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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3724

02/24/2022 Authored by Robbins, Franson, Demuth, Grossell, Lucero and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
03/17/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
03/28/2022 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to consumer protection; prohibiting certain social media algorithms that
1.3 target children; proposing coding for new law in Minnesota Statutes, chapter 325F.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 325F.6945 UNLAWFUL SOCIAL MEDIA ACTIVITIES.

1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.7 the meanings given.

1.8 (b) "Account holder" means a person who accesses a social media account through a
1.9 social media platform.

1.10 (c) "Operator" has the meaning given in section 1302 of the Children's Online Privacy
1.11 Protection Act of 1998, United States Code, title 15, section 6501.

1.12 (d) "Social media algorithm" means the software used by social media platforms to (1)
1.13 prioritize content, and (2) direct the prioritized content to the account holder.

1.14 (e) "Social media platform" means an electronic medium, including a browser-based or
1.15 application-based interactive computer service, telephone network, or data network, that
1.16 allows users to create, share, and view user-generated content. Social media platform does
1.17 not include Internet search providers or e-mail.

1.18 (f) "User-generated content" means any content created or shared by an account holder,
1.19 including without limitation written posts, photographs, graphics, video recordings, or audio
1.20 recordings.

2.1 Subd. 2. **Prohibitions; social media algorithm.** (a) A social media platform with more
2.2 than 1,000,000 account holders operating in Minnesota is prohibited from using a social
2.3 media algorithm to target user-generated content at an account holder under the age of 18,
2.4 except as provided in subdivision 3.

2.5 (b) The operator of a social media platform is liable to an individual account holder who
2.6 received user-generated content through a social media algorithm while the individual
2.7 account holder was under the age of 18 if the operator of a social media platform knew or
2.8 had reason to know that the individual account holder was under the age of 18. A social
2.9 media operator subject to this paragraph is liable to the account holder for (1) any regular
2.10 or special damages, (2) a statutory penalty of \$1,000 for each violation of this section, and
2.11 (3) any other penalties available under law.

2.12 Subd. 3. **Exceptions.** (a) A social media algorithm that is intended to block access to
2.13 inappropriate or harmful content to an account holder that is a minor is exempt from this
2.14 section. Software or devices that allow parental controls or internal controls used by the
2.15 social media platform that are designed to control access of the account of a minor to filter
2.16 content for age-appropriate material, that suggest, promote, or rank otherwise accessible
2.17 content, are exempt from this section.

2.18 (b) User-generated content that is created by a federal, state, or local government or by
2.19 a public or private school, college, or university is exempt from this section.