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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 974

02/11/2019 Authored by Runbeck
The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to consumer protection; requiring the operator of a social media platform
1.3 to provide a specific warning when a social media account is accessed; requiring
1.4 a specific warning when a mobile device is sold; proposing coding for new law in
1.5 Minnesota Statutes, chapter 325E.

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

1.7 Section 1. 325E.62 SOCIAL MEDIA; REQUIRED WARNING.

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

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

1.12 (c) "Mobile device" means a cellular phone, wearable device, tablet device, or other
1.13 portable electronic device that possesses computing capability or provides Internet access,
1.14 text messaging, e-mail, or digital voice service.

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

1.17 (e) "Personally identifying information" means information that allows the person to be
1.18 identified or located, including:

1.19 (1) the person's first and last name, first initial and last name, first name and last initial,
1.20 or nickname;

1.21 (2) the person's birth date or Social Security number;

1.22 (3) the person's current or former home, school, or work address;

2.1 (4) the person's telephone number or e-mail address; or

2.2 (5) the person's geolocation data.

2.3 (f) "Social media platform" means an electronic medium, including a browser-based or
 2.4 application-based interactive computer service, telephone network, or data network, that
 2.5 allows users to create, share, and view user-created content.

2.6 (g) "User-created content" means data created by an account holder that is displayed on
 2.7 the account holder's social media page or stored by the social media platform in the account
 2.8 holder's account, including personally identifying information, education experience or
 2.9 institution, volunteer or employment experience, written posts, photographs, video recordings,
 2.10 or audio recordings.

2.11 Subd. 2. **Required warning; social media access.** (a) An operator of a social media
 2.12 platform must give the following warning every time an account holder accesses a social
 2.13 media account through the platform:

2.14 "SOCIAL MEDIA USE IS ADDICTIVE. EXCESSIVE USE OF MOBILE DEVICES AND
 2.15 SOCIAL MEDIA PLATFORMS MAY LEAD TO MENTAL HEALTH DISORDERS,
 2.16 REDUCED PRODUCTIVITY, LACK OF SLEEP, AND SOCIAL ALIENATION."

2.17 (b) The warning required in paragraph (a) must appear in:

2.18 (1) letters at least as large at the largest text format on the screen; and

2.19 (2) a banner or similar section of text that is visually distinct from other text on the
 2.20 screen, with a clear degree of color contrast between the warning and other matter on the
 2.21 screen.

2.22 Subd. 3. **Required warning; sale of mobile devices.** A retail dealer in mobile devices
 2.23 must provide to a purchaser of a mobile device in Minnesota the following warning in
 2.24 12-point bold font on paper:

2.25 "SOCIAL MEDIA USE IS ADDICTIVE. EXCESSIVE USE OF MOBILE DEVICES AND
 2.26 SOCIAL MEDIA PLATFORMS MAY LEAD TO MENTAL HEALTH DISORDERS,
 2.27 REDUCED PRODUCTIVITY, LACK OF SLEEP, AND SOCIAL ALIENATION."

2.28 Subd. 4. **Enforcement.** The attorney general must enforce this section under section
 2.29 8.31.

2.30 **EFFECTIVE DATE.** This section is effective January 1, 2020.