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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 48

02/10/2025 Authored by Robbins, Schwartz, Engen, Burkel and Stephenson
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

A bill for an act

relating to consumer protection; prohibiting certain social media algorithms that target children; proposing coding for new law in Minnesota Statutes, chapter 325M.

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

Section 1. **[325M.35] UNLAWFUL SOCIAL MEDIA ACTIVITIES.**

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

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

(c) "Recommendation feature" is a tool or component of a social media platform that targets an account holder with user-generated content using a mechanism that considers, evaluates, or is contingent upon any metric of user engagement, including but not limited to the length of time something is viewed, the amount of time something appears on a screen, the time a user spends on a site, mouse movement, clicks, likes, votes, reactions, comments, purchases, saves, shares, or any other proxy for user-engagement without a user requesting to be shown the specific content. Recommendation features include but are not limited to landing pages with recommended content; recommendations for related content, videos, items, or products; and friend suggestions.

(d) "Social media algorithm" means software used by a social media platform to (1) prioritize content for an individual account holder using recommendation features, and (2) direct the prioritized content to the account holder.

(e) "Social media platform" means an electronic medium, including a browser-based or application-based interactive computer service, telephone network, or data network, that allows users to create, share, and view user-generated content. Social media platform does not include Internet search providers, Internet service providers, email, or short-message-service; or streaming video service or other Internet website where the content is not user-generated but where interactive functions enable incidental chat, comments, or reviews. Social media platform does not include a communication service, including audio and video communication technology, provided by a business to the business's employees and clients for use in the course of business activities and not for public distribution.

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

Subd. 2. **Prohibitions; social media algorithm.** (a) A social media platform with more than 1,000,000 account holders globally that operates in Minnesota is prohibited from using a social media algorithm to target user-generated content at an account holder who is under the age of 18 and located in Minnesota, except as provided in subdivision 3. Nothing in this section prohibits a social media platform from:

(1) allowing user-generated content to appear in a chronological manner for an account holder who is under the age of 18;

(2) displaying user-generated content that has been selected or followed by an account holder who is under the age of 18, as long as the content appears in a chronological manner; or

(3) providing search results to an account holder who is under the age of 18, if the search results are in response to a specific and immediately preceding query made by the account holder.

(b) A social media platform subject to this section must require an account holder who is under the age of 18 located in Minnesota to obtain verifiable parental consent prior to opening a new user account.

Subd. 3. **Exceptions.** The following are exempt from this section:

(1) an algorithm, software, or device that acts as a parental control or is used to filter content for age-appropriate or banned material;

(2) an internal control used by the social media platform that is intended to control the ability of a minor to access content or is used to filter content for age-appropriate or banned material;

(3) user-generated content that is created by a federal, state, or local government; or

(4) user-generated content that is created by a public or private school, college, or university and used for educational purposes, including software and applications or communication services or learning management systems that are used by and under the supervision or control of a public or private school, college, or university.

Subd. 4. **Liability; penalties.** A social media platform is liable to an individual account holder who received user-generated content through a social media algorithm while the individual account holder was under the age of 18 and was using the individual account holder's own account, if the social media platform knew or had reason to know that the individual account holder was under the age of 18 and located in Minnesota. A social media platform subject to this paragraph is liable to the account holder for: (1) any general or special damages; (2) a statutory penalty of $1,000 for each violation of this section, provided that no individual account holder may recover more than $100,000 in statutory penalties under this subdivision in any calendar year; and (3) any other penalties available under law.

Subd. 5. **Short title.** This section may be cited as the "Stop Online Targeting Against Kids Act" or "SOTA Kids Act."

EFFECTIVE DATE. This section is effective January 1, 2026.