General Assembly

Raised Bill No. 1295

January Session, 2025

LCO No. **4634**

Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND ONLINE SERVICES, PRODUCTS AND FEATURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

(1) "Consumer" means an individual who is a resident of this state and a user of a social media platform;

(2) "Cyberbullying" means any unwanted and aggressive behavior on a social media platform;

(3) "Mental health services" has the same meaning as provided in section 19a-498c of the general statutes;

(4) "Owner" means the person who owns a social media platform;

(5) "Person" means an individual, association, corporation, limited liability company, partnership, trust or other legal entity; and

(6) "Social media platform" has the same meaning as provided in section 42-528 of the general statutes.

(b) Not later than January 1, 2026, each owner of a social media platform shall incorporate an online safety center into the social media platform. Each online safety center shall, at a minimum, provide the consumers who use such social media platform with:

(1) Resources for the purposes of (A) preventing cyberbullying on such social media platform, and (B) enabling any consumer to identify any means available to such consumer to obtain mental health services, including, but not limited to, an Internet web site address or telephone number where such consumer may obtain mental health services for the treatment of an anxiety disorder or the prevention of suicide;

(2) An explanation of such social media platform's mechanism for reporting harmful or unwanted behavior, including, but not limited to, cyberbullying, on such social media platform; and

(3) Educational information concerning the impact that social media platforms have on users' mental health.

(c) Not later than January 1, 2026, each owner of a social media platform shall establish a cyberbullying policy for the social media platform. Such policy shall, at a minimum, set forth the manner in which such owner handles reports of cyberbullying on such social media platform.

Sec. 2. Section 42-529 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

For the purposes of this section and sections 42-529a to 42-529e, inclusive, as amended by this act:

(1) "Adult" means any individual who is at least eighteen years of age;

(2) "Consent" has the same meaning as provided in section 42-515;

(3) "Consumer" has the same meaning as provided in section 42-515;

(4) "Controller" has the same meaning as provided in section 42-515;

(5) "Heightened risk of harm to minors" means processing minors' personal data in a manner that presents any reasonably foreseeable risk of (A) any unfair or deceptive treatment of, or any unlawful disparate impact on, minors, (B) any financial, physical or reputational injury to minors, **[**or**]** (C) any physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of minors if such intrusion would be offensive to a reasonable person, or (D) any harm to the physical or mental health of minors;

(6) "HIPAA" has the same meaning as provided in section 42-515;

(7) "Minor" means any consumer who is younger than eighteen years of age;

(8) "Online service, product or feature" means any service, product or feature that is provided online. "Online service, product or feature" does not include any (A) telecommunications service, as defined in 47 USC 153, as amended from time to time, (B) broadband Internet access service, as defined in 47 CFR 54.400, as amended from time to time, or (C) delivery or use of a physical product;

(9) "Person" has the same meaning as provided in section 42-515;

(10) "Personal data" has the same meaning as provided in section 42-515;

(11) "Precise geolocation data" has the same meaning as provided in section 42-515;

(12) "Process" and "processing" have the same meaning as provided in section 42-515;

(13) "Processor" has the same meaning as provided in section 42-515;

(14) "Profiling" has the same meaning as provided in section 42-515;

(15) "Protected health information" has the same meaning as provided in section 42-515;

(16) "Sale of personal data" has the same meaning as provided in section 42-515;

(17) "Targeted advertising" has the same meaning as provided in section 42-515; and

(18) "Third party" has the same meaning as provided in section 42-515.

Sec. 3. Subsections (b) and (c) of section 42-529a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(b) (1) Subject to the consent requirement established in subdivision (3) of this subsection, no controller that offers any online service, product or feature to consumers whom such controller has actual knowledge, or wilfully disregards, are minors shall **[**: (A) Process**]** process any minor's personal data: **[**(i) for**]** (A) For the purposes of **[**(I)**]** (i) targeted advertising, **[**(II)**]** (ii) any sale of personal data, or **[**(III)**]** (iii) profiling in furtherance of any fully automated decision made by such controller that produces any legal or similarly significant effect concerning the provision or denial by such controller of any financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunity, health care services or access to essential goods or services; **[**, (ii)**]** (B) unless such processing is reasonably necessary to provide such online service, product or feature; **[**, (iii)**]** (C) for any processing purpose **[**(I)**]** (i) other than the processing purpose that the controller disclosed at the time such controller collected such personal data, or **[**(II)**]** (ii) that is reasonably necessary for, and compatible with, the processing purpose described in subparagraph **[**(A)(iii)(I)**]** (C)(i) of this subdivision; **[**,**]** or **[**(iv)**]** (D) for longer than is reasonably necessary to provide such online service, product or feature. **[**; or (B) use any system design feature to

significantly increase, sustain or extend any minor's use of such online service, product or feature.**]** The provisions of this subdivision shall not apply to any service or application that is used by and under the direction of an educational entity, including, but not limited to, a learning management system or a student engagement program.

(2) Subject to the consent requirement established in subdivision (3) of this subsection, no controller that offers an online service, product or feature to consumers whom such controller has actual knowledge, or wilfully disregards, are minors shall collect a minor's precise geolocation data unless: (A) Such precise geolocation data is reasonably necessary for the controller to provide such online service, product or feature and, if such data is necessary to provide such online service, product or feature, such controller may only collect such data for the time necessary to provide such online service, product or feature; and (B) the controller provides to the minor a signal indicating that such controller is collecting such precise geolocation data, which signal shall be available to such minor for the entire duration of such collection.

(3) No controller shall engage in the activities described in subdivisions (1) and (2) of this subsection unless the controller obtains the minor's consent or, if the minor is younger than thirteen years of age, the consent of such minor's parent or legal guardian. A controller that complies with the verifiable parental consent requirements established in the Children's Online Privacy Protection Act of 1998, 15 USC 6501 et seq., and the regulations, rules, guidance and exemptions adopted pursuant to said act, as said act and such regulations, rules, guidance and exemptions may be amended from time to time, shall be deemed to have satisfied any requirement to obtain parental consent under this subdivision.

(c) (1) No controller that offers any online service, product or feature to consumers whom such controller has actual knowledge, or wilfully disregards, are minors shall: (A) Provide any consent mechanism that is designed to substantially subvert or impair, or is manipulated with the

effect of substantially subverting or impairing, user autonomy, decision-making or choice; **[**or**]** (B) except as provided in subdivision (2) of this subsection, offer any direct messaging apparatus for use by minors **[**without providing**]** unless (i) such controller provides readily accessible and easy-to-use safeguards to limit the ability of adults to send unsolicited communications to minors with whom they are not connected, and (ii) such online service, product or feature includes a default setting that prevents adults from sending unsolicited communications to minors with whom they are not connected; or (C) except as provided in subdivision (3) of this subsection, use any system design feature to significantly increase, sustain or extend any minor's use of such online service, product or feature.

(2) The provisions of subparagraph (B) of subdivision (1) of this subsection shall not apply to services where the predominant or exclusive function is: (A) Electronic mail; or (B) direct messaging consisting of text, photos or videos that are sent between devices by electronic means, where messages are (i) shared between the sender and the recipient, (ii) only visible to the sender and the recipient, and (iii) not posted publicly.

(3) The provisions of subparagraph (C) of subdivision (1) of this subsection shall not apply to any service or application that is used by and under the direction of an educational entity, including, but not limited to, a learning management system or a student engagement program.

Sec. 4. Subsection (e) of section 42-529b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(e) If any controller conducts a data protection assessment pursuant to subsection (a) of this section and determines that the online service, product or feature that is the subject of such assessment poses a heightened risk of harm to minors, such controller shall establish and

implement a plan to mitigate or eliminate such risk. The Attorney General may require a controller to disclose to the Attorney General a plan established and implemented pursuant to this subsection if the plan is relevant to an investigation conducted by the Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	New section
Sec. 2	*October 1, 2025*	42-529
Sec. 3	*October 1, 2025*	42-529a(b) and (c)
Sec. 4	*October 1, 2025*	42-529b(e)

Statement of Purpose:

To (1) require the owner of a social media platform to incorporate an online safety center into, and establish a cyberbullying policy for, the owner's social media platform, (2) redefine "heightened risk of harm to minors" to include processing minors' personal data in a manner that presents any reasonably foreseeable risk of harm to minors' physical or mental health, and (3) require the controller of an online service, product or feature that is offered to minors to (A) include a default setting in such service, product or feature to prevent adults from sending unsolicited communications to minors, (B) not use any system design feature to significantly increase, sustain or extend minors' use of such service, product or feature, and (C) disclose to the Attorney General a plan established and implemented to mitigate or eliminate any heightened risk of harm to minors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]