

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1275

By: Caldwell (Chad) of the
House

and

Seifried of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

1 B. As used in this act:

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

4 2. "Commercial entity":

5 a. means a corporation, limited liability company,
6 partnership, limited partnership, sole proprietorship,
7 or other legally recognized entity, and

8 b. includes a third-party vendor;

9 3. "Dark pattern" means a user interface designed or
10 manipulated with the substantial effect of subverting or impairing
11 user autonomy, decision making, or choice and includes, but is not
12 limited to, any practice the Federal Trade Commission refers to as a
13 dark pattern;

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

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

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

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

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

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

15 10. a. "Social media company" means an online forum, website,
16 or application that a company makes available for an
17 account holder to:

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

22 (2) upload or create posts or content, which may
23 include, but is not limited to, user-generated
24 short video clips of dancing, voiceovers, or

- 1 other acts of entertainment in which the primary
2 purpose is not educational or informative,
- 3 (3) view posts, activity, or content of other account
4 holders, and
- 5 (4) interact with other account holders or users
6 including, without limitation, establishing
7 mutual connections through request and
8 acceptance,
- 9 b. social media company does not include a/an:
- 10 (1) media company that exclusively offers
11 subscription content in which users follow or
12 subscribe unilaterally and whose platform's
13 primary purpose is not social interaction,
- 14 (2) media company that exclusively offers interactive
15 gaming, virtual gaming, or an online service that
16 allows the creation and uploading of content for
17 the purpose of interactive gaming, entertainment,
18 or associated entertainment, and the
19 communication related to that content,
- 20 (3) online service, website, or application where the
21 exclusive function is email or direct messaging
22 consisting of text, photographs, pictures,
23 images, or videos shared only between the sender
24 and the recipients, without displaying or posting

- 1 publicly or to other users not specifically
2 identified as the recipients by the sender, and
3 (4) company that:
4 (a) offers cloud storage services, enterprise
5 cybersecurity services, educational devices,
6 or enterprise collaboration tools for
7 kindergarten through grade twelve (K-12)
8 schools, and
9 (b) derives less than twenty-five percent (25%)
10 of the company's revenue from operating a
11 social media platform, including games and
12 advertising, or
13 (5) company that provides career development
14 opportunities, including professional networking,
15 job skills, learning certifications, and job
16 posting and application services;

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

- 19 (1) that has users in Oklahoma,
20 (2) that employs algorithms that analyze user data or
21 information on users to select content for users,
22 (3) that features infinite scrolling, which means
23 either:
24

1 (a) continuously loading content or content
2 that loads as the user scrolls down the
3 page without the need to open a separate
4 page, or

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

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

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

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

19 (1) email,

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

23 (a) shared between the sender and the recipient
24 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

1 interaction between users or account
2 holders,

3 (6) business-to-business software that is not
4 accessible to the general public,

5 (7) cloud storage,

6 (8) shared document collaboration,

7 (9) providing access to or interacting with data
8 visualization platforms, libraries, or hubs,

9 (10) to permit comments on a digital news website, if
10 the news content is posted only by the provider
11 of the digital news website,

12 (11) providing or obtaining technical support for the
13 social media company's social media platform,
14 products, or services,

15 (12) academic or scholarly research,

16 (13) other research:

17 (a) if:

18 (i) the majority of the content is posted
19 or created by the provider of the
20 online service, website, or
21 application, and

22 (ii) the ability to chat, comment, or
23 interact with other users is directly
24 related to the provider's content,

1 (b) that is a classified advertising service
2 that only permits the sale of goods and
3 prohibits the solicitation of personal
4 services, or

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

8 (i) learning management system,

9 (ii) student engagement program, and

10 (iii) subject-specific or skill-specific
11 program; or

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

18 d. social media platform does not include a social media
19 platform that is controlled or owned by a business
20 entity that has generated less than One Hundred
21 Million Dollars (\$100,000,000.00) globally from users
22 in the United States of America in annual gross
23 revenue;
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1 12. "Substantial harm or privacy risk to minors" means the
2 processing of personal information in a manner that may result in
3 any reasonably foreseeable substantial physical injury, economic
4 injury, or offensive intrusion into the privacy expectations of a
5 reasonable minor under the circumstances, including:

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

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

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 121 of Title 25, unless there is
22 created a duplication in numbering, reads as follows:
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1 A. A social media company shall not permit an Oklahoma user who
2 is a minor less than sixteen (16) years of age to be an account
3 holder on a social media company's social media platform.

4 B. A social media company shall not permit an Oklahoma user who
5 is a minor of sixteen (16) or seventeen (17) years of age to be an
6 account holder on the social media company's social media platform
7 unless the minor has the express consent of a parent or legal
8 guardian.

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

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

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

18 2. Reasonable age verification methods under paragraph 1 of
19 this subsection include providing:

- 20 a. a digitized identification card, including a digital
- 21 copy of a driver license,
- 22 b. government-issued identification,
- 23 c. any commercially reasonable age verification method,
- 24 or

1 d. confirmation from a platform from which social media
2 applications are downloaded that the platform has
3 verified the age of the user.

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

7 A. A social media platform that is accessed by minors shall
8 not:

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

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

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

17 b. (1) profiling is necessary to provide the online
18 service or feature requested for the aspects of
19 the online service or feature with which the
20 minor is actively and knowingly engaged, or

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

1 3. Collect or retain any personal information that is not
2 necessary to provide an online service or feature with which a minor
3 is actively and knowingly engaged unless the online platform can
4 demonstrate a compelling reason that collecting or retaining the
5 personal information does not pose substantial harm or is a privacy
6 risk to minors;

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

12 5. Collect any precise geolocation data of minors unless the
13 collection of the precise geolocation data is strictly necessary for
14 the online platform to provide the service, product, or feature
15 requested and then only for the limited time that the collection of
16 the precise geolocation data is necessary to provide the service or
17 feature;

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

21 7. Use dark patterns to lead or encourage minors to provide
22 personal information beyond what personal information would
23 otherwise be reasonably expected to be provided for that online
24 service or feature, to forego privacy protections, or to take any

1 action that the online platform has actual knowledge of or willfully
2 disregards that may result in substantial harm or is a privacy risk
3 to minors;

4 8. Use any personal information collected to estimate the age
5 or age range for any other purpose or retain that personal
6 information longer than necessary to estimate age. The age estimate
7 must be proportionate to the risks and data practice of an online
8 service or feature; or

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

11 B. Violations of this section may be reported to the Office of
12 the Attorney General.

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

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

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

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

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

5 B. The Attorney General may initiate an enforcement action
6 against social media companies that allegedly commit a violation of
7 this act.

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

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

13 2. Damages resulting from a minor accessing a social media
14 platform without the consent of his or her parent or custodian,
15 including court costs and reasonable attorney fees as ordered by the
16 court.

17 D. This section does not:

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

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

21 3. Apply to cloud service providers.

22 E. No social media platform shall be liable under this act if,
23 after performing reasonable age verification, a minor manages access
24 to the platform through means of fraud including, but not limited

1 to, the use of fake identification by the minor or an individual
2 claiming to be the parent or legal guardian of the minor.

3 F. An Internet service provider, or any of its affiliates or
4 subsidiaries, or search engines will not violate this act solely
5 when providing access, connection to or from a website, or other
6 information or content on the Internet, or a facility, system, or
7 network that is not under that Internet service provider's control,
8 including transmission, downloading, intermediate storage, access
9 software, or other service that provides access or connectivity, to
10 the extent the Internet service provider is not responsible for the
11 creation of the content or the communication on a social media
12 platform.

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

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

21 B. A commercial entity that is found to have knowingly retained
22 identifying information of an individual after access to the
23 material is granted, except as provided for in subsection A of this
24 section, is liable to the individual for damages resulting from the

1 retention of the identifying information, including court costs and
2 reasonable attorney fees as ordered by the court.

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT
10 OVERSIGHT, dated 03/10/2025 - DO PASS, As Amended.
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