

1 AN ACT relating to the protection of minors.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in this Sections 1 to 6 and 7 of this Act:*

6 *(1) "Account holder" means a person who has or opens an account or a profile to*  
7 *use a social media company's platform;*

8 *(2) "Interactive computer service" has the same meaning as in 47 U.S.C. sec.*  
9 *230(f)(2);*

10 *(3) "Minor" means an individual who is under the age of eighteen (18) and who is*  
11 *not emancipated;*

12 *(4) "Post" means content that an account holder makes available on a social media*  
13 *platform for other account holders or users to view;*

14 *(5) "Social media company" means a person or entity that:*

15 *(a) Provides a social media platform; and*

16 *(b) Is an interactive computer service;*

17 *(6) "Social media platform" means:*

18 *(a) A website or application that is open to the public, allows a user to create an*  
19 *account, and enables users to do all of the following:*

20 *1. Interact socially with other users within the confines of the website or*  
21 *application;*

22 *2. Construct a public or semipublic profile for the purpose of signing*  
23 *into and using the website or application;*

24 *3. Populate a list of other users with whom an individual shares or has*  
25 *the ability to share a social connection within the website or*  
26 *application;*

27 *4. Create or post content viewable by others, including on message*

1                   boards, chat rooms, video channels, direct or private messages, or  
 2                   chats, or on a landing page or main feed that presents the user with  
 3                   content generated by other users; and

4           **(b) Does not include:**

5                   1. A broadband internet access service as defined by the Federal  
 6                   Communications Commission;

7                   2. An electronic mail service;

8                   3. A search engine service;

9                   4. A cloud storage or cloud computing service;

10                  5. An online service, application, or website in which interaction between  
 11                  users is limited to reviewing products offered for sale by electronic  
 12                  commerce or commenting on reviews posted by other users; or

13                  6. An online service, application, or website:  
 14                    a. That consists primarily of information or content that is not  
 15                    user-generated but is preselected by the provider; and  
 16                    b. For which any chat, comments, or interactive functionality is  
 17                    incidental to, directly related to, or dependent upon the provision  
 18                    of the content described by subdivision a. of this subparagraph;  
 19                    and

20                  (7) "User" means a person who has access to view all, or some of, the posts on a  
 21                  social media platform, but is not an account holder.

22                  ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
 23 READ AS FOLLOWS:

24                  (1) (a) A social media company shall perform reasonable age verification of an  
 25                  existing or new account holder, and if the existing or new account holder is  
 26                  a minor, confirm that the minor has obtained parental consent as required  
 27                  under subsection (2) of this section for:

- 1           1. A new account, at the time the person opens the account; or  
2           2. An account holder who has not provided age verification as required  
3           under this section within fourteen (14) days of the account holder's  
4           attempt to access the account.

5           (b) If an account holder fails to meet the verification requirements of this  
6           subsection within the required time period, the social media company shall  
7           deny access to the account:

- 8           1. Upon the expiration of the time period; and  
9           2. Until all verification requirements are met.

10          (c) Reasonable age verification shall not consist solely of a user's affirmation  
11          of his or her age. A social media platform or third party shall offer as many  
12          of the following types of authentications as is feasible and efficient:

- 13          1. A digitized identification card, including a digital copy of a driver's  
14          license;  
15          2. Government-issued identification;  
16          3. Financial documents or other documents that are reliable proxies for  
17          age; or  
18          4. Any other reliable age authentication method.

19          (d) Reasonable age verification may be conducted by a trusted third party other  
20          than the social media company to verify age and consent and may employ  
21          cryptographic techniques such as zero-knowledge proofs to preserve  
22          anonymity and protect privacy.

23          (2) (a) A social media company shall not permit a minor user to be an account  
24          holder on the social media platform unless the social media company has  
25          obtained valid consent from a parent or guardian of the minor to open an  
26          account under this section.

27          (b) Valid consent shall include:



1        *this Act with the Attorney General.*

2        *(2) The Attorney General shall investigate a consumer complaint to determine*  
3        *whether a violation of Section 2 of this Act has occurred.*

4        ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO  
5        READ AS FOLLOWS:

6        *(1) The Attorney General has the exclusive authority to administer and enforce the*  
7        *requirements of Sections 1 to 6 of this Act.*

8        *(2) Except as provided under subsection (3) of this section, the Attorney General*  
9        *may:*

10        *(a) Impose an administrative fine of up to two thousand five hundred dollars*  
11        *(\$2,500) for each violation of Section 2 of this Act; and*

12        *(b) Bring an action in a court of competent jurisdiction to enforce Section 2 of*  
13        *this Act.*

14        *(3) (a) At least thirty (30) days before the Attorney General initiates an*  
15        *enforcement action under this section, the Attorney General shall provide*  
16        *the social media company with:*

17        *1. Written notice that identifies each alleged violation; and*

18        *2. An explanation of the basis for each allegation.*

19        *(b) Except as provided under paragraph (c) of this subsection, the Attorney*  
20        *General shall not initiate an action if the social media company:*

21        *1. Cures the violation within thirty (30) days after the social media*  
22        *company receives the notice described in paragraph (a) of this*  
23        *subsection; and*

24        *2. Provides the Attorney General with a written statement that:*

25        *a. The social media company has cured the violation; and*

26        *b. No further violation will occur.*

27        *(c) The Attorney General may initiate a civil action against a social media*

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company that:

1. Fails to cure a violation after receiving the notice described in paragraph (a) of this subsection; or
2. After curing a violation and providing a written statement in accordance with paragraph (b)2. of this subsection, commits another violation of the same provision of Section 2 of this Act.

(4) In an action by the Attorney General to enforce Section 2 of this Act, the court may:

- (a) Declare that the act or practice violates Section 2 of this Act;
- (b) Grant injunctive relief for a violation of Section 2 of this Act;
- (c) Order any profits, gains, gross receipts, or benefit procured from a violation of Section 2 of this Act to be forfeited and paid to the injured user or account holder;
- (d) Impose a civil penalty of up to two thousand five hundred dollars (\$2,500) for each violation of Section 2 of this Act;
- (e) Award actual damages to the injured user or account holder; or
- (f) Award any other relief that the court deems reasonable and necessary.

(5) If a court of competent jurisdiction enters an order granting injunctive or other relief to the Attorney General, the court shall award the Attorney General:

- (a) Reasonable attorney's fees;
- (b) Court costs; and
- (c) Investigative costs and fees.

(6) (a) If a social media company does not comply with a court order or an administrative order issued by the Attorney General for a violation of Section 2 of this Act, the social media company shall be subject to an additional civil penalty of up to five thousand dollars (\$5,000) for each violation.



- 1        (b) The retention of any identifying information of any individual, age-  
2        verification information, or parental consent or parental consent revocation  
3        information that a user or parent or guardian of a user provided to either a  
4        social media company or a third party pursuant to Section 2 of this Act,  
5        after access to the social media platform was granted; or  
6        (c) Unless otherwise required by law, the disclosure of any identifying  
7        information of any individual, age-verification information, or parental  
8        consent or parental consent revocation information that a user or parent or  
9        guardian of a user provided to either a social media company or a third  
10       party pursuant to Section 2 of this Act.