

# PROPOSED AMENDMENT

## SB 199 # 5

### DIGEST

Social media providers. Establishes requirements and restrictions regarding adolescent use of social media. Makes a violation of the requirements and restrictions a deceptive act.

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- 1           Page 12, between lines 2 and 3, begin a new paragraph and insert:  
2           "SECTION 8. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,  
3           SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,  
5           abusive, or deceptive act, omission, or practice in connection with a  
6           consumer transaction. Such an act, omission, or practice by a supplier  
7           is a violation of this chapter whether it occurs before, during, or after  
8           the transaction. An act, omission, or practice prohibited by this section  
9           includes both implicit and explicit misrepresentations.  
10          (b) Without limiting the scope of subsection (a), the following acts,  
11          and the following representations as to the subject matter of a  
12          consumer transaction, made orally, in writing, or by electronic  
13          communication, by a supplier, are deceptive acts:  
14              (1) That such subject of a consumer transaction has sponsorship,  
15              approval, performance, characteristics, accessories, uses, or  
16              benefits it does not have which the supplier knows or should  
17              reasonably know it does not have.  
18              (2) That such subject of a consumer transaction is of a particular  
19              standard, quality, grade, style, or model, if it is not and if the  
20              supplier knows or should reasonably know that it is not.  
21              (3) That such subject of a consumer transaction is new or unused,  
22              if it is not and if the supplier knows or should reasonably know  
23              that it is not.  
24              (4) That such subject of a consumer transaction will be supplied  
25              to the public in greater quantity than the supplier intends or  
26              reasonably expects.  
27              (5) That replacement or repair constituting the subject of a

1 consumer transaction is needed, if it is not and if the supplier  
2 knows or should reasonably know that it is not.

3 (6) That a specific price advantage exists as to such subject of a  
4 consumer transaction, if it does not and if the supplier knows or  
5 should reasonably know that it does not.

6 (7) That the supplier has a sponsorship, approval, or affiliation in  
7 such consumer transaction the supplier does not have, and which  
8 the supplier knows or should reasonably know that the supplier  
9 does not have.

10 (8) That such consumer transaction involves or does not involve  
11 a warranty, a disclaimer of warranties, or other rights, remedies,  
12 or obligations, if the representation is false and if the supplier  
13 knows or should reasonably know that the representation is false.

14 (9) That the consumer will receive a rebate, discount, or other  
15 benefit as an inducement for entering into a sale or lease in return  
16 for giving the supplier the names of prospective consumers or  
17 otherwise helping the supplier to enter into other consumer  
18 transactions, if earning the benefit, rebate, or discount is  
19 contingent upon the occurrence of an event subsequent to the time  
20 the consumer agrees to the purchase or lease.

21 (10) That the supplier is able to deliver or complete the subject of  
22 the consumer transaction within a stated period of time, when the  
23 supplier knows or should reasonably know the supplier could not.  
24 If no time period has been stated by the supplier, there is a  
25 presumption that the supplier has represented that the supplier  
26 will deliver or complete the subject of the consumer transaction  
27 within a reasonable time, according to the course of dealing or the  
28 usage of the trade.

29 (11) That the consumer will be able to purchase the subject of the  
30 consumer transaction as advertised by the supplier, if the supplier  
31 does not intend to sell it.

32 (12) That the replacement or repair constituting the subject of a  
33 consumer transaction can be made by the supplier for the estimate  
34 the supplier gives a customer for the replacement or repair, if the  
35 specified work is completed and:

36 (A) the cost exceeds the estimate by an amount equal to or  
37 greater than ten percent (10%) of the estimate;

38 (B) the supplier did not obtain written permission from the  
39 customer to authorize the supplier to complete the work even  
40 if the cost would exceed the amounts specified in clause (A);

- 1 (C) the total cost for services and parts for a single transaction  
2 is more than seven hundred fifty dollars (\$750); and  
3 (D) the supplier knew or reasonably should have known that  
4 the cost would exceed the estimate in the amounts specified in  
5 clause (A).
- 6 (13) That the replacement or repair constituting the subject of a  
7 consumer transaction is needed, and that the supplier disposes of  
8 the part repaired or replaced earlier than seventy-two (72) hours  
9 after both:
- 10 (A) the customer has been notified that the work has been  
11 completed; and  
12 (B) the part repaired or replaced has been made available for  
13 examination upon the request of the customer.
- 14 (14) Engaging in the replacement or repair of the subject of a  
15 consumer transaction if the consumer has not authorized the  
16 replacement or repair, and if the supplier knows or should  
17 reasonably know that it is not authorized.
- 18 (15) The act of misrepresenting the geographic location of the  
19 supplier by listing an alternate business name or an assumed  
20 business name (as described in IC 23-0.5-3-4) in a local telephone  
21 directory if:
- 22 (A) the name misrepresents the supplier's geographic location;  
23 (B) the listing fails to identify the locality and state of the  
24 supplier's business;  
25 (C) calls to the local telephone number are routinely forwarded  
26 or otherwise transferred to a supplier's business location that  
27 is outside the calling area covered by the local telephone  
28 directory; and  
29 (D) the supplier's business location is located in a county that  
30 is not contiguous to a county in the calling area covered by the  
31 local telephone directory.
- 32 (16) The act of listing an alternate business name or assumed  
33 business name (as described in IC 23-0.5-3-4) in a directory  
34 assistance data base if:
- 35 (A) the name misrepresents the supplier's geographic location;  
36 (B) calls to the local telephone number are routinely forwarded  
37 or otherwise transferred to a supplier's business location that  
38 is outside the local calling area; and  
39 (C) the supplier's business location is located in a county that  
40 is not contiguous to a county in the local calling area.

- 1 (17) The violation by a supplier of IC 24-3-4 concerning  
2 cigarettes for import or export.
- 3 (18) The act of a supplier in knowingly selling or reselling a  
4 product to a consumer if the product has been recalled, whether  
5 by the order of a court or a regulatory body, or voluntarily by the  
6 manufacturer, distributor, or retailer, unless the product has been  
7 repaired or modified to correct the defect that was the subject of  
8 the recall.
- 9 (19) The violation by a supplier of 47 U.S.C. 227, including any  
10 rules or regulations issued under 47 U.S.C. 227.
- 11 (20) The violation by a supplier of the federal Fair Debt  
12 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
13 rules or regulations issued under the federal Fair Debt Collection  
14 Practices Act (15 U.S.C. 1692 et seq.).
- 15 (21) A violation of IC 24-5-7 (concerning health spa services), as  
16 set forth in IC 24-5-7-17.
- 17 (22) A violation of IC 24-5-8 (concerning business opportunity  
18 transactions), as set forth in IC 24-5-8-20.
- 19 (23) A violation of IC 24-5-10 (concerning home consumer  
20 transactions), as set forth in IC 24-5-10-18.
- 21 (24) A violation of IC 24-5-11 (concerning real property  
22 improvement contracts), as set forth in IC 24-5-11-14.
- 23 (25) A violation of IC 24-5-12 (concerning telephone  
24 solicitations), as set forth in IC 24-5-12-23.
- 25 (26) A violation of IC 24-5-13.5 (concerning buyback motor  
26 vehicles), as set forth in IC 24-5-13.5-14.
- 27 (27) A violation of IC 24-5-14 (concerning automatic  
28 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 29 (28) A violation of IC 24-5-15 (concerning credit services  
30 organizations), as set forth in IC 24-5-15-11.
- 31 (29) A violation of IC 24-5-16 (concerning unlawful motor  
32 vehicle subleasing), as set forth in IC 24-5-16-18.
- 33 (30) A violation of IC 24-5-17 (concerning environmental  
34 marketing claims), as set forth in IC 24-5-17-14.
- 35 (31) A violation of IC 24-5-19 (concerning deceptive commercial  
36 solicitation), as set forth in IC 24-5-19-11.
- 37 (32) A violation of IC 24-5-21 (concerning prescription drug  
38 discount cards), as set forth in IC 24-5-21-7.
- 39 (33) A violation of IC 24-5-23.5-7 (concerning real estate  
40 appraisals), as set forth in IC 24-5-23.5-9.

- 1 (34) A violation of IC 24-5-26 (concerning identity theft), as set  
2 forth in IC 24-5-26-3.
- 3 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),  
4 as set forth in IC 24-5.5-6-1.
- 5 (36) A violation of IC 24-8 (concerning promotional gifts and  
6 contests), as set forth in IC 24-8-6-3.
- 7 (37) A violation of IC 21-18.5-6 (concerning representations  
8 made by a postsecondary credit bearing proprietary educational  
9 institution), as set forth in IC 21-18.5-6-22.5.
- 10 (38) A violation of IC 24-5-15.5 (concerning collection actions of  
11 a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- 12 (39) A violation of IC 24-14 (concerning towing services), as set  
13 forth in IC 24-14-10-1.
- 14 (40) A violation of IC 24-5-14.5 (concerning misleading or  
15 inaccurate caller identification information), as set forth in  
16 IC 24-5-14.5-12.
- 17 (41) A violation of IC 24-5-27 (concerning intrastate inmate  
18 calling services), as set forth in IC 24-5-27-27.
- 19 (42) A violation of IC 15-21 (concerning sales of dogs by retail  
20 pet stores), as set forth in IC 15-21-7-4.
- 21 (43) A violation of IC 24-4-23 (concerning the security of  
22 information collected and transmitted by an adult oriented website  
23 operator), as set forth in IC 24-4-23-14.
- 24 **(44) A violation of IC 24-16 (concerning social media**  
25 **providers), as set forth in IC 24-16-6-1.**
- 26 (c) Any representations on or within a product or its packaging or  
27 in advertising or promotional materials which would constitute a  
28 deceptive act shall be the deceptive act both of the supplier who places  
29 such representation thereon or therein, or who authored such materials,  
30 and such other suppliers who shall state orally or in writing that such  
31 representation is true if such other supplier shall know or have reason  
32 to know that such representation was false.
- 33 (d) If a supplier shows by a preponderance of the evidence that an  
34 act resulted from a bona fide error notwithstanding the maintenance of  
35 procedures reasonably adopted to avoid the error, such act shall not be  
36 deceptive within the meaning of this chapter.
- 37 (e) It shall be a defense to any action brought under this chapter that  
38 the representation constituting an alleged deceptive act was one made  
39 in good faith by the supplier without knowledge of its falsity and in  
40 reliance upon the oral or written representations of the manufacturer,

the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 9. IC 24-16 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

## **ARTICLE 16. SOCIAL MEDIA PROVIDERS**

### **Chapter 1. Applicability**

**Sec. 1. This article does not apply to an adolescent who is legally emancipated.**

### **Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Adolescent" means an individual who is less than sixteen (16) years of age.**

**Sec. 3. "Daily active users" means the unique users in the United States who:**

**(1) used a particular online forum, website, or application at least eighty percent (80%) of the days during the previous twelve (12) months; or**

**(2) if the online forum, website, or application did not exist during all of the previous twelve (12) months, used the particular online forum, website, or application at least eighty**

1           percent (80%) of the days during the previous month.

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

6           (1) from which the user wishes to receive content;

7           (2) from which the user wishes the social media provider to  
8           include in recommendations for content provided to the user  
9           by the social media provider; or

10          (3) with which the user wishes to associate the user's account.

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

13          (1) Allows users to upload content or view the content or  
14          activity of other users.

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

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

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

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

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

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

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

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

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

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

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

(b) The term does not include the following:

(1) An online service, website, or application where the exclusive function provides registered users of the service only with the ability to send and receive electronic mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients, without displaying or posting the material publicly or to others not identified as the recipient by the sender.

(2) A device manufacturer or application store.

(3) An online service, website, or application in which the primary service is on demand audio streaming.

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

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

### Chapter 3. Adolescent Use of Social Media

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

(1) The social media provider shall use commercially reasonable means to determine the age and state of residence of the individual requesting creation of the account.

(2) If the social media provider determines under subdivision (1) that the individual requesting creation of the account is an adolescent, the social media provider may create the account only if the social media provider receives verifiable parental consent to creation of the account from a parent or legal guardian of the adolescent.

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



1           (1) adolescent; and

2           (2) Indiana resident.

3           (b) A social media provider may not allow an adolescent to  
4 change or bypass an account configuration described in subsection  
5 (c).

6           (c) A social media provider shall configure the account of a  
7 registered user described in subsection (a) as follows:

8           (1) The social media provider may allow the account to  
9 receive direct communications only from an account that the  
10 user has designated as a linked account.

11           (2) The social media provider may not allow the account to  
12 appear in the results of a search conducted by a person  
13 through the social media provider's search utility unless the  
14 person holds an account that the user has designated as a  
15 linked account.

16           (3) The social media provider may not disseminate:

17               (A) content;

18               (B) recommendations for content; or

19               (C) advertising;

20 based on patterns of the adolescent's use of the social media  
21 provider.

22           (4) The account may not use the addictive features described  
23 under IC 24-16-2-5(a)(4).

24           (5) The social media provider shall provide the adolescent's  
25 parent or legal guardian who provides verifiable parental  
26 consent to the creation of the account with the option to  
27 receive a separate password for the account that allows the  
28 parent or legal guardian to:

29               (A) monitor the amount of time the adolescent spends  
30 using the social media platform;

31               (B) set daily and weekly time limits on the adolescent's use  
32 of the social media platform; and

33               (C) set limits on the times of day during which the  
34 adolescent can access the social media platform.

35 A social media provider may modify the account configuration  
36 under this subsection only if the social media provider determines  
37 under IC 24-16-4 that the account holder is no longer an  
38 adolescent.

#### 39 Chapter 4. Continuing Age Estimation

40 Sec. 1. (a) Not later than fourteen (14) days after the first date

1 on which an Indiana account holder has spent at least twenty-five  
2 (25) hours in a single six (6) month period using a social media  
3 provider's social media platform, the social media provider shall:

4 (1) make reasonable efforts; and

5 (2) use reasonable means, taking into consideration the  
6 technology and data available to the social media provider;  
7 to determine the age of the Indiana account holder.

8 (b) Subject to subsection (d):

9 (1) if a social media provider knows or has reason to know  
10 that an Indiana account holder is sixteen (16) years of age or  
11 older, the social media provider may consider the Indiana  
12 account holder to not be an adolescent for purposes of this  
13 article; and

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

18 (c) Not later than fourteen (14) days after the first date on which  
19 an Indiana account holder has spent at least fifty (50) hours in a  
20 single six (6) month period using a social media provider's social  
21 media platform, the social media provider shall determine the age  
22 of the Indiana account holder as described under subsection (a) for  
23 the purpose of verifying the social media provider's determination  
24 of the Indiana account holder's age under subsection (a).

25 (d) Subject to subsection (f):

26 (1) if a social media provider knows or has reason to know  
27 that an Indiana account holder is sixteen (16) years of age or  
28 older, the social media provider may continue to consider the  
29 Indiana account holder to not be an adolescent for purposes  
30 of this article; and

31 (2) if the social media provider knows or has reason to know  
32 that the Indiana account holder is not sixteen (16) years of age  
33 or older, the social media provider shall consider the Indiana  
34 account holder to be an adolescent for purposes of this article.

35 (e) Subject to subsection (g), a social media provider shall  
36 determine the age of an Indiana account holder with the social  
37 media provider's social media platform as described under  
38 subsection (a) for the purpose of verifying the social media  
39 provider's most recent determination of the Indiana account  
40 holder's age:

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

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

(f) Subject to subsection (g):

(1) if a social media provider knows or has reason to know that an Indiana account holder is sixteen (16) years of age or older, the social media provider may continue to consider the Indiana account holder to not be an adolescent for purposes of this article; and

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

(g) Once an Indiana account holder has held an account with a social media provider's social media platform continuously for ten (10) consecutive years, the social media provider may, for purposes of the requirements to be met by a social media provider under this article, consider the Indiana account holder to not be an adolescent without determining the age of the Indiana account holder under this section.

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

(1) a social media provider:

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

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

that an Indiana account holder is an adolescent; and

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

(b) Not later than seven (7) days after the first date on which this section applies to the account of an Indiana account holder under subsection (a), the social media provider shall transmit to the Indiana account holder notice that the account is subject to

1 termination due to the account's noncompliance with this article.

2 The notice must include:

3 (1) the requirement under this article with which the account  
4 is noncompliant;

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

8 (3) instructions regarding the means under subsection (c) by  
9 which the Indiana account holder may dispute the social  
10 media provider's determination that the account is  
11 noncompliant.

12 (c) A social media provider that provides notice to an Indiana  
13 account holder under subsection (b) shall allow the Indiana  
14 account holder thirty (30) days after the transmission date of the  
15 notice to dispute the social media provider's determination  
16 through:

17 (1) provision of verifiable parental consent from a parent or  
18 legal guardian of the Indiana account holder to the  
19 continuation of the account; or

20 (2) any commercially reasonable method that relies on public  
21 or private transactional data to verify the age of the account  
22 holder.

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

26 (1) a parent or legal guardian of the Indiana account holder  
27 provides the social media provider with verifiable parental  
28 consent to the continuation of the account under subsection  
29 (c)(1); or

30 (2) the Indiana account holder completes an age estimation  
31 process under subsection (c)(2) that results in a determination  
32 by the social media provider that the Indiana account holder  
33 is not an adolescent;

34 the social media provider shall not terminate the account based on  
35 the social media provider's determination under subsection  
36 (a)(1)(A) or the information under subsection (a)(1)(B).

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

40 (1) a parent or legal guardian of the Indiana account holder

1 does not provide the social media provider with verifiable  
 2 parental consent to the continuation of the account under  
 3 subsection (c)(1); or

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

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

8 (f) If:

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

13 (2) the age estimation results in a determination by the social  
 14 media provider that the Indiana account holder is an  
 15 adolescent;

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

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

23 (h) A social media provider that receives verifiable parental  
 24 consent for the continuation of an account under this section shall  
 25 provide the parent or legal guardian with the option to receive a  
 26 separate password for the account as described under  
 27 IC 24-16-3-2(c)(5).

## 28 Chapter 5. Use and Retention of Information

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

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

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

## 39 Chapter 6. Enforcement

40 Sec. 1. An owner or operator of a social media provider that

1       **violates this article commits a deceptive act that is actionable by**  
2       **the attorney general under IC 24-5-0.5 and that is subject to the**  
3       **penalties and remedies available to the attorney general under**  
4       **IC 24-5-0.5".**

5       Renumber all SECTIONS consecutively.

(Reference is to SB 199 as reprinted January 29, 2026.)