

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4356

By: Moore

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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 requiring verification of account holder's age;
12 permitting the use of third-party vendors to verify
13 age; prohibiting social media platforms accessed by
14 minors from engaging in certain activities; stating
15 that violations may be reported to the Attorney
16 General; permitting the Attorney General to send
17 notice; clarifying social media platforms shall have
18 a period to cure violations; clarifying when a social
19 media company is liable for failure to comply;
20 permitting the Attorney General to initiate an
21 enforcement action; providing exemptions; limiting
22 liability; prohibiting commercial entities or third-
23 party vendors from retaining certain information;
24 establishing liability for failure to comply;
providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 120 of Title 25, unless there is
created a duplication in numbering, reads as follows:

A. Nothing in this act shall be construed to limit the content
found on social media platforms or prohibit minors from posting

1 content on other platforms, digital or otherwise, that they legally
2 have access to.

3 B. As used in this act:

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

6 2. "Commercial entity":

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

10 b. includes a third-party vendor;

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

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

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

5 6. "Minor" means an individual under eighteen (18) years of
6 age;

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

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

15 9. "Reasonable age verification" means to confirm that a person
16 seeking to access a social media platform is at least sixteen (16)
17 years of age;

18 10. a. "Social media company" means an online forum,
19 website, or application that a company makes
20 available for an account holder to:

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

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

1 consisting of text, photographs, pictures,
2 images, or videos shared only between the sender
3 and the recipients, without displaying or posting
4 publicly or to other users not specifically
5 identified as the recipients by the sender, and

6 (4) company that:

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

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

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

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

22 (1) that has users in Oklahoma,

23 (2) that employs algorithms that analyze user data or
24 information on users to select content for users,

1 (3) that features infinite scrolling, which means
2 either:

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

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

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

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

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

20 (1) email,

21 (2) direct messaging consisting of messages, photos,
22 or videos that are sent between devices by
23 electronic means if messages are:
24

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

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

5 (c) not posted publicly,

6 (3) a streaming service that:

7 (a) provides only licensed media in a continuous
8 flow from the service, website, or
9 application to the end user, and

10 (b) does not obtain a license to the media from
11 a user or account holder by agreement of the
12 streaming service's terms of service,

13 (4) news, sports, entertainment, or other content
14 that is preselected by the provider and not user-
15 generated including, without limitation, if any
16 chat, comment, or interactive functionality that
17 is provided is incidental to, directly related
18 to, or dependent upon provision of the content,

19 (5) online shopping or e-commerce, if the interaction
20 with other users or account holders is generally
21 limited to:

22 (a) the ability to post and comment on reviews,

23 (b) the ability to display lists or collections
24 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

1 injury, or offensive intrusion into the privacy expectations of a
2 reasonable minor under the circumstances, including:

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

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

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 121 of Title 25, unless there is
19 created a duplication in numbering, reads as follows:

20 A. A social media company shall not permit an Oklahoma user who
21 is a minor less than sixteen (16) years of age to be an account
22 holder on a social media company's social media platform.

23 B. A social media company shall verify the age of an account
24 holder.

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

4 2. Reasonable age verification methods under paragraph 1 of
5 this subsection include providing:

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

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 122 of Title 25, unless there is
16 created a duplication in numbering, reads as follows:

17 A. A social media platform that is accessed by minors shall
18 not:

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

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

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

3 b. (1) profiling is necessary to provide the online
4 service or feature requested for the aspects of
5 the online service or feature with which the
6 minor is actively and knowingly engaged, or

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

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

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

21 5. Collect, sell, or share any precise geolocation data of
22 minors unless the collection of the precise geolocation data is
23 strictly necessary for the online platform to provide the service,
24 product, or feature requested and then only for the limited time

1 that the collection of the precise geolocation data is necessary to
2 provide the service or feature;

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

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

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

18 B. Violations of this section may be reported to the Office of
19 the Attorney General.

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

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

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 123 of Title 25, unless there is
3 created a duplication in numbering, reads as follows:

4 A. 1. A social media company that knowingly violates this act
5 is liable if the social media company fails to perform a reasonable
6 age verification or fails to comply with Section 3 of this act.

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

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

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

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

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

23 D. This section does not:
24

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

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

4 3. Apply to cloud service providers.

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

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

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 124 of Title 25, unless there is
22 created a duplication in numbering, reads as follows:

23 A. A commercial entity or third-party vendor shall not retain
24 any identifying information of an individual supplied for the

1 purpose of age verification, except if required for audit and
2 testing purposes, and in any case for no longer than thirty (30)
3 days after access to the social media platform has been granted.

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

10 SECTION 6. This act shall become effective November 1, 2026.

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