
SENATE BILL No. 199

AM019910 has been incorporated into January 29, 2026 printing.

Synopsis: Various education matters.

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SB 199—LS 6945/DI 152



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Reprinted
January 29, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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SENATE BILL No. 199

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-26-14-6, AS AMENDED BY P.L.43-2021,
2 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 6. (a) The association must establish a case review
4 panel that meets the following requirements:
5 (1) The panel has nine (9) members.
6 (2) The secretary of education or the secretary's designee is a
7 member of the panel and is the chairperson of the panel.
8 (3) The secretary of education appoints as members of the panel
9 persons having the following qualifications:
10 (A) Four (4) parents of high school students.
11 ~~(B) Two (2) high school principals:~~
12 ~~(C) Two (2) high school athletic directors:~~
13 **(B) Four (4) school administrators.**
14 (4) The secretary of education shall administer the functions of
15 the panel.

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- 1 (5) A member of the panel serves for a four (4) year term,
 2 subject to the following:
- 3 (A) An appointee who ceases to meet the member's
 4 qualification under subdivision (3) ceases to be a member
 5 of the panel.
- 6 (B) The secretary of education shall appoint fifty percent
 7 (50%) of the initial appointees under each clause in
 8 subdivision (3) for terms of two (2) years, so that terms of
 9 the panel are staggered.
- 10 (6) The panel must meet monthly, unless there are no cases
 11 before the panel. The panel may meet more frequently at the call
 12 of the chairperson. However, the chairperson must call a meeting
 13 within five (5) business days, or as soon thereafter as a quorum
 14 can be assembled, after the panel receives a case in which time
 15 is a factor in relation to the scheduling of an athletic competition.
- 16 (7) A quorum of the panel is five (5) members. The affirmative
 17 vote of the greater of the majority present or four (4) members of
 18 the panel is required for the panel to take action.
- 19 (b) A student's parent who disagrees with a decision of the
 20 association concerning the application or interpretation of a rule of the
 21 association to the student shall have the right to do one (1) of the
 22 following:
- 23 (1) Accept the decision.
- 24 (2) Refer the case to the panel. The parent must refer the case to
 25 the panel not later than thirty (30) days after the date of the
 26 association's decision.
- 27 (c) After a case is referred under subsection (b)(2), the panel must
 28 do the following:
- 29 (1) Collect testimony and information on the case, including
 30 testimony and information from both the association and the
 31 parent.
- 32 (2) Place the case on the panel's agenda and consider the case at
 33 a meeting of the panel.
- 34 (3) Not later than ten (10) business days after the meeting at
 35 which the panel considers the case, issue a written decision that
 36 does one (1) of the following:
- 37 (A) Upholds the association's decision on the case.
- 38 (B) Modifies the association's decision on the case.
- 39 (C) Nullifies the association's decision on the case.
- 40 (d) Subject to section 7 of this chapter, the association must
 41 implement the decision of the panel on each case. However, a decision
 42 of the panel:

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- 1 (1) applies only to the case before the panel; and
- 2 (2) does not affect any rule of the association or decision under
- 3 any rule concerning any student other than the student whose
- 4 parent referred the case to the panel.
- 5 (e) The association shall pay all costs attributable to the operation
- 6 of the panel, including travel and a stipend of at least fifty dollars (\$50)
- 7 for each meeting for panel members.
- 8 SECTION 2. IC 20-28-3-1, AS AMENDED BY P.L.190-2025,
- 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]: Sec. 1. (a) As used in this section, "teacher
- 11 candidate" means an individual recommended for an initial teaching
- 12 license from a teacher preparation program located in Indiana.
- 13 (b) As used in this section, "teacher preparation program"
- 14 includes, but is not limited to, the following:
- 15 (1) A teacher education school or department.
- 16 (2) A transition to teaching program under IC 20-28-4.
- 17 (3) Any other entity approved by the department to offer a course
- 18 of study leading to an initial teaching license.
- 19 (c) The department shall:
- 20 (1) arrange a statewide system of professional instruction for
- 21 teacher education;
- 22 (2) accredit and review teacher preparation programs that
- 23 comply with the rules of the department;
- 24 (3) approve content area licensure programs for particular kinds
- 25 of teachers in accredited teacher preparation programs; and
- 26 (4) specify the types of licenses for individuals who complete
- 27 programs of approved courses.
- 28 (d) The department shall work with teacher preparation programs
- 29 to develop a system of teacher education that ensures individuals who
- 30 complete teacher preparation programs are able to meet the highest
- 31 professional standards.
- 32 (e) Before July 1, 2015, the department shall establish standards
- 33 for the continuous improvement of program processes and the
- 34 performance of individuals who complete teacher preparation
- 35 programs. The state board shall adopt rules containing the standards
- 36 not later than two hundred seventy (270) days after the department
- 37 finishes the standards.
- 38 (f) The standards established under subsection (e) must include
- 39 benchmarks for performance, including test score data for each teacher
- 40 preparation entity on content area licensure tests and test score data for
- 41 each teacher preparation entity on pedagogy licensure tests.
- 42 (g) Each teacher preparation program shall annually report the

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1 program's performance on the standards and benchmarks established
 2 under this section to the department. The department shall make the
 3 information reported under this subsection available to the public on
 4 the department's website. Each teacher preparation program shall make
 5 the information reported under this subsection available to the public
 6 on the teacher preparation program's website. In addition to reporting
 7 performance, each teacher preparation program must report to the
 8 department the following:

9 (1) The attrition, retention, and completion rates of teacher
 10 candidates for the previous three (3) calendar years. The teacher
 11 preparation program must also provide underlying data, as
 12 determined by the department, used as part of calculating the
 13 teacher preparation program's retention rates.

14 (2) The number of teacher candidates in each content area who
 15 complete the teacher preparation program during the year,
 16 disaggregated by ranges of cumulative grade point averages.

17 (3) The number of teacher candidates in each content area who,
 18 during the year:

19 (A) do not pass a content area licensure examination; and

20 (B) do not retake the content area licensure examination.

21 (h) In making information available to the public on the
 22 department's website, the department shall include in the report under
 23 subsection (g), in addition to the matrix ratings described in subsection
 24 (i), the following information:

25 (1) Average scaled or standard scores of teacher candidates who
 26 complete teacher preparation programs on basic skills, content
 27 area, and pedagogy licensure examinations.

28 (2) The average number of times teacher candidates who
 29 complete a teacher preparation program take each licensing test
 30 before receiving a passing score and the percentage of teacher
 31 candidates who receive a passing score on each licensing test on
 32 the teacher candidates' first attempts.

33 (i) Not later than July 30, 2016, the department and the
 34 commission for higher education, in conjunction with the state board,
 35 the Independent Colleges of Indiana, Inc., and teacher preparation
 36 programs, shall establish a matrix rating system for teacher preparation
 37 programs based on the performance of the programs as demonstrated
 38 by the data collected under subsections (g) and (h). The matrix rating
 39 system must be based on data collected for teachers who initially
 40 receive their teaching license during the previous three (3) years. The
 41 department shall make the matrix ratings available to the public on the
 42 department's website.

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1 (j) Each teacher preparation program shall report to the
 2 department, in a manner prescribed by the department, the teacher
 3 preparation program's admission practices, in accordance with:

4 (1) the Council for the Accreditation of Educator Preparation
 5 standards, for teacher preparation programs accredited by the
 6 Council for the Accreditation of Educator Preparation;

7 (2) rigorous academic entry requirements for admission into a
 8 teacher preparatory program that are equivalent to the minimum
 9 academic requirements determined by the Council for the
 10 Accreditation of Educator Preparation, for teacher preparation
 11 programs that are not accredited by the Council for the
 12 Accreditation of Educator Preparation; ~~or~~

13 (3) the Association for Advancing Quality in Educator
 14 Preparation standards, for teacher preparation programs
 15 accredited by the Association for Advancing Quality in Educator
 16 Preparation; **or**

17 **(4) the department's admission standards for teacher
 18 preparation programs accredited by the department.**

19 The department shall include information reported to the department
 20 on the department's website.

21 (k) Not later than July 30, 2016, the department and the
 22 commission for higher education, in conjunction with the state board,
 23 the Independent Colleges of Indiana, Inc., and teacher preparation
 24 programs, shall establish a minimum rating under the matrix rating
 25 system established under subsection (i) that teacher preparation
 26 programs must achieve to avoid referral under subsection (l).

27 (l) Not later than July 1 of each year, the department shall submit
 28 a list of teacher preparation programs that do not meet the minimum
 29 rating established under subsection (k) or the requirements of section
 30 3.1 or 3.2 of this chapter to the commission for higher education and
 31 the Independent Colleges of Indiana, Inc. for one (1) of the following
 32 actions:

33 (1) In the case of a state educational institution, the commission
 34 for higher education shall place the teacher preparation program
 35 on an improvement plan with clear performance goals and a
 36 designated period in which the performance goals must be
 37 achieved.

38 (2) In the case of a proprietary postsecondary educational
 39 institution, the commission for higher education shall
 40 recommend to the teacher preparation program an improvement
 41 plan with clear performance goals and a designated period in
 42 which the performance goals should be achieved.

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1 (3) In the case of a nonprofit college or university, the
 2 Independent Colleges of Indiana, Inc., shall coordinate a peer
 3 review process to make recommendations to the peer institution
 4 in achieving the department's performance metrics.

5 (m) The department shall approve at least two (2) accreditors that:
 6 (1) accredit teacher preparation programs; and
 7 (2) are recognized by the Council for Higher Education
 8 Accreditation;

9 to accredit teacher preparation programs for use in Indiana. **The**
 10 **department may also serve as an accreditor in addition to the two**
 11 **(2) accreditors approved under this subsection.**

12 (n) Not later than December 31, 2024, the department and the
 13 commission for higher education, in conjunction with the state board,
 14 shall partner with teacher preparation programs to receive an outside
 15 evaluation by a nationally recognized nonprofit, nonpartisan
 16 organization that leverages evidence based approaches on the science
 17 of reading to evaluate teacher preparation reading instruction programs.

18 SECTION 3. IC 20-28-10-20 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: **Sec. 20. (a) As used in this section,**
 21 **"stillbirth" means a birth after twenty (20) weeks of gestation that**
 22 **is not a live birth.**

23 **(b) Not later than December 1, 2026, the secretary of education**
 24 **shall do the following:**

25 **(1) Identify school corporations that provide employees paid**
 26 **leave upon any of the following events:**

- 27 **(A) The birth of an employee's child.**
 28 **(B) The birth of a child to an employee's spouse.**
 29 **(C) The placement of a child for adoption with an**
 30 **employee.**

31 **(D) The stillbirth of an employee's child.**

32 **(2) Identify the length of paid leave school corporations**
 33 **provide for each event under subdivision (1).**

34 **(3) Make recommendations concerning paid leave for**
 35 **employees for each event under subdivision (1).**

36 **(4) Submit the findings and recommendations under this**
 37 **subsection to the general assembly in an electronic format**
 38 **under IC 5-14-6.**

39 **(c) This section expires July 1, 2027.**

40 SECTION 4. IC 20-30-5-7.4 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2026]: **Sec. 7.4. (a) Not later than December**

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1 **1, 2026, the secretary of education shall do the following:**

2 **(1) Identify key metrics and activities to be used to measure**
 3 **civic literacy and engagement in kindergarten through grade**
 4 **12 and postsecondary education.**

5 **(2) Submit the metrics identified under subdivision (1) to the**
 6 **general assembly in an electronic format under IC 5-14-6.**

7 **(b) This section expires July 1, 2027.**

8 SECTION 5. IC 20-32-8.5-2, AS AMENDED BY P.L.186-2025,
 9 SECTION 291, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) Except as provided in
 11 subsection (b), the plan required by this chapter must include the
 12 following:

13 (1) Reading skill standards for grade 1 through grade 3.

14 (2) A method for making determinant evaluations by grade 3 that
 15 remedial action is required for a student, including:

16 (A) except as provided in subsections (c) and (g), beginning
 17 with evaluations administered during the 2024-2025 school
 18 year, retention of the student in grade 3 if the student has
 19 not achieved a passing score on the determinant evaluation
 20 of reading skills approved by the state board after the
 21 student has had an opportunity to retake the determinant
 22 evaluation at least twice in the summer; and

23 (B) the use of curricular materials and supplemental
 24 materials aligned to the science of reading that are designed
 25 to address deficiencies in reading;

26 after other methods of remediation have been evaluated or used,
 27 or both, if reading skills are below the standard. Appropriate
 28 consultation with parents or guardians must be part of the plan.

29 (3) A requirement that schools notify a student's parent of the
 30 following:

31 (A) The student's assessment results regarding skill level in:

32 (i) phonemic awareness;

33 (ii) phonics;

34 (iii) fluency;

35 (iv) vocabulary; and

36 (v) comprehension.

37 (B) The student's assessment results on the determinant
 38 evaluation of reading skills approved by the state board.

39 (C) Any intervention provided to the student or any
 40 remedial action taken.

41 (4) A requirement that schools monitor the progress of students
 42 who failed to achieve a valid passing score on the:

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- 1 (A) determinant evaluation of reading skills approved by
 2 the state board; or
 3 (B) statewide assessment program test.
- 4 (5) A requirement that schools provide reading instruction that
 5 includes a core reading program aligned with the science of
 6 reading to all students in kindergarten through grade 8.
- 7 (6) A requirement for the administration of the determinant
 8 evaluation of reading skills approved by the state board to
 9 students in grade 2.
- 10 (7) A requirement that all students take the determinant
 11 evaluation of reading skills approved by the state board until the
 12 student:
 13 (A) receives a passing score, regardless of the student's
 14 grade level; or
 15 (B) enters grade 7.
- 16 (8) A requirement that a school report the following to the
 17 department:
 18 (A) The literacy interventions that will be used for students
 19 in grade 2 who are at risk of not being reading proficient
 20 and students in grade 3 who do not achieve a valid passing
 21 score on the determinant evaluation of reading skills
 22 approved by the state board.
 23 (B) The literacy interventions in use before the adoption of
 24 the plan for students in grade 2 who are at risk of not being
 25 reading proficient and students in grade 3 who do not
 26 achieve a valid passing score on the determinant evaluation
 27 of reading skills approved by the state board.
 28 (C) The literacy interventions in use before the adoption of
 29 the plan for students who do not achieve a valid passing
 30 score on the determinant evaluation of reading skills
 31 approved by the state board.
 32 (D) The number of students being served by the
 33 interventions described in clauses (B) and (C).
 34 (E) The cost of providing the interventions described in
 35 clauses (B) and (C).
 36 (F) Any other information requested by the department.
- 37 (9) Requirements for a school in which, **over the course of**
 38 **three (3) consecutive years**, fewer than ~~seventy~~ **an average of**
 39 **seventy-five percent (~~70%~~) (75%)** of students of the school
 40 achieved a valid passing score on the determinant evaluation of
 41 reading skills approved by the state board that must include the
 42 following:

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- 1 (A) Use of curriculum that is:
 2 (i) based on the science of reading;
 3 (ii) age appropriate; and
 4 (iii) approved by the department.
 5 (B) Employment of the following:
 6 (i) Before July 1, 2025, an instructional coach who is
 7 trained in the science of reading, as determined by the
 8 department. This item expires January 1, 2026.
 9 (ii) After June 30, 2025, an instructional coach with a
 10 literacy related endorsement who is trained in the
 11 science of reading.
 12 (C) Use of only benchmark, formative, interim, or similar
 13 assessments that:
 14 (i) show alignment with Indiana's academic standards;
 15 and
 16 (ii) are approved by the department.
 17 (D) Use of a screener procured under IC 20-32-5.1-17(j).
 18 (10) The fiscal impact of each component of the plan, if any. In
 19 determining whether a component has a fiscal impact,
 20 consideration shall be given to whether the component will
 21 increase costs to the state or a school corporation or require the
 22 state or school corporation to reallocate resources.
 23 (b) A school may receive a waiver of the requirements provided
 24 in 511 IAC 6.2-3.1-4(a)(2) if the state board approves an alternative
 25 reading plan provided by the school.
 26 (c) Except as approved by the department under subsection (g), a
 27 student who would otherwise be subject to retention in grade 3 under
 28 the plan is not subject to the retention requirement only if the student
 29 meets one (1) of the following criteria:
 30 (1) The student was subject to retention and has been retained in
 31 grade 3 for one (1) school year.
 32 (2) The student has an intellectual disability or the student's
 33 individualized education program specifies that retention is not
 34 appropriate, and the student's case conference committee has
 35 determined that promotion to another grade is appropriate.
 36 (3) The student is an English learner who has received services
 37 for fewer than two (2) years and a committee consisting of:
 38 (A) the student's parent;
 39 (B) a building level administrator or designee;
 40 (C) a classroom teacher of service;
 41 (D) an English learner teacher of record, if one exists; and
 42 (E) an English learner district administrator, if one exists;

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- 1 determines that promotion is appropriate based on the
- 2 implementation of research based instructional practices outlined
- 3 in the student's individual learning plan.
- 4 (4) The student received a score of proficient or above proficient
- 5 in grade 3 math on the statewide summative assessment.
- 6 (5) The student:
 - 7 (A) has received intensive intervention as determined by the
 - 8 department in reading for two (2) or more years; and
 - 9 (B) was retained more than one (1) time throughout
 - 10 kindergarten, grade 1, or grade 2.
- 11 (d) A student who is not subject to the retention requirement as
- 12 provided under subsection (c) must be provided with additional reading
- 13 instruction that is aligned with the science of reading until the student
- 14 achieves a passing score on the determinant evaluation of reading skills
- 15 approved by the state board.
- 16 (e) Before October 1 of each school year, the department shall:
 - 17 (1) identify each incoming student (as defined in section 0.7 of
 - 18 this chapter) enrolled in kindergarten in a school in Indiana; and
 - 19 (2) notify the parent or guardian of the student of the retention
 - 20 requirement under this chapter for grade 3 students who do not
 - 21 achieve a passing score on the Indiana reading evaluation and
 - 22 determination (IRead3).
- 23 (f) The department shall establish a standard reporting process and
- 24 reporting window for schools to report students who qualify for an
- 25 exemption under subsection (c).
- 26 (g) The department shall establish a registration process for
- 27 schools to exempt an English language learner who:
 - 28 (1) does not achieve a passing score on the determinant
 - 29 evaluation of reading skills approved by the state board; and
 - 30 (2) attends a school that has a student population comprised of
 - 31 at least fifty percent (50%) of English language learners in grade
 - 32 3, as determined by the department;
- 33 from compliance with the requirements under subsection (a)(2)(A)
- 34 until the beginning of the 2027-2028 school year. This subsection
- 35 expires July 1, 2028.
- 36 SECTION 6. IC 21-18-6-10 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2026]: **Sec. 10. (a) Not later than December**
- 39 **1, 2026, the commission shall do the following:**
- 40 (1) **Evaluate accrediting agencies or associations that**
- 41 **currently accredit:**
 - 42 (A) **state educational institutions; or**

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- 1 **(B) degree programs offered by state educational**
- 2 **institutions.**
- 3 **(2) Identify and evaluate innovative accrediting agencies or**
- 4 **associations, including those not yet recognized by the United**
- 5 **States Department of Education, that do not currently**
- 6 **accredit state educational institutions.**
- 7 **(3) Identify potential alternative agencies, associations, or**
- 8 **methods to accredit degree programs offered by state**
- 9 **educational institutions.**
- 10 **(4) Provide a report in an electronic format under IC 5-14-6**
- 11 **to the general assembly that includes:**
- 12 **(A) the commission's findings under subdivisions (1)**
- 13 **through (3); and**
- 14 **(B) recommendations concerning accrediting agencies**
- 15 **or associations identified in subdivisions (2) and (3) that**
- 16 **may be best suited to serve as an accreditor for state**
- 17 **educational institutions or degree programs.**
- 18 **(b) This section expires July 1, 2027.**
- 19 SECTION 7. IC 21-18-9-10.7, AS ADDED BY P.L.213-2025,
- 20 SECTION 248, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2026]: Sec. 10.7. (a) For each state educational
- 22 institution degree program, if: ~~the:~~
- 23 (1) ~~the:~~
- 24 **(A) average number of students who graduate over the**
- 25 immediately preceding three (3) years is fewer than:
- 26 ~~(A)~~ **(i) ten (10) students for a particular associate**
- 27 degree program;
- 28 ~~(B)~~ **(ii) fifteen (15) students for a particular bachelor's**
- 29 degree program;
- 30 ~~(C)~~ **(iii) seven (7) students for a particular master's**
- 31 degree program;
- 32 ~~(D)~~ **(iv) three (3) students for a particular education**
- 33 specialist program; or
- 34 ~~(E)~~ **(v) three (3) students for a particular doctorate**
- 35 degree program; ~~and or~~
- 36 **(B) degree program meets the definition of a low**
- 37 **earning outcome program under the Higher Education**
- 38 **Act (20 U.S.C. 1087d); and**
- 39 (2) ~~the~~ state educational institution would like to continue a
- 40 degree program described in subdivision (1);
- 41 the state educational institution must request approval from the
- 42 commission to continue the degree program.

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1 (b) If the commission does not grant approval under subsection
2 (a), the state educational institution must eliminate:

- 3 (1) the degree program; and
- 4 (2) any costs associated with the degree program.

5 SECTION 8. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,
6 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2027]: Sec. 3. (a) A supplier may not commit an unfair,
8 abusive, or deceptive act, omission, or practice in connection with a
9 consumer transaction. Such an act, omission, or practice by a supplier
10 is a violation of this chapter whether it occurs before, during, or after
11 the transaction. An act, omission, or practice prohibited by this section
12 includes both implicit and explicit misrepresentations.

13 (b) Without limiting the scope of subsection (a), the following
14 acts, and the following representations as to the subject matter of a
15 consumer transaction, made orally, in writing, or by electronic
16 communication, by a supplier, are deceptive acts:

- 17 (1) That such subject of a consumer transaction has sponsorship,
18 approval, performance, characteristics, accessories, uses, or
19 benefits it does not have which the supplier knows or should
20 reasonably know it does not have.
- 21 (2) That such subject of a consumer transaction is of a particular
22 standard, quality, grade, style, or model, if it is not and if the
23 supplier knows or should reasonably know that it is not.
- 24 (3) That such subject of a consumer transaction is new or
25 unused, if it is not and if the supplier knows or should reasonably
26 know that it is not.
- 27 (4) That such subject of a consumer transaction will be supplied
28 to the public in greater quantity than the supplier intends or
29 reasonably expects.
- 30 (5) That replacement or repair constituting the subject of a
31 consumer transaction is needed, if it is not and if the supplier
32 knows or should reasonably know that it is not.
- 33 (6) That a specific price advantage exists as to such subject of a
34 consumer transaction, if it does not and if the supplier knows or
35 should reasonably know that it does not.
- 36 (7) That the supplier has a sponsorship, approval, or affiliation
37 in such consumer transaction the supplier does not have, and
38 which the supplier knows or should reasonably know that the
39 supplier does not have.
- 40 (8) That such consumer transaction involves or does not involve
41 a warranty, a disclaimer of warranties, or other rights, remedies,
42 or obligations, if the representation is false and if the supplier

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- 1 knows or should reasonably know that the representation is false.
- 2 (9) That the consumer will receive a rebate, discount, or other
- 3 benefit as an inducement for entering into a sale or lease in
- 4 return for giving the supplier the names of prospective
- 5 consumers or otherwise helping the supplier to enter into other
- 6 consumer transactions, if earning the benefit, rebate, or discount
- 7 is contingent upon the occurrence of an event subsequent to the
- 8 time the consumer agrees to the purchase or lease.
- 9 (10) That the supplier is able to deliver or complete the subject
- 10 of the consumer transaction within a stated period of time, when
- 11 the supplier knows or should reasonably know the supplier could
- 12 not. If no time period has been stated by the supplier, there is a
- 13 presumption that the supplier has represented that the supplier
- 14 will deliver or complete the subject of the consumer transaction
- 15 within a reasonable time, according to the course of dealing or
- 16 the usage of the trade.
- 17 (11) That the consumer will be able to purchase the subject of
- 18 the consumer transaction as advertised by the supplier, if the
- 19 supplier does not intend to sell it.
- 20 (12) That the replacement or repair constituting the subject of a
- 21 consumer transaction can be made by the supplier for the
- 22 estimate the supplier gives a customer for the replacement or
- 23 repair, if the specified work is completed and:
 - 24 (A) the cost exceeds the estimate by an amount equal to or
 - 25 greater than ten percent (10%) of the estimate;
 - 26 (B) the supplier did not obtain written permission from the
 - 27 customer to authorize the supplier to complete the work
 - 28 even if the cost would exceed the amounts specified in
 - 29 clause (A);
 - 30 (C) the total cost for services and parts for a single
 - 31 transaction is more than seven hundred fifty dollars (\$750);
 - 32 and
 - 33 (D) the supplier knew or reasonably should have known that
 - 34 the cost would exceed the estimate in the amounts specified
 - 35 in clause (A).
- 36 (13) That the replacement or repair constituting the subject of a
- 37 consumer transaction is needed, and that the supplier disposes of
- 38 the part repaired or replaced earlier than seventy-two (72) hours
- 39 after both:
 - 40 (A) the customer has been notified that the work has been
 - 41 completed; and
 - 42 (B) the part repaired or replaced has been made available

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- 1 for examination upon the request of the customer.
- 2 (14) Engaging in the replacement or repair of the subject of a
- 3 consumer transaction if the consumer has not authorized the
- 4 replacement or repair, and if the supplier knows or should
- 5 reasonably know that it is not authorized.
- 6 (15) The act of misrepresenting the geographic location of the
- 7 supplier by listing an alternate business name or an assumed
- 8 business name (as described in IC 23-0.5-3-4) in a local
- 9 telephone directory if:
- 10 (A) the name misrepresents the supplier's geographic
- 11 location;
- 12 (B) the listing fails to identify the locality and state of the
- 13 supplier's business;
- 14 (C) calls to the local telephone number are routinely
- 15 forwarded or otherwise transferred to a supplier's business
- 16 location that is outside the calling area covered by the local
- 17 telephone directory; and
- 18 (D) the supplier's business location is located in a county
- 19 that is not contiguous to a county in the calling area covered
- 20 by the local telephone directory.
- 21 (16) The act of listing an alternate business name or assumed
- 22 business name (as described in IC 23-0.5-3-4) in a directory
- 23 assistance data base if:
- 24 (A) the name misrepresents the supplier's geographic
- 25 location;
- 26 (B) calls to the local telephone number are routinely
- 27 forwarded or otherwise transferred to a supplier's business
- 28 location that is outside the local calling area; and
- 29 (C) the supplier's business location is located in a county
- 30 that is not contiguous to a county in the local calling area.
- 31 (17) The violation by a supplier of IC 24-3-4 concerning
- 32 cigarettes for import or export.
- 33 (18) The act of a supplier in knowingly selling or reselling a
- 34 product to a consumer if the product has been recalled, whether
- 35 by the order of a court or a regulatory body, or voluntarily by the
- 36 manufacturer, distributor, or retailer, unless the product has been
- 37 repaired or modified to correct the defect that was the subject of
- 38 the recall.
- 39 (19) The violation by a supplier of 47 U.S.C. 227, including any
- 40 rules or regulations issued under 47 U.S.C. 227.
- 41 (20) The violation by a supplier of the federal Fair Debt
- 42 Collection Practices Act (15 U.S.C. 1692 et seq.), including any

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- 1 rules or regulations issued under the federal Fair Debt Collection
- 2 Practices Act (15 U.S.C. 1692 et seq.).
- 3 (21) A violation of IC 24-5-7 (concerning health spa services),
- 4 as set forth in IC 24-5-7-17.
- 5 (22) A violation of IC 24-5-8 (concerning business opportunity
- 6 transactions), as set forth in IC 24-5-8-20.
- 7 (23) A violation of IC 24-5-10 (concerning home consumer
- 8 transactions), as set forth in IC 24-5-10-18.
- 9 (24) A violation of IC 24-5-11 (concerning real property
- 10 improvement contracts), as set forth in IC 24-5-11-14.
- 11 (25) A violation of IC 24-5-12 (concerning telephone
- 12 solicitations), as set forth in IC 24-5-12-23.
- 13 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 14 vehicles), as set forth in IC 24-5-13.5-14.
- 15 (27) A violation of IC 24-5-14 (concerning automatic
- 16 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 17 (28) A violation of IC 24-5-15 (concerning credit services
- 18 organizations), as set forth in IC 24-5-15-11.
- 19 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 20 vehicle subleasing), as set forth in IC 24-5-16-18.
- 21 (30) A violation of IC 24-5-17 (concerning environmental
- 22 marketing claims), as set forth in IC 24-5-17-14.
- 23 (31) A violation of IC 24-5-19 (concerning deceptive
- 24 commercial solicitation), as set forth in IC 24-5-19-11.
- 25 (32) A violation of IC 24-5-21 (concerning prescription drug
- 26 discount cards), as set forth in IC 24-5-21-7.
- 27 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 28 appraisals), as set forth in IC 24-5-23.5-9.
- 29 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 30 forth in IC 24-5-26-3.
- 31 (35) A violation of IC 24-5.5 (concerning mortgage rescue
- 32 fraud), as set forth in IC 24-5.5-6-1.
- 33 (36) A violation of IC 24-8 (concerning promotional gifts and
- 34 contests), as set forth in IC 24-8-6-3.
- 35 (37) A violation of IC 21-18.5-6 (concerning representations
- 36 made by a postsecondary credit bearing proprietary educational
- 37 institution), as set forth in IC 21-18.5-6-22.5.
- 38 (38) A violation of IC 24-5-15.5 (concerning collection actions
- 39 of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- 40 (39) A violation of IC 24-14 (concerning towing services), as set
- 41 forth in IC 24-14-10-1.
- 42 (40) A violation of IC 24-5-14.5 (concerning misleading or

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- 1 inaccurate caller identification information), as set forth in
 2 IC 24-5-14.5-12.
- 3 (41) A violation of IC 24-5-27 (concerning intrastate inmate
 4 calling services), as set forth in IC 24-5-27-27.
- 5 (42) A violation of IC 15-21 (concerning sales of dogs by retail
 6 pet stores), as set forth in IC 15-21-7-4.
- 7 (43) A violation of IC 24-4-23 (concerning the security of
 8 information collected and transmitted by an adult oriented
 9 website operator), as set forth in IC 24-4-23-14.
- 10 **(44) A violation of IC 24-16 (concerning social media**
 11 **providers), as set forth in IC 24-16-6-1.**
- 12 (c) Any representations on or within a product or its packaging or
 13 in advertising or promotional materials which would constitute a
 14 deceptive act shall be the deceptive act both of the supplier who places
 15 such representation thereon or therein, or who authored such materials,
 16 and such other suppliers who shall state orally or in writing that such
 17 representation is true if such other supplier shall know or have reason
 18 to know that such representation was false.
- 19 (d) If a supplier shows by a preponderance of the evidence that an
 20 act resulted from a bona fide error notwithstanding the maintenance of
 21 procedures reasonably adopted to avoid the error, such act shall not be
 22 deceptive within the meaning of this chapter.
- 23 (e) It shall be a defense to any action brought under this chapter
 24 that the representation constituting an alleged deceptive act was one
 25 made in good faith by the supplier without knowledge of its falsity and
 26 in reliance upon the oral or written representations of the manufacturer,
 27 the person from whom the supplier acquired the product, any testing
 28 organization, or any other person provided that the source thereof is
 29 disclosed to the consumer.
- 30 (f) For purposes of subsection (b)(12), a supplier that provides
 31 estimates before performing repair or replacement work for a customer
 32 shall give the customer a written estimate itemizing as closely as
 33 possible the price for labor and parts necessary for the specific job
 34 before commencing the work.
- 35 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
 36 company or other provider of a telephone directory or directory
 37 assistance service or its officer or agent is immune from liability for
 38 publishing the listing of an alternate business name or assumed
 39 business name of a supplier in its directory or directory assistance data
 40 base unless the telephone company or other provider of a telephone
 41 directory or directory assistance service is the same person as the
 42 supplier who has committed the deceptive act.

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(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 JANUARY 1, 2027]:

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

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

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

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

- (1) Allows users to upload content or view the content or activity of other users.**
- (2) Has a user base in which ten percent (10%) or more of the daily active users who are less than sixteen (16) years of age spent an average of two (2) hours per day or longer on the online forum, website, or application when using the**

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- 1 **online forum, website, or application during:**
- 2 **(A) the previous twelve (12) months; or**
- 3 **(B) if the online forum, website, or application did not**
- 4 **exist during all of the previous twelve (12) months, the**
- 5 **previous month.**
- 6 **(3) Employs algorithms that analyze user data or**
- 7 **information on users to select content for users.**
- 8 **(4) Has any of the following addictive features:**
- 9 **(A) Continuously loading content, or content that loads**
- 10 **as the user scrolls down the page without the need to**
- 11 **open a separate page.**
- 12 **(B) Seamless content, or the use of pages with no visible**
- 13 **or apparent end or page breaks.**
- 14 **(C) Display of personal interactive metrics that indicate**
- 15 **the number of times other users have clicked a button to**
- 16 **indicate their reaction to content or have shared or**
- 17 **reposted the content.**
- 18 **(D) Autoplay video or video that begins to play without**
- 19 **the user first clicking on the video or on a play button**
- 20 **for the video.**
- 21 **(E) Live streaming or a function that allows a user or**
- 22 **advertiser to broadcast live video content in real time.**
- 23 **(5) Is owned or operated by a person that collectively with**
- 24 **any parent, subsidiary, or affiliate of the person, generated**
- 25 **at least one billion dollars (\$1,000,000,000) in gross revenues,**
- 26 **worldwide, in one (1) or more of the immediately preceding**
- 27 **three (3) years.**
- 28 **(b) The term does not include the following:**
- 29 **(1) An online service, website, or application where the**
- 30 **exclusive function provides registered users of the service**
- 31 **only with the ability to send and receive electronic mail or**
- 32 **direct messaging consisting of text, photographs, pictures,**
- 33 **images, or videos shared only between the sender and the**
- 34 **recipients, without displaying or posting the material**
- 35 **publicly or to others not identified as the recipient by the**
- 36 **sender.**
- 37 **(2) A device manufacturer or application store.**
- 38 **(3) An online service, website, or application in which the**
- 39 **primary service is on demand audio streaming.**
- 40 **(4) A communications service provider (as defined in**
- 41 **IC 8-1-2.6-13).**
- 42 **Sec. 6. "Transactional data" means a sequence of information**

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1 that documents an exchange, agreement, or transfer between an
2 individual, commercial entity, or third party used for the purpose
3 of satisfying a request or event. The term includes records that
4 relate to a mortgage, education, or employment.

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

8 Chapter 3. Adolescent Use of Social Media

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

12 (1) The social media provider shall use commercially
13 reasonable means, such as a neutral age screen mechanism,
14 to determine the age and state of residence of the individual
15 requesting creation of the account.

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

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

- 25 (1) adolescent; and
- 26 (2) Indiana resident.

27 (b) A social media provider may not allow an adolescent to
28 change or bypass an account configuration described in subsection
29 (c).

30 (c) A social media provider shall configure the account of a
31 registered user described in subsection (a) such that the account
32 does not use or provide, and such that the account holder may not
33 activate or access, the following features or functionality of the
34 social media platform:

35 (1) Functionality to receive direct communications other
36 than direct communications from an account that the user
37 has designated as a linked account.

38 (2) Functionality to appear in the results of a search
39 conducted by a person through the social media provider's
40 search utility unless the person holds an account that the
41 user has designated as a linked account.

42 (3) Dissemination of:

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

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1 social media platform, the social media provider shall determine
 2 the age of the Indiana account holder as described under
 3 subsection (a) for the purpose of verifying the social media
 4 provider's determination of the Indiana account holder's age under
 5 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 sixteen (16) years of age or
 9 older, the social media provider may continue to consider the
 10 Indiana account holder to not be an adolescent for purposes
 11 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 sixteen (16) 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
 27 subsection (c) and each time the Indiana account holder
 28 spends an additional one hundred (100) hours using the
 29 social media 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 sixteen (16) years of age or
 36 older, the social media provider may continue to consider the
 37 Indiana account holder to not be an adolescent for purposes
 38 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 sixteen (16) years of
 41 age or older, the social media provider shall consider the
 42 Indiana account holder to be an adolescent for purposes of

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

9 Sec. 2. (a) This section applies if:
 10 (1) a social media provider:
 11 (A) determines under section 1 of this chapter; or
 12 (B) receives information based on which the social
 13 media provider knows or has reason to know;
 14 that an Indiana account holder is an adolescent; and
 15 (2) the social media provider did not receive verifiable
 16 parental consent under IC 24-16-3-1 for creation of the
 17 account.

18 (b) Not later than seven (7) days after the first date on which
 19 this section applies to the account of an Indiana account holder
 20 under subsection (a), the social media provider shall transmit to
 21 the Indiana account holder notice that the account is subject to
 22 termination due to the account's noncompliance with this article.
 23 The notice must include:

24 (1) the requirement under this article with which the account
 25 is noncompliant;
 26 (2) notice that the Indiana account holder has thirty (30)
 27 days within which to dispute the social media provider's
 28 determination that the account is noncompliant; and
 29 (3) instructions regarding the means under subsection (c) by
 30 which the Indiana account holder may dispute the social
 31 media provider's determination that the account is
 32 noncompliant.

33 (c) A social media provider that provides notice to an Indiana
 34 account holder under subsection (b) shall allow the Indiana
 35 account holder thirty (30) days after the transmission date of the
 36 notice to dispute the social media provider's determination
 37 through:

38 (1) provision of verifiable parental consent from a parent or
 39 legal guardian of the Indiana account holder to the
 40 continuation of the account; or
 41 (2) any commercially reasonable method that relies on public
 42 or private transactional data to verify the age of the account

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- 1 holder.
- 2 (d) If, not later than thirty (30) days after the transmission
- 3 date of a notice transmitted to an Indiana account holder under
- 4 subsection (b):
- 5 (1) a parent or legal guardian of the Indiana account holder
- 6 provides the social media provider with verifiable parental
- 7 consent to the continuation of the account under subsection
- 8 (c)(1); or
- 9 (2) the Indiana account holder completes an age estimation
- 10 process under subsection (c)(2) that results in a
- 11 determination by the social media provider that the Indiana
- 12 account holder is not an adolescent;
- 13 the social media provider shall not terminate the account based on
- 14 the social media provider's determination under subsection
- 15 (a)(1)(A) or the information under subsection (a)(1)(B).
- 16 (e) If, not later than thirty (30) days after the transmission
- 17 date of a notice transmitted to an Indiana account holder under
- 18 subsection (b):
- 19 (1) a parent or legal guardian of the Indiana account holder
- 20 does not provide the social media provider with verifiable
- 21 parental consent to the continuation of the account under
- 22 subsection (c)(1); or
- 23 (2) the Indiana account holder does not complete an age
- 24 estimation process under subsection (c)(2);
- 25 the social media provider shall terminate the account at the
- 26 conclusion of the thirty (30) day period.
- 27 (f) If:
- 28 (1) an Indiana account holder who receives a notice under
- 29 subsection (b) completes an age estimation process under
- 30 subsection (c)(2) not later than thirty (30) days after the
- 31 transmission date of the notice; and
- 32 (2) the age estimation results in a determination by the social
- 33 media provider that the Indiana account holder is an
- 34 adolescent;
- 35 the social media provider shall terminate the account not later than
- 36 seven (7) days after receiving the results of the age estimation.
- 37 (g) A social media provider shall make a determination
- 38 regarding the results of an Indiana account holder's age estimation
- 39 under subsection (c)(2) not later than thirty (30) days after the date
- 40 on which the Indiana account holder completes the age estimation
- 41 process.
- 42 (h) A social media provider that receives verifiable parental

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1 consent for the continuation of an account under this section shall
2 provide the parent or legal guardian with the option to receive a
3 separate password for the account as described under
4 IC 24-16-3-2(d).

5 Chapter 5. Use and Retention of Information

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

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

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

16 Chapter 6. Enforcement

17 Sec. 1. An owner or operator of a social media provider that
18 violates this article commits a deceptive act that is actionable by
19 the attorney general under IC 24-5-0.5 and that is subject to the
20 penalties and remedies available to the attorney general under
21 IC 24-5-0.5.

22 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) 511
23 IAC 13-1-1(b)(6) is void. The publisher of the Indiana
24 Administrative Code and Indiana Register shall remove this
25 provision from the Indiana Administrative Code.

26 (b) This SECTION expires July 1, 2027.

27 SECTION 11. An emergency is declared for this act.

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