



SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 199 be amended to read as follows:

- 1 Page 12, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 8. IC 24-4-27 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2026]:
- 5 **Chapter 27. Verifiable Parental Consent for Social Media**
- 6 **Sec. 1. In enacting this chapter, the general assembly finds and**
- 7 **declares that it is the policy of the state to recognize the unique and**
- 8 **evolving risks to the health, safety, and well-being of children who**
- 9 **have unrestricted access to social media. Suicide is the leading**
- 10 **cause of death for children between fourteen (14) and fifteen (15)**
- 11 **years of age and the second leading cause of death for other teens.**
- 12 **Further, twenty percent (20%) of children between twelve (12) and**
- 13 **seventeen (17) years of age suffer from depression. Many experts**
- 14 **have identified a strong correlation between the use of social media**
- 15 **and the increase in suicide and depression among children.**
- 16 **Accordingly, the general assembly finds that it has a compelling**
- 17 **governmental interest to appropriately regulate a child's access to**
- 18 **social media while also recognizing the fundamental rights of free**
- 19 **speech and of a parent to make decisions about the upbringing of**
- 20 **the parent's child.**
- 21 **Sec. 2. As used in this chapter, "minor user" means an**
- 22 **individual less than sixteen (16) years of age.**
- 23 **Sec. 3. As used in this chapter, "person" has the meaning set**
- 24 **forth in IC 24-4-23-6.**
- 25 **Sec. 4. (a) As used in this chapter, "social media" means a**
- 26 **website or other Internet based application that allows a person to**
- 27 **create an account or profile to communicate or interact with other**
- 28 **users and:**

- (1) create content;
- (2) share content and information; or
- (3) view content and information that is shared by other users.

(b) The term does not include a website or other Internet based application that:

- (1) a user accesses for the sole purpose of interactive gaming;
- (2) is designed to facilitate communication and operations between employees, affiliates, or contractors of a business, governmental entity, educational institution, or nonprofit organization;
- (3) facilitates only electronic mail;
- (4) consists of content that is:
 - (A) preselected by the entity that owns, operates, or hosts the website or other Internet based application; and
 - (B) not user generated;
 including a chat or comment function connected to the content described in this subdivision;
- (5) facilitates crowdsourcing of content to create visual aids such as charts, graphs, diagrams, and infographics; or
- (6) allows a user to store digital data on a remote, Internet based server.

Sec. 5. (a) As used in this chapter, "social media operator" means a person that owns, operates, or hosts social media that is accessible in Indiana.

(b) The term does not include a device manufacturer or application store.

Sec. 6. As used in this chapter, "verifiable parental consent" means consent of a minor user's parent or legal guardian that is obtained through a method that is reasonably designed to ensure that the person providing the consent is a parent or legal guardian of the minor user.

Sec. 7. (a) A social media operator:

- (1) must not allow a minor user to view social media without obtaining verifiable parental consent allowing the minor user to view the social media; and
- (2) shall use commercially reasonable methods to comply with subdivision (1).

(b) A social media operator must identify if an account or profile is created by a minor user without verifiable parental consent and must require that verifiable parental consent is obtained before social media is accessed through an account or profile described in this subsection.

(c) A social media operator must:

- (1) provide notice to the parent or legal guardian who has provided verifiable parental consent under this section that consent may be revoked at any time; and
- (2) establish a procedure to allow a parent or legal guardian

1 to revoke an executed verifiable parental consent.

2 (d) A licensed application end user license agreement executed
3 between a device manufacturer and an application developer may
4 incorporate the requirements of subsection (b).

5 Sec. 8. A social media operator must use commercially
6 reasonable methods to secure all information collected and
7 transmitted under this chapter. Any information collected and
8 retained by a social media operator under this chapter must be
9 encrypted (as defined by IC 24-4-14-4).

10 Sec. 9. (a) Except as provided in subsection (b), the attorney
11 general may bring an action against a social media operator if the
12 social media operator violates section 7 of this chapter.

13 (b) If the attorney general has not previously:

14 (1) brought an action against; or

15 (2) sent a notice of violation to;

16 a social media operator under this section, the attorney general
17 shall send a notice of violation. The notice sent under this
18 subsection must describe the violation of section 7 of this chapter.
19 The social media operator then has ninety (90) days from the date
20 on the notice to cure the violation and provide documentation to
21 prove that the violation has been remedied.

22 (c) If the social media operator does not remedy the violation
23 described in the notice required under subsection (b), the attorney
24 general may bring an action to obtain any of the following relief
25 against the social media operator:

26 (1) Injunctive relief.

27 (2) A civil penalty of not more than two hundred fifty
28 thousand dollars (\$250,000).

29 (3) The attorney general's reasonable costs of:

30 (A) the investigation of the violation; and

31 (B) maintaining the action.

32 Sec. 10. If the attorney general has reasonable cause to believe
33 that any person has violated this chapter, the attorney general may
34 issue a civil investigative demand under IC 4-6-3-3.

35 Sec. 11. In an action filed under section 9 of this chapter, any
36 information collected about a minor user is confidential. The clerk
37 of the court shall place all records of the minor user in an envelope
38 marked "confidential" inside the court's file pertaining to the
39 minor user. Records placed in the confidential envelope may only
40 be released to:

41 (1) the judge or any authorized staff member;

42 (2) a party and the party's attorney;

43 (3) the parent or legal guardian of a minor user who accessed
44 the social media; or

45 (4) any person having a legitimate interest in the work of the
46 court or in a particular case as determined by the presiding
47 judge or the judge's successor who shall consider the best

1 **interests, safety, and welfare of the minor user.**

2 **Sec. 12. The provisions of this chapter are severable in the**
 3 **manner provided by IC 1-1-1-8(b).**

4 SECTION 9. IC 24-4.9-2-10, AS AMENDED BY P.L.98-2024,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2026]: Sec. 10. "Personal information" means:

7 (1) a Social Security number that is not encrypted or redacted;
 8 (2) an individual's first and last names, or first initial and last
 9 name, and one (1) or more of the following data elements that are
 10 not encrypted or redacted:

11 (A) A driver's license number.

12 (B) A state identification card number.

13 (C) A credit card number.

14 (D) A financial account number or debit card number in
 15 combination with a security code, password, or access code
 16 that would permit access to the person's account; ~~or~~

17 (3) information collected by an adult oriented website operator,
 18 or their designee, under IC 24-4-23; **or**

19 **(4) information collected by a social media operator, or their**
 20 **designee, under IC 24-4-27.**

21 The term does not include information that is lawfully obtained from
 22 publicly available information or from federal, state, or local
 23 government records lawfully made available to the general public."

24 Page 16, line 4, delete "IC 24-16-2 (concerning social media" and
 25 insert "**IC 24-4-27 (concerning the security of information collected**
 26 **and transmitted by a social media operator), as set forth in**
 27 **IC 24-4-27-8."**

28 Page 16, delete line 5.

29 Page 16, delete lines 41 through 42.

30 Delete pages 17 through 21.

31 Page 22, delete lines 1 through 24.

32 Renumber all SECTIONS consecutively.

(Reference is to SB 199 as printed January 16, 2026.)

Senator BOHACEK