 12 (e) restrict a minor account holder's direct messaging capabilities to only allow direct messaging to
13 connected accounts; and
- 14 (f) allow a minor account holder to download a file with all information associated with the minor
15 account holder's account;
- 16 (2) implement and maintain reasonable security measures, including data encryption, to protect
17 the confidentiality, security, and integrity of personal information collected from a minor account holder;
- 18 (3) provide an easily accessible and understandable notice that:
- 19 (a) describes any information the social media company collects from a minor account holder; and
- 20 (b) explains how the information may be used or disclosed;
- 21 (4) upon request by a minor account holder:
- 22 (a) delete the personal information of the minor account holder, unless the information is required
23 to be retained under a provision of state or federal law; and
- 24 (b) remove any information or material the minor account holder made publicly available through
25 the social media service; and
- 26 (5) disable the following features that prolong user engagement:
- 27 (a) autoplay functions that continuously play content without user interaction;
- 28 (b) scroll or pagination that loads additional content as long as the user continues scrolling; and

(c) push notifications prompting repeated user engagement.

NEW SECTION. Section 6. Supervisory tools. (1) A social media company shall offer supervisory tools for a minor account holder that the minor account holder may decide to activate.

(2) The supervisory tools described in subsection (1) must include capabilities for an individual selected by the minor account holder to:

(a) set time limits for the minor account holder's daily social media service usage across devices;

(b) schedule mandatory breaks for the minor account holder during selected days and times across devices;

(c) view:

(i) data detailing the minor account holder's total and average daily time spent on the social media service across devices;

(ii) a list of connected accounts;

(iii) a list of accounts blocked by the minor account holder; and

(iv) the minor account holder's:

(A) privacy settings;

(B) content sensitivity settings; and

(C) direct messaging settings and permissions; and

(d) receive notifications when the minor account holder changes an account setting described in this subsection (2).

NEW SECTION. Section 7. Parental consent -- data privacy for minor accounts. (1) A social media company may not allow a minor account holder to change the default data privacy setting described in [section 5(1)] without first obtaining verifiable parental consent.

(2) A social media company's terms of service related to a minor account holder are presumed to include an assurance of confidentiality for the minor account holder's personal information.

(3) The presumption of confidentiality in subsection (2) may be overcome if the social media company obtains verifiable parental consent.

(4) The presumption of confidentiality in subsection (2) does not apply to a social media company's internal use or external sharing of a minor account holder's personal information if the use or sharing is necessary to:

- (a) maintain or analyze the functioning of the social media service;
- (b) enable network communications;
- (c) personalize the user's experience based on the user's age and location;
- (d) display a username chosen by the minor account holder;
- (e) obtain age-assurance information as required under [section 4]; or
- (f) comply with the requirements of this section or other state or federal laws.

NEW SECTION. Section 8. Violations. A violation of [sections 1 through 8] constitutes a violation under 30-14-103 and may be enforced pursuant to the Montana Unfair Trade Practices and Consumer Protection Act, Title 30, chapter 14.

NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 10. Appropriation. There is appropriated \$25,000 from the general fund to the department of justice for the biennium beginning July 1, 2025 for the purposes of enforcing the provisions of [sections 1 through 8].

NEW SECTION. Section 11. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 30, chapter 14, part 1, and the provisions of Title 30, chapter 14, part 1 apply to [sections 1 through 8].

NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval.

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