

State of Tennessee

PUBLIC CHAPTER NO. 899

HOUSE BILL NO. 1891

By Representatives Lamberth, Cochran, McCalmon, Whitson, Wright, Hardaway, Richey, Burkhart, Howell, Terry, Littleton, Alexander, Davis, Sherrell, Moody

Substituted for: Senate Bill No. 2097

By Senators Johnson, Watson, Lowe, Jackson, Bailey, Crowe, Hensley, Niceley, Pody, Reeves, Rose, Stevens, Walley, White

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, relative to protecting minors from social media.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-5701. Short title.

This part is known and may be cited as the "Protecting Children from Social Media Act."

47-18-5702. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Account holder" means a person who has an account or profile to use a social media company's platform, with such account or profile having been created on or after January 1, 2025;
 - (2) "Content":
 - (A) Means text, image, or video; and
 - (B) Does not include interactive gaming or educational entertainment:
 - (3) "Interactive computer service":
 - (A) Means an information service, as defined in 47 U.S.C. § 153, information system, or information access software that:
 - (i) Provides or enables access by multiple users to a computer server; and
 - (ii) Provides access to the internet; and
 - (B) Includes an internet service, an internet system, a website, an internet application, and an internet portal;
 - (4) "Minor" means an individual who is:
 - (A) Known or reasonably believed by a social media platform to be under eighteen (18) years of age;
 - (B) Not emancipated; and
 - (C) A resident of this state;

- (5) "Parent" means the parent, guardian, or person who has custody of, or person who has caregiving authority over, the minor;
 - (6) "Person" means an individual or entity;
- (7) "Post" means content that an account holder makes available on a social media platform for other account holders and users to consume;
- (8) "Social media company" means a person that is an interactive computer service and that provides a social media platform;
 - (9) "Social media platform":
 - (A) Means a website or internet application that:
 - (i) Allows a person to create an account; and
 - (ii) Enables an account holder to communicate with other account holders and users through posts; and
 - (B) Does not include:
 - (i) A broadband internet access service, as defined in 47 CFR § 8.1(b);
 - (ii) An email service;
 - (iii) An internet service, internet application, or website:
 - (a) That consists primarily of content that is not generated by account holders, but rather is preselected by the service, application, or website provider; and
 - (b) For which interactive functionality is incidental to, directly related to, or dependent upon, the preselected content described in subdivision (9)(B)(iii)(a);
 - (iv) Online shopping, if the interaction with other account holders or users is predominantly limited to the ability to send, receive, request, or settle funds, comment on transactions, display goods for sale, engage as consumers about products and reviews, or post a wish list;
 - (v) An internet service, internet application, or website that primarily provides career development opportunities;
 - (vi) A cloud storage or cloud computing service;
 - (vii) An online service, application, or website in which interaction between users is predominately used for technical support, or limited to reviewing products offered for sale by electronic commerce or commenting on such reviews posted by other users; or
 - (viii) Peer-to-peer payment platforms, if the interaction with other users or account holders is generally limited to the ability to send, receive, or request funds and to like or comment on such transactions, or other functions that are focused on sending, receiving, requesting, or settling payments between users or account holders; and
- (10) "User" means a person who consumes posts on a social media platform, but is not an account holder.

47-18-5703. Age requirements for use of social media platforms.

(a)

(1) A social media company shall verify the age of an individual who attempts to become an account holder, at the time the individual attempts to become an account holder.

(2)

- (A) If the individual is a minor, then the social media company must verify the express parental consent for the minor to become an account holder.
- (B) A social media company shall prohibit a minor from becoming an account holder unless the social media company has the express consent of the minor's parent to allow the minor to become an account holder.
- (3) Once age and parental consent, if applicable, have been verified to confirm that an individual may become an account holder, then the social media company is not required to reverify the individual's age and parental consent, unless parental consent is revoked.
- (b) A social media company shall allow a parent to revoke consent for a minor to become or continue as an account holder.
- (c) A social media company or third party shall not retain personally identifying information that was used to verify age or parental consent.

47-18-5704. Parental supervision.

A social media company shall provide a minor account holder's parent with means for the parent to supervise the minor's account. Such means must include options for the parent to view privacy settings on the account, set daily time restrictions, and implement breaks during which the minor cannot access the account.

47-18-5705. Enforcement.

- (a) If the attorney general and reporter believes that a social media company is engaged in, has engaged in, or is about to engage in an act or practice prohibited by this part and that proceedings would be in the public interest, then the attorney general and reporter may:
 - (1) Conduct an investigation in the same manner as provided in § 47-18-106; and
 - (2) Bring an action in the same manner as provided in § 47-18-108; in any such action, the attorney general and reporter may recover the penalties and other relief authorized under § 47-18-108.
- (b) The powers and remedies provided in this section are cumulative and supplementary to all other powers and remedies otherwise provided by law. The invocation of one (1) power or remedy in this part does not exclude or prohibit the use of another available remedy.

47-18-5706. Waiver prohibited.

- (a) A waiver or limitation, or a purported waiver or limitation, of the following is void as unlawful and against public policy:
 - (1) A protection or requirement provided under this part; and
 - (2) The right to cooperate with the attorney general and reporter or another law enforcement agency.

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(b) A court, arbitrator, or tribunal shall not enforce or give effect to a waiver or limitation described in subsection (a), notwithstanding a contract or choice of law provision in a contract.

SECTION 2. This act takes effect January 1, 2025, the public welfare requiring it.

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PASSED:	April 15,	2024	

CAMERON SEXTON, SPEAKER **HOUSE OF REPRESENTATIVES**

APPROVED this 2rd day of Muy ___ 2024

BILL LEE, GOVERNOR