

# HOUSE BILL NO. 5920

September 11, 2024, Introduced by Reps. Tisdell, Steele and Kuhn and referred to the Committee on Health Policy.

A bill to establish age verification and consent requirements related to the opening and use of social media accounts by residents of this state; to establish certain standards for social media accounts of minors; to establish certain requirements related to accessing the social media accounts of minors; to provide for the powers and duties of certain state governmental officers and entities; to prohibit certain acts related to social media accounts of minors; to prescribe civil sanctions and provide remedies; to provide for the promulgation of rules; and to declare certain

contractual provisions void and unenforceable.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "social media regulation  
2 act".

3           Sec. 3. As used in this act:

4           (a) "Account" means an account or profile on a social media  
5 platform.

6           (b) "Account holder" means an individual who has an account.

7           (c) "Institution of higher education" means a public or  
8 private community college, college, or university.

9           (d) "Interactive computer service" means an information  
10 service, information system, or information access software  
11 provider, that provides or enables computer access by multiple  
12 users to a computer server and provides access to the internet.  
13 Interactive computer service includes, but is not limited to, any  
14 of the following:

15           (i) A web service.

16           (ii) A web system.

17           (iii) A website.

18           (iv) A web application.

19           (v) A web portal.

20           (e) "Minor" means an individual who is under the age of 18 and  
21 who is not emancipated by court order under section 4(3) of 1968 PA  
22 293, MCL 722.4, or married.

23           (f) "Minor account" means an account held by a resident of  
24 this state who is a minor.

25           (g) "Nonpublic school" means that term as defined in section 5  
26 of the revised school code, 1976 PA 451, MCL 380.5.

27           (h) "Person" means an individual or a partnership,

1 corporation, limited liability company, association, governmental  
2 entity, or other legal entity.

3 (i) "Post" means content that an account holder makes  
4 available on a social media platform that can be viewed by other  
5 account holders or users.

6 (j) "Public school" means that term as defined in section 5 of  
7 the revised school code, 1976 PA 451, MCL 380.5.

8 (k) "School" means a public school, a nonpublic school, or an  
9 institution of higher education.

10 (l) "Social media company" means a person to which both of the  
11 following apply:

12 (i) The person provides a social media platform that has at  
13 least 5,000,000 account holders worldwide.

14 (ii) The person is an interactive computer service.

15 (m) "Social media platform" means an online forum that a  
16 social media company makes available for an account holder to  
17 create a profile, upload posts, view the posts of other account  
18 holders, and interact with other account holders or users. Social  
19 media platform does not include any of the following:

20 (i) An online service, website, or application, if the  
21 predominant or exclusive function is any of the following:

22 (A) Email.

23 (B) Direct messaging consisting of text, photos, or videos  
24 that are sent between devices by electronic means, and where all of  
25 the following apply:

26 (I) The messages are shared between the sender and the  
27 recipient.

28 (II) The messages are visible only to the sender and the  
29 recipient.

1 (III) The messages are not posted publicly.

2 (C) A streaming service to which both of the following apply:

3 (I) The service provides only licensed media in a continuous  
4 flow to the end user.

5 (II) The service does not obtain a license to the media from a  
6 user or account holder by agreement to the streaming service's  
7 terms of service.

8 (D) News, sports, entertainment, or other content that is  
9 preselected by the provider and that is not user generated, and any  
10 chat, comment, or interactive functionality that is provided is  
11 incidental to, directly related to, or dependent on the provision  
12 of the content.

13 (E) Online shopping or e-commerce, if the interaction with  
14 other account holders or users is generally limited to all of the  
15 following:

16 (I) The ability to upload a post and comment on reviews.

17 (II) The ability to display lists or collections of goods for  
18 sale or wish lists.

19 (III) Other functions that are focused on online shopping or  
20 e-commerce rather than interaction between account holders or  
21 users.

22 (F) Interactive gaming, virtual gaming, or an online service,  
23 that allows the creation and uploading of content for the purpose  
24 of interactive gaming, edutainment, or associated entertainment,  
25 and any communication is related to the content.

26 (G) Photo editing that has an associated photo hosting  
27 service, if the interaction with other account holders or users is  
28 generally limited to liking or commenting.

29 (H) A professional creative network for the showcase and

1 discovery of artistic content, if the content is prohibited from  
2 being pornography.

3 (I) Single-purpose community groups for public safety, if all  
4 of the following apply:

5 (I) The interaction with other account holders or users is  
6 generally limited to that single purpose.

7 (II) The community group has guidelines or policies against  
8 illegal content.

9 (J) Providing career development opportunities, including, but  
10 not limited to, professional networking, job skills, learning  
11 certificates, and job posting and application services.

12 (K) Business to business software.

13 (L) A teleconferencing or videoconferencing service that  
14 allows reception and transmission of audio and video signals for  
15 real-time communication.

16 (M) Cloud storage.

17 (N) Shared document collaboration.

18 (O) A cloud computing service. The cloud computing service may  
19 include cloud storage and shared document collaboration.

20 (P) Providing access to or interacting with data visualization  
21 platforms, libraries, or hubs.

22 (Q) To permit comments on a digital news website, if the news  
23 content is posted only by the provider of the digital news website.

24 (R) Providing or obtaining technical support for a platform,  
25 product, or service.

26 (S) Academic or scholarly research.

27 (T) Genealogical research.

28 (ii) An online service, website, or application where both of  
29 the following apply:

1 (A) The majority of the content that is posted or created on  
2 the online service, website, or application is posted or created by  
3 the provider of the online service, website, or application.

4 (B) The ability to chat, comment, or interact with other users  
5 is directly related to the provider's content.

6 (iii) An online service, website, or application that is a  
7 classified ad service that only permits the sale of goods and  
8 prohibits the solicitation of personal services.

9 (iv) An online service, website, or application that is used by  
10 and under the direction of a school, including, but not limited to,  
11 a learning management system, a student engagement program, or a  
12 subject or skill-specific program.

13 (n) "User" means an individual who has access to view all or  
14 some of the posts on a social media platform. User does not include  
15 an account holder.

16 Sec. 5. (1) Beginning 180 days after the effective date of  
17 this act, a social media company shall do both of the following, as  
18 applicable, at the time that a resident of this state applies to be  
19 an account holder:

20 (a) Verify the age of the applicant.

21 (b) If the verification under subdivision (a) determines that  
22 the applicant is a minor, confirm that a parent or guardian of the  
23 minor has expressly consented to the minor being an account holder.

24 (2) If an applicant for an account does not satisfy the  
25 criteria of subsection (1) at the time of application, the social  
26 media company must deny the application.

27 (3) Beginning 180 days after the effective date of this act,  
28 if a resident of this state is an account holder, the social media  
29 company responsible for the existing account shall do both of the

1 following, as applicable, not later than 14 days after the account  
2 holder first attempts to access the existing account beginning on  
3 or after 180 days after the effective date of this act:

4 (a) Verify the age of the account holder.

5 (b) If the verification under subdivision (a) determines that  
6 the account holder is a minor, confirm that a parent or guardian of  
7 the minor has expressly consented to the minor being an account  
8 holder.

9 (4) If an account holder does not, within the 14-day period  
10 described in subsection (3), satisfy the criteria of subsection  
11 (3), the social media company must deny access to the existing  
12 account until the time that the account holder meets the criteria.

13 (5) The attorney general may authorize an agent of a social  
14 media company to process information related to age verification  
15 under subsections (1) and (3), if the agent has a principal place  
16 of business in the United States.

17 (6) Subject to subsection (5), information obtained by a  
18 social media company or an agent of the social media company as a  
19 result of complying with this section may be retained by the social  
20 media company or agent only for the purpose of complying with this  
21 section and the information may not be used for any other purpose.

22 (7) The attorney general shall promulgate rules to implement  
23 this section under the administrative procedures act of 1969, 1969  
24 PA 306, MCL 24.201 to 24.328.

25 (8) The rules described in subsection (7) must provide for all  
26 of the following:

27 (a) The processes or means that must be used by social media  
28 companies to verify age under subsections (1) and (3).

29 (b) The forms or methods that must be used to identify

1 residents of this state under subsections (1) and (3). The forms  
2 and methods must not be limited to a valid identification card  
3 issued by a governmental entity.

4 (c) The requirements for confirming the receipt of information  
5 provided by residents to social media companies under subsections  
6 (1) and (3).

7 (d) The processes or means that must be used to confirm that a  
8 parent or guardian has provided express consent for a minor account  
9 under subsections (1) and (3).

10 (e) Subject to subsection (5), the requirements for retaining,  
11 protecting, and securely disposing of information obtained by a  
12 social media company or an agent of the social media company as a  
13 result of compliance with the requirements of this section.

14 Sec. 7. (1) Beginning 180 days after the effective date of  
15 this act, a social media company shall do both of the following:

16 (a) Ensure that a minor account is not shown in the search  
17 results of the social media platform, except under circumstances  
18 where the minor account is linked to other accounts through  
19 friending.

20 (b) Prohibit the use of targeted or suggested groups,  
21 services, products, posts, and accounts, or users in a minor  
22 account.

23 (2) Beginning 180 days after the effective date of this act, a  
24 social media company shall not collect or use any personal  
25 information from posts, content, messages, text, or use activities  
26 from the minor account unless the information is necessary to  
27 comply with or verify compliance with any state or federal law.

28 Sec. 9. (1) Beginning 180 days after the effective date of  
29 this act, a social media company shall supply a parent or guardian



1 who has provided express consent for a minor account under section  
2 5 with a password or other means for the parent or guardian to  
3 access the minor account.

4 (2) The access described in subsection (1) must allow the  
5 parent or guardian to view both of the following:

6 (a) All posts that the minor makes on the minor account.

7 (b) All responses to messages sent to or by the minor on the  
8 minor account.

9 Sec. 11. (1) Beginning 180 days after the effective date of  
10 this act, and except as otherwise provided in subsection (3), a  
11 social media company shall prohibit access to a minor account  
12 during the hours of 10:30 p.m. to 6:30 a.m.

13 (2) The time described in subsection (1) must be calculated  
14 based on the internet protocol address being used at the time of  
15 attempted access.

16 (3) A social media company shall authorize a parent or  
17 guardian who has provided express consent for a minor account under  
18 section 5 to do any of the following:

19 (a) Modify or eliminate the access restriction described in  
20 subsection (1).

21 (b) Set a limit on the number of hours per day that the minor  
22 may use the minor account.

23 (4) The access restrictions described in subsection (1) do not  
24 apply to a parent or guardian who has provided express consent for  
25 a minor account under section 5 and is accessing the minor account  
26 as provided under section 9.

27 Sec. 13. (1) A consumer may submit a complaint to the attorney  
28 general alleging a violation of this act.

29 (2) If the attorney general receives a complaint under

1 subsection (1), the attorney general shall investigate the  
2 violation alleged in the complaint.

3 Sec. 15. (1) Subject to subsections (2), (3), and (4), if a  
4 person violates this act, the attorney general may bring a civil  
5 action seeking 1 or more of the following:

6 (a) A civil fine of not more than \$2,500.00 per violation.

7 (b) Actual damages.

8 (c) Injunctive or declaratory relief.

9 (d) Any other relief that the court deems appropriate.

10 (2) Before initiating a civil action under this section, the  
11 attorney general must provide the person that the attorney general  
12 alleges violated this act with 30 days' written notice that  
13 includes both of the following:

14 (a) The specific provisions of this act alleged to have been  
15 violated by the person.

16 (b) An explanation of the basis for each alleged violation  
17 described in subdivision (a).

18 (3) If, within 30 days of receiving the notice under  
19 subsection (2), the person cures the noticed violations and  
20 provides the attorney general with an express written statement  
21 that the violations have been cured and further violations will not  
22 occur, the attorney general must not initiate a civil action under  
23 this section.

24 (4) If a person continues to violate this act in breach of the  
25 express written statement under subsection (3), or if the person  
26 fails to cure a violation within 30 days after being notified of  
27 the alleged noncompliance under subsection (2), the attorney  
28 general may initiate a civil action under this section.

29 (5) If the attorney general is successful in a civil action

1 under this section, the attorney general is entitled to reasonable  
2 attorney fees, court costs, and investigative fees.

3 Sec. 17. If a person violates this act, a consumer may bring a  
4 civil action seeking actual damages or an amount equal to \$2,500.00  
5 for each violation of this act, whichever is greater.

6 Sec. 19. The attorney general shall submit an annual report to  
7 the legislature that includes all of the following:

8 (a) An evaluation of the liability and enforcement provisions  
9 of this act, including, but not limited to, both of the following:

10 (i) The effectiveness of the attorney general's efforts to  
11 enforce this act.

12 (ii) Any recommendations for changes to this act.

13 (b) A summary of consumer interactions that are protected and  
14 not protected by this act, including, but not limited, a list of  
15 alleged violations that the attorney general has received by  
16 consumers under section 13.

17 (c) An accounting of all of the civil fines and expenses  
18 collected under section 15.

19 Sec. 21. For a contract entered into, modified, or renewed on  
20 or after the effective date of this act, any provision of a  
21 contract that waives or limits any of the following is void and  
22 unenforceable:

23 (a) A protection or requirement described in this act.

24 (b) The right to file a consumer complaint under section 13.

25 (c) The right to a private right of action under section 17.