



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 78 be amended to read as follows:

- 1 Page 6, between lines 36 and 37, begin a new paragraph and insert:
- 2 "SECTION 3. IC 24-16 IS ADDED TO THE INDIANA CODE AS
- 3 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2027]:
- 5 **ARTICLE 16. SOCIAL MEDIA PROVIDERS**
- 6 **Chapter 1. Applicability**
- 7 **Sec. 1. This article does not apply to an adolescent who is legally**
- 8 **emancipated.**
- 9 **Chapter 2. Definitions**
- 10 **Sec. 1. The definitions in this chapter apply throughout this**
- 11 **article.**
- 12 **Sec. 2. "Adolescent" means an individual who is less than**
- 13 **seventeen (17) years of age.**
- 14 **Sec. 3. "Daily active users" means the unique users in the**
- 15 **United States who:**
- 16 **(1) used a particular online forum, website, or application at**
- 17 **least eighty percent (80%) of the days during the previous**
- 18 **twelve (12) months; or**
- 19 **(2) if the online forum, website, or application did not exist**
- 20 **during all of the previous twelve (12) months, used the**
- 21 **particular online forum, website, or application at least eighty**
- 22 **percent (80%) of the days during the previous month.**

1 **Sec. 4. "Linked account", with respect to a user's account with**
2 **a social media provider, means another account with the social**
3 **media provider that the user has designated, through a means**
4 **provided by the social media provider, as an account:**

- 5 (1) from which the user wishes to receive content;
6 (2) from which the user wishes the social media provider to
7 include in recommendations for content provided to the user
8 by the social media provider; or
9 (3) with which the user wishes to associate the user's account.

10 **Sec. 5. (a) "Social media provider" means an online forum,**
11 **website, or application that satisfies the following criteria:**

12 (1) Functions primarily to enable registered users to upload
13 content, or access content uploaded or shared by other
14 registered users, through the online forum, website, or
15 application.

16 (2) Has a user base in which ten percent (10%) or more of the
17 daily active users who are less than seventeen (17) years of age
18 spent an average of two (2) hours per day or longer on the
19 online forum, website, or application when using the online
20 forum, website, or application during:

21 (A) the previous twelve (12) months; or

22 (B) if the online forum, website, or application did not exist
23 during all of the previous twelve (12) months, the previous
24 month.

25 (3) Employs algorithms that analyze user data or information
26 on users to select content for users.

27 (4) Has any of the following addictive features:

28 (A) Continuously loading content, or content that loads as
29 the user scrolls down the page without the need to open a
30 separate page.

31 (B) Seamless content, or the use of pages with no visible or
32 apparent end or page breaks.

33 (C) Display of personal interactive metrics that indicate
34 the number of times other users have clicked a button to
35 indicate their reaction to content or have shared or
36 reposted the content.

37 (D) Autoplay video or video that begins to play without the
38 user first clicking on the video or on a play button for the
39 video.

40 (E) Live streaming or a function that allows a user or
41 advertiser to broadcast live video content in real time.

42 (5) Is owned or operated by a person that collectively with any
43 parent, subsidiary, or affiliate of the person, generated at least
44 one billion dollars (\$1,000,000,000) in gross revenues,
45 worldwide, in one (1) or more of the immediately preceding
46 three (3) years.

47 (b) The term does not include the following:

- 1 (1) An online service, website, or application where the
- 2 exclusive function provides registered users of the service only
- 3 with the ability to send and receive electronic mail or direct
- 4 messaging consisting of text, photographs, pictures, images, or
- 5 videos shared only between the sender and the recipients,
- 6 without displaying or posting the material publicly or to
- 7 others not identified as the recipient by the sender.
- 8 (2) A device manufacturer or application store.
- 9 (3) A communications service provider (as defined in
- 10 IC 8-1-2.6-13(b)).

11 **Sec. 6. "Transactional data" means a sequence of information**
 12 **that documents an exchange, agreement, or transfer between an**
 13 **individual, commercial entity, or third party used for the purpose**
 14 **of satisfying a request or event. The term includes records that**
 15 **relate to a mortgage, education, or employment.**

16 **Sec. 7. "Verifiable parental consent" means verifiable parental**
 17 **consent as defined by 15 U.S.C. 6501(9) that is obtained in**
 18 **conformance with 16 CFR 312.5.**

19 **Chapter 3. Adolescent Use of Social Media**

20 **Sec. 1. A social media provider that receives a request from an**
 21 **Indiana resident for creation of an account with the social media**
 22 **provider shall comply with the following:**

- 23 (1) The social media provider shall use commercially
- 24 reasonable means, such as a neutral age screen mechanism, to
- 25 determine the age and state of residence of the individual
- 26 requesting creation of the account.
- 27 (2) If the social media provider determines under subdivision
- 28 (1) that the individual requesting creation of the account is an
- 29 adolescent, the social media provider may create the account
- 30 only if the social media provider receives verifiable parental
- 31 consent to creation of the account from a parent or legal
- 32 guardian of the adolescent.

33 **Sec. 2. (a) A social media provider shall configure the account**
 34 **as described in subsection (c) of a registered user that the social**
 35 **media provider knows or has reason to know is an:**

- 36 (1) adolescent; and
- 37 (2) Indiana resident.

38 **(b) A social media provider may not allow an adolescent to**
 39 **change or bypass an account configuration described in subsection**
 40 **(c).**

41 **(c) A social media provider shall configure the account of a**
 42 **registered user described in subsection (a) such that the account**
 43 **does not use or provide, and such that the account holder may not**
 44 **activate or access, the following features or functionality of the**
 45 **social media platform:**

- 46 (1) Functionality to receive direct communications other than
- 47 direct communications from an account that the user has

- 1 designated as a linked account.
- 2 **(2) Functionality to appear in the results of a search**
- 3 **conducted by a person through the social media provider's**
- 4 **search utility unless the person holds an account that the user**
- 5 **has designated as a linked account.**
- 6 **(3) Dissemination of:**
- 7 **(A) content;**
- 8 **(B) recommendations for content; or**
- 9 **(C) advertising;**
- 10 **based on patterns of the adolescent's use of the social media**
- 11 **provider.**
- 12 **(4) Addictive features described under IC 24-16-2-5(a)(4).**
- 13 **(d) The social media provider shall provide the adolescent's**
- 14 **parent or legal guardian who provides verifiable parental consent**
- 15 **to the creation of the account with the option to receive a separate**
- 16 **password for the account that allows the parent or legal guardian**
- 17 **to:**
- 18 **(1) monitor the amount of time the adolescent spends using**
- 19 **the social media platform;**
- 20 **(2) set daily and weekly time limits on the adolescent's use of**
- 21 **the social media platform;**
- 22 **(3) set limits on the times of day during which the adolescent**
- 23 **can access the social media platform; and**
- 24 **(4) access the adolescent's account at any time.**
- 25 **Chapter 4. Continuing Age Estimation**
- 26 **Sec. 1. (a) Beginning January 1, 2027, not later than fourteen**
- 27 **(14) days after the first date on which an Indiana account holder**
- 28 **has spent at least twenty-five (25) hours in a single six (6) month**
- 29 **period using a social media provider's social media platform, the**
- 30 **social media provider shall:**
- 31 **(1) make reasonable efforts; and**
- 32 **(2) use reasonable means, taking into consideration the**
- 33 **technology and data available to the social media provider;**
- 34 **to determine the age of the Indiana account holder.**
- 35 **(b) Subject to subsection (d):**
- 36 **(1) if a social media provider knows or has reason to know**
- 37 **that an Indiana account holder is seventeen (17) years of age**
- 38 **or older, the social media provider may consider the Indiana**
- 39 **account holder to not be an adolescent for purposes of this**
- 40 **article; and**
- 41 **(2) if the social media provider knows or has reason to know**
- 42 **that the Indiana account holder is not seventeen (17) years of**
- 43 **age or older, the social media provider shall consider the**
- 44 **Indiana account holder to be an adolescent for purposes of**
- 45 **this article.**
- 46 **(c) Not later than fourteen (14) days after the first date on which**
- 47 **an Indiana account holder has spent at least fifty (50) hours in a**

1 single six (6) month period using a social media provider's social
2 media platform, the social media provider shall determine the age
3 of the Indiana account holder as described under subsection (a) for
4 the purpose of verifying the social media provider's determination
5 of the Indiana account holder's age under subsection (a).

6 (d) Subject to subsection (f):

7 (1) if a social media provider knows or has reason to know
8 that an Indiana account holder is seventeen (17) years of age
9 or older, the social media provider may continue to consider
10 the Indiana account holder to not be an adolescent for
11 purposes of this article; and

12 (2) if the social media provider knows or has reason to know
13 that the Indiana account holder is not seventeen (17) years of
14 age or older, the social media provider shall consider the
15 Indiana account holder to be an adolescent for purposes of
16 this article.

17 (e) Subject to subsection (g), a social media provider shall
18 determine the age of an Indiana account holder with the social
19 media provider's social media platform as described under
20 subsection (a) for the purpose of verifying the social media
21 provider's most recent determination of the Indiana account
22 holder's age:

23 (1) when the Indiana account holder has spent an additional
24 one hundred (100) hours using the social media platform
25 following the date on which the social media provider
26 determines the Indiana account holder's age under subsection
27 (c) and each time the Indiana account holder spends an
28 additional one hundred (100) hours using the social media
29 platform thereafter; and

30 (2) each time the social media provider collects demographic
31 information of any kind regarding the Indiana account
32 holder.

33 (f) Subject to subsection (g):

34 (1) if a social media provider knows or has reason to know
35 that an Indiana account holder is seventeen (17) years of age
36 or older, the social media provider may continue to consider
37 the Indiana account holder to not be an adolescent for
38 purposes of this article; and

39 (2) if the social media provider knows or has reason to know
40 that the Indiana account holder is not seventeen (17) years of
41 age or older, the social media provider shall consider the
42 Indiana account holder to be an adolescent for purposes of
43 this article.

44 (g) Once an Indiana account holder has held an account with a
45 social media provider's social media platform continuously for ten
46 (10) consecutive years, the social media provider may, for purposes
47 of the requirements to be met by a social media provider under this

1 article, consider the Indiana account holder to not be an adolescent
 2 without determining the age of the Indiana account holder under
 3 this section.

4 **Sec. 2. (a) This section applies if:**

5 (1) a social media provider:

6 (A) determines under section 1 of this chapter; or

7 (B) receives information based on which the social media
 8 provider knows or has reason to know;

9 that an Indiana account holder is an adolescent; and

10 (2) the social media provider did not receive verifiable
 11 parental consent under IC 24-16-3-1 for creation of the
 12 account.

13 (b) Not later than seven (7) days after the first date on which
 14 this section applies to the account of an Indiana account holder
 15 under subsection (a), the social media provider shall transmit to
 16 the Indiana account holder notice that the account is subject to
 17 termination due to the account's noncompliance with this article.

18 The notice must include:

19 (1) the requirement under this article with which the account
 20 is noncompliant;

21 (2) notice that the Indiana account holder has thirty (30) days
 22 within which to dispute the social media provider's
 23 determination that the account is noncompliant; and

24 (3) instructions regarding the means under subsection (c) by
 25 which the Indiana account holder may dispute the social
 26 media provider's determination that the account is
 27 noncompliant.

28 (c) A social media provider that provides notice to an Indiana
 29 account holder under subsection (b) shall allow the Indiana
 30 account holder thirty (30) days after the transmission date of the
 31 notice to dispute the social media provider's determination
 32 through:

33 (1) provision of verifiable parental consent from a parent or
 34 legal guardian of the Indiana account holder to the
 35 continuation of the account; or

36 (2) any commercially reasonable method that relies on public
 37 or private transactional data to verify the age of the account
 38 holder.

39 (d) If, not later than thirty (30) days after the transmission date
 40 of a notice transmitted to an Indiana account holder under
 41 subsection (b):

42 (1) a parent or legal guardian of the Indiana account holder
 43 provides the social media provider with verifiable parental
 44 consent to the continuation of the account under subsection
 45 (c)(1); or

46 (2) the Indiana account holder completes an age estimation
 47 process under subsection (c)(2) that results in a determination

1 by the social media provider that the Indiana account holder
 2 is not an adolescent;
 3 the social media provider shall not terminate the account based on
 4 the social media provider's determination under subsection
 5 (a)(1)(A) or the information under subsection (a)(1)(B).

6 (e) If, not later than thirty (30) days after the transmission date
 7 of a notice transmitted to an Indiana account holder under
 8 subsection (b):

9 (1) a parent or legal guardian of the Indiana account holder
 10 does not provide the social media provider with verifiable
 11 parental consent to the continuation of the account under
 12 subsection (c)(1); or

13 (2) the Indiana account holder does not complete an age
 14 estimation process under subsection (c)(2);

15 the social media provider shall terminate the account at the
 16 conclusion of the thirty (30) day period.

17 (f) If:

18 (1) an Indiana account holder who receives a notice under
 19 subsection (b) completes an age estimation process under
 20 subsection (c)(2) not later than thirty (30) days after the
 21 transmission date of the notice; and

22 (2) the age estimation results in a determination by the social
 23 media provider that the Indiana account holder is an
 24 adolescent;

25 the social media provider shall terminate the account not later than
 26 seven (7) days after receiving the results of the age estimation.

27 (g) A social media provider shall make a determination
 28 regarding the results of an Indiana account holder's age estimation
 29 under subsection (c)(2) not later than thirty (30) days after the date
 30 on which the Indiana account holder completes the age estimation
 31 process.

32 (h) A social media provider that receives verifiable parental
 33 consent for the continuation of an account under this section shall
 34 provide the parent or legal guardian with the option to receive a
 35 separate password for the account as described under
 36 IC 24-16-3-2(d).

37 Chapter 5. Use and Retention of Information

38 Sec. 1. A social media provider that receives information from
 39 an individual for the purpose of the individual's provision of
 40 verifiable parental consent to the social media provider:

41 (1) may not use the information for any purpose other than
 42 registering the individual's provision of verifiable parental
 43 consent; and

44 (2) shall, except as necessary to comply with any other
 45 applicable state or federal law or regulation, delete the
 46 information immediately after registering the individual's
 47 provision of verifiable parental consent.

1 **Chapter 6. Enforcement**
2 **Sec. 1. An owner or operator of a social media provider that**
3 **violates this article commits a deceptive act that is actionable by**
4 **the attorney general under IC 24-5-0.5 and that is subject to the**
5 **penalties and remedies available to the attorney general under**
6 **IC 24-5-0.5."**

7 Renumber all SECTIONS consecutively.
 (Reference is to ESB 78 as printed February 18, 2026.)

Representative DeLaney