

HB 2157 -- CHILDREN'S INTERNET SAFETY ACT

SPONSOR: Hurlbert

This bill requires the local board of education for each school district to develop, prior to June 30, 2025, an Internet safety policy for student access to district-provided Internet. The bill specifies the requirements that the policy must address.

The bill additionally requires the state board of education to adopt and promulgate rules and regulations that require certain curricula for students in grades six through 12 on the social, emotional, and physical effects of social media. The Department of Elementary and Secondary Education shall make available online the instructional material being used, and each district school board shall notify parents of its availability.

The bill also modifies provisions relating to written policies of discipline by requiring the policy to feature a notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. While a student may possess a wireless communications device when he or she is on school property or at a school function, use of a wireless communications device is prohibited during instructional time, except when expressly directed by a teacher solely for educational purposes.

This bill establishes the "Children's Internet Safety Act", specifying that beginning July 1, 2025, a social media company shall not permit a Missouri resident who is a minor to be an account holder or to open an account on the social media company's social media platform unless the Missouri resident has the express consent of a parent or guardian. The social media company is required to verify the age of an existing or new Missouri account holder and, if the existing or new account holder is a minor, confirm the minor has consent as required by the bill.

Moreover, the Attorney General, with stakeholder input, is required to promulgate rules to:

- (1) Establish processes or means by which a social media company shall meet age verification requirements;
- (2) Establish acceptable methods of identification, which are not to be limited to a valid identification card issues by a government entity;

(3) Establish requirements for providing confirmation of the receipt of any information provided by a person seeking to verify his or her age;

(4) Establish processes to confirm that a parent or guardian has provided consent for the minor child to open or use an account as specified;

(5) Establish requirements for retaining, protecting, and securely disposing of any information obtained by a social media company or its agent as a result of complying with the provisions of the bill;

(6) Require that information obtained by a social media company or its agent, for the purposes of complying with the required provisions of this bill, is retained only for the purpose of compliance;

(7) If permitting an agent to process verification requirements, ensure that the agent have its principal place of business in the United States;

(8) Require other applicable state agencies to comply with any rules under the provisions of this bill; and

(9) Comply with state and federal law.

The bill requires social media companies to:

(1) Prohibit direct messaging between the Missouri minor's account and any user that is not linked to the minor's account through the express consent of the account holder;

(2) Prevent the sharing of the minor's account in search results for any user that is not linked to the account through the express consent of the account holder;

(3) Prevent the display of any advertising to the account holder;

(4) Refrain from collecting or using any personal information from the account other than what is necessary to comply with the provisions of this bill; or

(5) Refrain from the promotion of target or suggested groups, services, products, posts, accounts, or users to the account holder.

Beginning on July 1, 2025, social media companies are required to provide to a parent or guardian who has given consent for a Missouri minor account holder with a password or other means to

access the account. Social media companies are also required, beginning on July 1, 2025, to prohibit a minor account holder from accessing his or her account during the hours of 10:30pm to 6:30am, unless access has been specifically modified as provided in the bill.

Any consumer complaints that allege a violation of the provisions of this bill shall be filed with the Attorney General, who has the exclusive authority to administer and enforce the requirements of this bill. The bill specifies that the Attorney General shall, subject to the ability to cure an alleged violation under the provisions of this bill, impose an administrative fine of up to \$2500 for each violation, and the Attorney General shall bring an action in court to enforce the provisions of the bill.

The bill specifies the abilities of the court in a court action by the Attorney General to enforce a provision of this bill. At least 30 days before the day on which the Attorney General initiates an enforcement action against a person who is subject to the requirements of the provisions of this bill, the Attorney General is required to provide the person with a written notice identifying each allegation; and an explanation of the basis for each allegation. The bill additionally establishes provisions for instances when the Attorney General shall initiate a civil action.

The Attorney General shall be required to compile an annual report to the General Assembly relating to the administration and enforcement of the provisions of this bill.

Beginning July 1, 2025, a person is allowed to bring an action against a person that does not comply with a requirement of the provisions of this bill.

Beginning July 1, 2025, the Attorney General shall administer and enforce the provisions of this bill and shall audit the records of a social media company in order to determine compliance or to investigate a complaint. Also beginning on July 1, 2025, a social media company shall not use a practice, design, or feature on the company's platform that the company knows about, or through the exercise of reasonable care should know about, that causes a Missouri minor account holder to have an addiction to the social media platform. The bill specifies the penalties a social media company shall be subject to if found to have violated the provisions of this bill, as well as an example of an instance that does not subject the social media company to a civil penalty.

Beginning July 1, 2025, a person may bring an action as specified in the bill against a social media company to recover damages incurred after July 1, 2025, by a Missouri minor account holder for

any addiction, or financial, physical, or emotional harm suffered as a consequence of using or having an account on the company's social media platform. The bill specifies the provisions of such a suit, and what awards to which the minor seeking relief is entitled.

A waiver or limitation of any of the following is void as unlawful, is against public policy, and a court or arbitrator shall not enforce or give effect to the waiver, notwithstanding any contract or choice-of-law provision in a contract:

- (1) A protection or requirement provided under the provisions of this bill;
- (2) The right to cooperate with the Attorney General or to file a complaint with the Attorney General;
- (3) The right to a private right of action as provided in the bill; or
- (4) The right to recover actual damages, statutory damages, civil penalties, costs, or fees, as allowed and specified in the bill.

Moreover, any commercial entity that knowingly or intentionally publishes or distributes material that is harmful to minors on the Internet from a website that contains a substantial portion of such material shall verify that any person attempting to access such material is 18 years of age or older through the use of:

- (1) A commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification; or
- (2) Another commercially reasonable method of age and identity verification.

Any commercial entity that violates the provisions of this bill shall be subject to civil liability for damages resulting from a minor's access to such material, and reasonable attorney's fees and costs.

Nothing in this bill shall be construed to impose an obligation or liability on a provider or user of an interactive computer service on the Internet.