

HOUSE BILL 254

I3, F1

3lr1219

By: **Delegates Fraser–Hidalgo, Love, and Barve**

Introduced and read first time: January 25, 2023

Assigned to: Economic Matters and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Social Media Regulation and Safety for Children**

3 FOR the purpose of regulating children’s social media accounts on large social media
4 platforms in the State; requiring the State Board of Education to encourage each
5 county board to incorporate certain lessons on digital citizenship and social media
6 safety into the county’s curriculum; establishing the Digital Citizenship Fund within
7 the Department of Education; and generally relating to social media regulation and
8 digital citizenship curriculum.

9 BY adding to

10 Article – Commercial Law

11 Section 14–4501 through 14–4508 to be under the new subtitle “Subtitle 45. Large
12 Social Media Platforms”

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2022 Supplement)

15 BY adding to

16 Article – Education

17 Section 7–452

18 Annotated Code of Maryland

19 (2022 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Commercial Law**

23 **SUBTITLE 45. LARGE SOCIAL MEDIA PLATFORMS.**

24 **14–4501.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "AUTHORIZED MINOR" MEANS A CHILD AT LEAST 13 YEARS OLD AND
4 UNDER THE AGE OF 18 YEARS.

5 (C) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

6 (D) (1) "LARGE SOCIAL MEDIA PLATFORM" MEANS A SERVICE PROVIDED
7 TO THE PUBLIC THROUGH AN INTERNET WEBSITE OR A MOBILE APPLICATION THAT:

8 (I) INCLUDES FEATURES THAT ALLOW A CHILD TO SHARE
9 IMAGES, TEXT, OR VIDEO THROUGH THE INTERNET WITH OTHER USERS OF THE
10 SERVICE WHOM THE CHILD HAS MET, IDENTIFIED, OR BECOME AWARE OF SOLELY
11 THROUGH THE USE OF THE SERVICE; AND

12 (II) HAS MORE THAN 1,000,000 MONTHLY ACTIVE USERS IN THE
13 UNITED STATES OR GENERATES MORE THAN \$500,000,000 IN ANNUAL GROSS
14 REVENUE, ADJUSTED ANNUALLY FOR INFLATION.

15 (2) "LARGE SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE A
16 SERVICE THAT IS PRIMARILY USED FOR:

17 (I) THE SALE OR PROVISION OF PROFESSIONAL SERVICES;

18 (II) THE SALE OF COMMERCIAL PRODUCTS; OR

19 (III) IF THE SERVICE DOES NOT INCLUDE THE ABILITY FOR
20 CONTENT TO BE SENT BY A USER DIRECTLY TO A CHILD, THE PROVISION OF NEWS
21 OR INFORMATION.

22 (E) "UNAUTHORIZED MINOR" MEANS A CHILD UNDER THE AGE OF 13
23 YEARS.

24 (F) (1) "USER DATA" MEANS INFORMATION OR CONTENT THAT IS
25 CREATED BY OR SENT TO A CHILD ON OR THROUGH THE CHILD'S SOCIAL MEDIA
26 ACCOUNT.

27 (2) "USER DATA" INCLUDES IMAGES, VIDEO, AUDIO, AND TEXT.

28 14-4502.

1 **THIS SUBTITLE DOES NOT APPLY TO:**

2 **(1) A LARGE SOCIAL MEDIA PLATFORM THAT DOES NOT PROHIBIT**
3 **THE USE OF THE SERVICE BY A CHILD IN THE PLATFORM’S TERMS OF SERVICE OR**
4 **TERMS OF USE;**

5 **(2) A SOCIAL MEDIA ACCOUNT ON A LARGE SOCIAL MEDIA PLATFORM**
6 **THAT IS PRIVATE AND NOT VIEWABLE BY THE PUBLIC; OR**

7 **(3) A SOCIAL MEDIA ACCOUNT OF A CHILD WHO RESIDES OUTSIDE**
8 **THE STATE.**

9 **14-4503.**

10 **(A) AN AUTHORIZED MINOR MAY CREATE OR OPERATE A PUBLIC SOCIAL**
11 **MEDIA ACCOUNT ADMINISTERED BY A LARGE SOCIAL MEDIA PLATFORM.**

12 **(B) AN UNAUTHORIZED MINOR MAY NOT CREATE OR OPERATE A PUBLIC**
13 **SOCIAL MEDIA ACCOUNT ADMINISTERED BY A LARGE SOCIAL MEDIA PLATFORM.**

14 **14-4504.**

15 **(A) EACH LARGE SOCIAL MEDIA PLATFORM SHALL IDENTIFY AND REMOVE**
16 **ALL PUBLIC SOCIAL MEDIA ACCOUNTS CREATED OR OPERATED BY UNAUTHORIZED**
17 **MINORS AND DELETE ALL ASSOCIATED USER DATA.**

18 **(B) (1) IF A PARENT OR GUARDIAN OF AN UNAUTHORIZED MINOR**
19 **DETERMINES THAT THE UNAUTHORIZED MINOR HAS CREATED OR OPERATES A**
20 **PUBLIC SOCIAL MEDIA ACCOUNT ON A LARGE SOCIAL MEDIA PLATFORM, THE**
21 **PARENT OR GUARDIAN MAY NOTIFY THE LARGE SOCIAL MEDIA PLATFORM OF THIS**
22 **FACT.**

23 **(2) IF A LARGE SOCIAL MEDIA PLATFORM IS NOTIFIED IN**
24 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE LARGE SOCIAL**
25 **MEDIA PLATFORM SHALL REMOVE THE PUBLIC SOCIAL MEDIA ACCOUNT OF THE**
26 **UNAUTHORIZED MINOR AND DELETE ALL ASSOCIATED USER DATA WITHIN 24 HOURS**
27 **AFTER BEING NOTIFIED BY THE PARENT OR GUARDIAN.**

28 **(C) (1) EACH LARGE SOCIAL MEDIA PLATFORM SHALL ALLOW ANY**
29 **UNAUTHORIZED MINORS WHO CREATED OR OPERATED A PUBLIC SOCIAL MEDIA**
30 **ACCOUNT ON THE LARGE SOCIAL MEDIA PLATFORM BEFORE OCTOBER 1, 2023, TO**
31 **DELETE THE UNAUTHORIZED MINOR’S USER DATA FROM THE LARGE SOCIAL MEDIA**
32 **PLATFORM.**

1 **(2) (I) EACH LARGE SOCIAL MEDIA PLATFORM SHALL NOTIFY ALL**
2 **UNAUTHORIZED MINORS THAT UNAUTHORIZED MINORS MAY DELETE ALL USER**
3 **DATA FROM THE LARGE SOCIAL MEDIA PLATFORM.**

4 **(II) THE NOTIFICATION REQUIRED BY SUBPARAGRAPH (I) OF**
5 **THIS PARAGRAPH SHALL BE IN WRITING AND PROVIDE DETAILED INSTRUCTIONS**
6 **FOR HOW TO DELETE USER DATA FROM THE LARGE SOCIAL MEDIA PLATFORM.**

7 **14-4505.**

8 **(A) EACH LARGE SOCIAL MEDIA PLATFORM SHALL ALLOW THE PARENTS OR**
9 **GUARDIANS OF AN AUTHORIZED MINOR TO CREATE A JOINT SOCIAL MEDIA ACCOUNT**
10 **WITH THE AUTHORIZED MINOR.**

11 **(B) ON REQUEST A LARGE SOCIAL MEDIA PLATFORM SHALL PROVIDE A**
12 **PARENT OR LEGAL GUARDIAN WHO HAS A JOINT ACCOUNT WITH AN AUTHORIZED**
13 **MINOR WITH ALL USER DATA FROM THE ACCOUNT.**

14 **14-4506.**

15 **(A) ON OR BEFORE APRIL 1, 2024, AND EVERY 6 MONTHS THEREAFTER,**
16 **EACH LARGE SOCIAL MEDIA PLATFORM SHALL SUBMIT A REPORT TO THE ATTORNEY**
17 **GENERAL OUTLINING THE LARGE SOCIAL MEDIA PLATFORM'S PROGRESS IN**
18 **IDENTIFYING AND REMOVING SOCIAL MEDIA ACCOUNTS CREATED OR OPERATED BY**
19 **UNAUTHORIZED MINORS.**

20 **(B) A LARGE SOCIAL MEDIA PLATFORM THAT DOES NOT SUBMIT A**
21 **PROGRESS REPORT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IS**
22 **SUBJECT TO A FINE NOT EXCEEDING \$5,000,000 FOR EACH MISSED REPORTING**
23 **DEADLINE.**

24 **(C) ALL FINES COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED**
25 **INTO THE DIGITAL CITIZENSHIP FUND ESTABLISHED UNDER § 7-452 OF THE**
26 **EDUCATION ARTICLE.**

27 **14-4507.**

28 **(A) A PARENT OR GUARDIAN OF AN UNAUTHORIZED MINOR ALLEGING A**
29 **VIOLATION OF § 14-4504(B)(2) OR (C)(2) OF THIS SUBTITLE WITH RESPECT TO THE**
30 **UNAUTHORIZED MINOR MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST**
31 **THE OFFENDING LARGE SOCIAL MEDIA PLATFORM.**

1 **(B) (1) IF THE COURT FINDS THAT THE LARGE SOCIAL MEDIA PLATFORM**
2 **VIOLATED § 14-4504(B)(2) OF THIS SUBTITLE, THE COURT SHALL ORDER THAT THE**
3 **LARGE SOCIAL MEDIA PLATFORM DISABLE THE UNAUTHORIZED MINOR’S SOCIAL**
4 **MEDIA ACCOUNT AND DELETE ALL OF THE ASSOCIATED USER DATA.**

5 **(2) IF THE COURT FINDS THAT THE LARGE SOCIAL MEDIA PLATFORM**
6 **VIOLATED § 14-4504(C)(2) OF THIS SUBTITLE:**

7 **(I) THE COURT SHALL ORDER THE LARGE SOCIAL MEDIA**
8 **PLATFORM TO PROVIDE THE USER DATA ASSOCIATED WITH THE UNAUTHORIZED**
9 **MINOR’S SOCIAL MEDIA ACCOUNT TO THE PARENT OR GUARDIAN OF THE**
10 **UNAUTHORIZED MINOR; AND**

11 **(II) THE LARGE SOCIAL MEDIA COMPANY SHALL BE SUBJECT TO**
12 **A FINE OF \$100,000 PER VIOLATION, WHICH SHALL BE DEPOSITED INTO THE**
13 **DIGITAL CITIZENSHIP FUND ESTABLISHED UNDER § 7-452 OF THE EDUCATION**
14 **ARTICLE.**

15 **14-4508.**

16 **THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
17 **SUBTITLE.**

18 **Article – Education**

19 **7-452.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “DIGITAL CITIZENSHIP” MEANS THE ABILITY TO SAFELY AND**
23 **RESPONSIBLY ACCESS DIGITAL TECHNOLOGIES AND PARTICIPATE IN ONLINE**
24 **PLATFORMS WITH RESPECT AND SECURITY.**

25 **(3) “FUND” MEANS THE DIGITAL CITIZENSHIP FUND.**

26 **(B) THE STATE BOARD SHALL ENCOURAGE EACH COUNTY BOARD TO**
27 **INCORPORATE AGE-APPROPRIATE LESSONS ON DIGITAL CITIZENSHIP AND SOCIAL**
28 **MEDIA SAFETY INTO THE COUNTY BOARD’S CURRICULUM.**

29 **(C) (1) THERE IS A DIGITAL CITIZENSHIP FUND.**

1 **(2) THE PURPOSE OF THE FUND IS TO ASSIST COUNTY BOARDS WITH**
2 **INVESTING IN DIGITAL CITIZENSHIP PROGRAMS AND CURRICULUM.**

3 **(3) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

4 **(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
5 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6 **(II) THE STATE TREASURER SHALL HOLD THE FUND**
7 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

8 **(5) THE FUND CONSISTS OF:**

9 **(I) REVENUE DISTRIBUTED TO THE FUND UNDER § 14-4506 OF**
10 **THE COMMERCIAL LAW ARTICLE;**

11 **(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
12 **FUND; AND**

13 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
14 **FOR THE BENEFIT OF THE FUND.**

15 **(6) THE FUND MAY BE USED ONLY FOR:**

16 **(I) INVESTING IN DIGITAL CITIZENSHIP PROGRAMS AND**
17 **CURRICULUM; AND**

18 **(II) ADMINISTRATIVE EXPENSES.**

19 **(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
20 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

21 **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**
22 **CREDITED TO THE GENERAL FUND OF THE STATE.**

23 **(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
24 **ACCORDANCE WITH THE STATE BUDGET.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2023.