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## **OLR Bill Analysis**

### **HB 5474**

#### ***AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND MINORS.***

#### **SUMMARY**

This bill adds additional protection for minors using social media platforms by (1) requiring platform owners, by January 1, 2026, to incorporate an online safety center and establish a cyberbullying policy for handling cyber bullying reports on the platform and (2) expanding the Connecticut Data Privacy Act to include additional safeguards (e.g., avoiding harm to a minor’s physical or mental health).

The bill requires controllers (entities that determine the purpose and means of processing personal data) with consumers under age 18 (minor consumers) to (1) use reasonable care to avoid causing any harm to the minor’s physical or mental health and (2) conduct a data protection assessment for any online service, product, or feature that addresses these harms and correct the risk.

It requires any online service, product, or feature that includes direct messaging for minors to have a default setting that prevents adults from sending unsolicited communications to minors they are not connected to.

EFFECTIVE DATE: October 1, 2025

#### **§ 1 — SOCIAL MEDIA PLATFORM OWNER REQUIREMENTS**

##### ***Online Safety Center***

The bill requires each social media platform owner, starting January 1, 2026, to incorporate an online safety center into the platform. Each online safety center must at least give consumers who use the platform:

1. resources for (a) preventing cyberbullying on the platform and (b) enabling each consumer to identify any means to obtain mental health services, including a website address or telephone

- number to get mental health services to treat an anxiety disorder or suicide prevention;
2. an explanation of the platform’s mechanism for reporting harmful or unwanted behavior, including cyberbullying on the platform; and
  3. educational information about the impact that social media platforms have on users’ mental health.

The bill applies to consumers who live in the state and use the social media platform.

Under law and the bill, a “social media platform” is a public or semi-public internet service or application that:

1. is used by a Connecticut consumer;
2. is primarily intended to connect and allow users to socially interact within the service or application; and
3. enables a user to (a) construct a public or semi-public profile for signing into and using the service or application; (b) populate a public list of other users with whom the user shares a social connection within the service or application; and (c) create or post content seen by other users, including on message boards, in chat rooms, or through a landing page or main feed that also provides the user with content from other users.

A social media platform is not a public or semi-public internet service or application that:

1. exclusively provides e-mail or direct messaging;
2. primarily consists of news, sports, entertainment, interactive video games, electronic commerce, or content preselected by the provider or for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on providing the content; or

3. is used by and under an educational entity's direction, including a learning management system or a student engagement program.

### ***Cyberbullying Policy***

The bill requires each social media platform owner, by January 1, 2026, to establish a cyberbullying policy for the platform with a process for the owner to handle reports of cyberbullying on the platform. Under the bill, cyberbullying is any unwanted and aggressive behavior on a social media platform.

### **§§ 2-4 — PROTECTIONS FOR MINORS USING SOCIAL MEDIA**

The bill expands the Connecticut Data Privacy Act to (1) include additional factors for "heightened risk of harm," (2) require certain default settings for direct messaging, and (3) explicitly prohibit design features that significantly increase usage. It also allows the attorney general to require controllers to disclose certain mitigation plans to him and creates an exception for educational entities for certain prohibited online features.

As under existing law, these provisions apply to controllers that offer online services, products, or features to consumers for whom it has actual knowledge, or willfully disregards knowing, are minors.

By law, an "online service, product, or feature" is any service, product, or feature provided online, but not any (1) telecommunications service, (2) broadband Internet access service, or (3) delivery or use of a physical product.

### ***Heightened Risk of Harm to Minors (§§ 2 & 4)***

Existing law requires a controller with minor consumers to use reasonable care to avoid causing any heightened risk of harm to minors in processing personal data. The bill broadens what constitutes a "heightened risk of harm to minors" to include any reasonably foreseeable risk of harm to the minor's physical or mental health.

As a result, the bill also requires controllers to perform additional data protection assessments for this new risk factor and make and

implement a plan to mitigate or eliminate the risk. Existing law requires each controller with minor consumers to (1) perform a data protection assessment of its online service, product, or feature to address any heightened risk of harm to minors that is a reasonably foreseeable result of offering the online service, product, or feature to minors and (2) make and implement a plan to mitigate or eliminate the risk.

The bill allows the attorney general to require a controller to disclose to him the plan if it is relevant to his investigation.

***Unsolicited Communications to Minors (§ 3)***

The bill prohibits controllers from offering any online service, product, or feature that includes direct messaging to minors unless it includes a default setting that prevents adults from sending unsolicited communications to minors that they are not connected to. Under current law, they only have to provide 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.

***Features Designed to Increase Use (§ 3)***

Current law prohibits a controller from using any system design feature to significantly increase, sustain, or extend the use of an online service, product, or feature, without first getting the minor's consent or, if the minor is younger than age 13, the minor's parent or legal guardian's consent. The bill prohibits this type of feature by removing the ability for someone to consent to the feature.

***Educational Exception (§ 3)***

The bill creates an exception for certain prohibited online services, products, or features for any service or application used by and under the direction of an educational entity, including a learning management system or a student engagement program. These prohibited actions include the direct messages and increased usage provisions described above and providing any consent mechanism designed to substantially subvert or impair, or manipulated with the effect of substantially subverting or impairing, user autonomy, decision-making, or choice.

**BACKGROUND**

***Related Bill***

sHB 6857, favorably reported by the General Law Committee, among other requirements for platforms, requires a platform's default setting to only allow users connected to the minor to view or respond to content the minor posts.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 15    Nay 2    (03/06/2025)