

HOUSE BILL No. 2657

By Committee on Legislative Modernization

Requested by Representative McDonald

2-3

1 AN ACT concerning consumer protection; prohibiting social media
2 platforms from allowing children under 16 year of age to create,
3 maintain or access an account unless the platform has obtained verified
4 parental consent; requiring social media platforms to implement age-
5 verification measures and suspend access to current accounts until
6 verified parental consent is obtained; allowing a parent or guardian to
7 revoke consent at any time and request for the deletion of the minor's
8 account; authorizing the attorney general to enforce the provisions of
9 the section pursuant to the Kansas consumer protection act.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) As used in this section, unless the context otherwise
13 requires:

14 (1) "Minor" means an individual under 16 years of age.

15 (2) "Social media platform" means an internet-based service or
16 application that allows users to:

17 (A) Create accounts or profiles;

18 (B) generate or share content; and

19 (C) interact socially with other users.

20 (3) "Verified parental consent" means authorization by a parent or
21 legal guardian that has been verified through commercially reasonable
22 means.

23 (b) A social media platform shall not permit a minor to create,
24 maintain or access an account unless the platform has obtained verified
25 parental consent.

26 (c) A social media platform shall implement age-verification
27 measures to determine whether an individual seeking to create or access an
28 account is a minor. Such measures shall:

29 (1) Be designed to reliably determine age;

30 (2) minimize the collection and retention of personal data; and

31 (3) not require retention of government-issued identification beyond
32 the time necessary to verify age.

33 (d) If a social media platform determines that an existing account
34 holder is a minor, the platform shall:

35 (1) Provide notice to the account holder; and

1 (2) suspend access to the account unless such social media platform
2 obtains verified parental consent within a reasonable time.

3 (e) A parent or legal guardian who provides verified parental consent
4 under this section may:

5 (1) Revoke consent at any time; and

6 (2) request for the deletion of the minor's account.

7 (f) (1) A knowing violation of this section shall constitute a deceptive
8 act pursuant to the Kansas consumer protection act, K.S.A. 50-623 et seq.,
9 and amendments thereto. For purposes of the remedies and penalties
10 provided by the Kansas consumer protection act:

11 (A) The person alleging a violation of this section shall be deemed a
12 consumer, and the social media platform that violates this section shall be
13 deemed the supplier; and

14 (B) proof of a consumer transaction shall not be required.

15 (2) The attorney general shall adopt rules and regulations as
16 necessary for the administration of this section.

17 (3) The provisions of this section shall be enforced exclusively by the
18 attorney general.

19 (g) Nothing in this section shall be construed to limit the authority of
20 a school district to regulate student use of personal devices or social media
21 during instructional time.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.