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 325F.

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

Section 1. [325F.6945] 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) "Social media algorithm" means a technical means of sorting posts based on relevancy

instead of publishing time, in order to prioritize which content a user sees first according

to the likelihood that they will actually engage with such content.

(d) "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 service providers or e-mail.

(e) "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 operating in Minnesota is prohibited from using a social
media algorithm to target user-generated content at an account holder under the age of 18, except as provided in subdivision 3.

(b) The 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 if the social media platform knew or had reason to know that the individual account holder was under the age of 18. A social media platform subject to this paragraph is liable to the account holder for (1) any regular or special damages, (2) a statutory penalty of $1,000 for each violation of this section, and (3) any other penalties available under law.

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

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