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# SENATE BILL No. 199

Proposed Changes to January 29, 2026 printing by AM019910

## DIGEST OF PROPOSED AMENDMENT

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

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.
- 16 (5) A member of the panel serves for a four (4) year term,
- 17 subject to the following:
- 18 (A) An appointee who ceases to meet the member's
- 19 qualification under subdivision (3) ceases to be a member
- 20 of the panel.

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

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1 of the panel, including travel and a stipend of at least fifty dollars (\$50)  
2 for each meeting for panel members.

3 SECTION 2. IC 20-28-3-1, AS AMENDED BY P.L.190-2025,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 1. (a) As used in this section, "teacher  
6 candidate" means an individual recommended for an initial teaching  
7 license from a teacher preparation program located in Indiana.

8 (b) As used in this section, "teacher preparation program"  
9 includes, but is not limited to, the following:

10 (1) A teacher education school or department.

11 (2) A transition to teaching program under IC 20-28-4.

12 (3) Any other entity approved by the department to offer a course  
13 of study leading to an initial teaching license.

14 (c) The department shall:

15 (1) arrange a statewide system of professional instruction for  
16 teacher education;

17 (2) accredit and review teacher preparation programs that  
18 comply with the rules of the department;

19 (3) approve content area licensure programs for particular kinds  
20 of teachers in accredited teacher preparation programs; and

21 (4) specify the types of licenses for individuals who complete  
22 programs of approved courses.

23 (d) The department shall work with teacher preparation programs  
24 to develop a system of teacher education that ensures individuals who  
25 complete teacher preparation programs are able to meet the highest  
26 professional standards.

27 (e) Before July 1, 2015, the department shall establish standards  
28 for the continuous improvement of program processes and the  
29 performance of individuals who complete teacher preparation  
30 programs. The state board shall adopt rules containing the standards  
31 not later than two hundred seventy (270) days after the department  
32 finishes the standards.

33 (f) The standards established under subsection (e) must include  
34 benchmarks for performance, including test score data for each teacher  
35 preparation entity on content area licensure tests and test score data for  
36 each teacher preparation entity on pedagogy licensure tests.

37 (g) Each teacher preparation program shall annually report the  
38 program's performance on the standards and benchmarks established  
39 under this section to the department. The department shall make the  
40 information reported under this subsection available to the public on  
41 the department's website. Each teacher preparation program shall make  
42 the information reported under this subsection available to the public

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1 on the teacher preparation program's website. In addition to reporting  
 2 performance, each teacher preparation program must report to the  
 3 department the following:

4 (1) The attrition, retention, and completion rates of teacher  
 5 candidates for the previous three (3) calendar years. The teacher  
 6 preparation program must also provide underlying data, as  
 7 determined by the department, used as part of calculating the  
 8 teacher preparation program's retention rates.

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

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

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

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

16 (h) In making information available to the public on the  
 17 department's website, the department shall include in the report under  
 18 subsection (g), in addition to the matrix ratings described in subsection  
 19 (i), the following information:

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

23 (2) The average number of times teacher candidates who  
 24 complete a teacher preparation program take each licensing test  
 25 before receiving a passing score and the percentage of teacher  
 26 candidates who receive a passing score on each licensing test on  
 27 the teacher candidates' first attempts.

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

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

41 (1) the Council for the Accreditation of Educator Preparation  
 42 standards, for teacher preparation programs accredited by the

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- 1 Council for the Accreditation of Educator Preparation;
- 2 (2) rigorous academic entry requirements for admission into a
- 3 teacher preparatory program that are equivalent to the minimum
- 4 academic requirements determined by the Council for the
- 5 Accreditation of Educator Preparation, for teacher preparation
- 6 programs that are not accredited by the Council for the
- 7 Accreditation of Educator Preparation; ~~or~~
- 8 (3) the Association for Advancing Quality in Educator
- 9 Preparation standards, for teacher preparation programs
- 10 accredited by the Association for Advancing Quality in Educator
- 11 Preparation; **or**
- 12 **(4) the department's admission standards for teacher**
- 13 **preparation programs accredited by the department.**

14 The department shall include information reported to the department  
 15 on the department's website.

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

22 (l) Not later than July 1 of each year, the department shall submit  
 23 a list of teacher preparation programs that do not meet the minimum  
 24 rating established under subsection (k) or the requirements of section  
 25 3.1 or 3.2 of this chapter to the commission for higher education and  
 26 the Independent Colleges of Indiana, Inc. for one (1) of the following  
 27 actions:

28 (1) In the case of a state educational institution, the commission  
 29 for higher education shall place the teacher preparation program  
 30 on an improvement plan with clear performance goals and a  
 31 designated period in which the performance goals must be  
 32 achieved.

33 (2) In the case of a proprietary postsecondary educational  
 34 institution, the commission for higher education shall  
 35 recommend to the teacher preparation program an improvement  
 36 plan with clear performance goals and a designated period in  
 37 which the performance goals should be achieved.

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

42 (m) The department shall approve at least two (2) accreditors that:

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- 1 (1) accredit teacher preparation programs; and
- 2 (2) are recognized by the Council for Higher Education
- 3 Accreditation;

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

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

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

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

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

- 22 **(A) The birth of an employee's child.**
- 23 **(B) The birth of a child to an employee's spouse.**
- 24 **(C) The placement of a child for adoption with an**  
 25 **employee.**
- 26 **(D) The stillbirth of an employee's child.**

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

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

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

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

35 SECTION 4. IC 20-30-5-7.4 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2026]: **Sec. 7.4. (a) Not later than December**  
 38 **1, 2026, the secretary of education shall do the following:**

39 **(1) Identify key metrics and activities to be used to measure**  
 40 **civic literacy and engagement in kindergarten through grade**  
 41 **12 and postsecondary education.**

42 **(2) Submit the metrics identified under subdivision (1) to the**

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1 **general assembly in an electronic format under IC 5-14-6.**  
 2 **(b) This section expires July 1, 2027.**

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

- 8 (1) Reading skill standards for grade 1 through grade 3.  
 9 (2) A method for making determinant evaluations by grade 3 that  
 10 remedial action is required for a student, including:

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

18 (B) the use of curricular materials and supplemental  
 19 materials aligned to the science of reading that are designed  
 20 to address deficiencies in reading;

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

- 24 (3) A requirement that schools notify a student's parent of the  
 25 following:

26 (A) The student's assessment results regarding skill level in:  
 27 (i) phonemic awareness;  
 28 (ii) phonics;  
 29 (iii) fluency;  
 30 (iv) vocabulary; and  
 31 (v) comprehension.

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

34 (C) Any intervention provided to the student or any  
 35 remedial action taken.

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

38 (A) determinant evaluation of reading skills approved by  
 39 the state board; or

40 (B) statewide assessment program test.

- 41 (5) A requirement that schools provide reading instruction that  
 42 includes a core reading program aligned with the science of

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

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

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

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- accredit state educational institutions.
- (3) Identify potential alternative agencies, associations, or methods to accredit degree programs offered by state educational institutions.**
- (4) Provide a report in an electronic format under IC 5-14-6 to the general assembly that includes:**
  - (A) the commission's findings under subdivisions (1) through (3); and**
  - (B) recommendations concerning accrediting agencies or associations identified in subdivisions (2) and (3) that may be best suited to serve as an accreditor for state educational institutions or degree programs.**
- (b) This section expires July 1, 2027.**

SECTION 7. IC 21-18-9-10.7, AS ADDED BY P.L.213-2025, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.7. (a) For each state educational institution degree program, if: ~~the:~~

- (1) the:**
  - (A) average number of students who graduate over the immediately preceding three (3) years is fewer than:**
    - ~~(A)~~ **(i) ten (10) students for a particular associate degree program;**
    - ~~(B)~~ **(ii) fifteen (15) students for a particular bachelor's degree program;**
    - ~~(C)~~ **(iii) seven (7) students for a particular master's degree program;**
    - ~~(D)~~ **(iv) three (3) students for a particular education specialist program; or**
    - ~~(E)~~ **(v) three (3) students for a particular doctorate degree program; and or**
    - (B) degree program meets the definition of a low earning outcome program under the Higher Education Act (20 U.S.C. 1087d); and**

**(2) the state educational institution would like to continue a degree program described in subdivision (1);**  
the state educational institution must request approval from the commission to continue the degree program.

- (b) If the commission does not grant approval under subsection (a), the state educational institution must eliminate:**
    - (1) the degree program; and**
    - (2) any costs associated with the degree program.**
- SECTION 8. [\[ IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,](#)

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SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2027]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

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

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

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

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

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

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other

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consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.  
(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.  
(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.  
(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:  
(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;  
(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);  
(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and  
(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).  
(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:  
(A) the customer has been notified that the work has been completed; and  
(B) the part repaired or replaced has been made available for examination upon the request of the customer.  
(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

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- (15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:
  - (A) the name misrepresents the supplier's geographic location;
  - (B) the listing fails to identify the locality and state of the supplier's business;
  - (C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and
  - (D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.
- (16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:
  - (A) the name misrepresents the supplier's geographic location;
  - (B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and
  - (C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.
- (17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.
- (18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.
- (19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.
- (20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).
- (21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.
- (22) A violation of IC 24-5-8 (concerning business opportunity

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- 1 [transactions\), as set forth in IC 24-5-8-20.](#)
- 2 [\(23\) A violation of IC 24-5-10 \(concerning home consumer](#)
- 3 [transactions\), as set forth in IC 24-5-10-18.](#)
- 4 [\(24\) A violation of IC 24-5-11 \(concerning real property](#)
- 5 [improvement contracts\), as set forth in IC 24-5-11-14.](#)
- 6 [\(25\) A violation of IC 24-5-12 \(concerning telephone](#)
- 7 [solicitations\), as set forth in IC 24-5-12-23.](#)
- 8 [\(26\) A violation of IC 24-5-13.5 \(concerning buyback motor](#)
- 9 [vehicles\), as set forth in IC 24-5-13.5-14.](#)
- 10 [\(27\) A violation of IC 24-5-14 \(concerning automatic](#)
- 11 [dialing-announcing devices\), as set forth in IC 24-5-14-13.](#)
- 12 [\(28\) A violation of IC 24-5-15 \(concerning credit services](#)
- 13 [organizations\), as set forth in IC 24-5-15-11.](#)
- 14 [\(29\) A violation of IC 24-5-16 \(concerning unlawful motor](#)
- 15 [vehicle subleasing\), as set forth in IC 24-5-16-18.](#)
- 16 [\(30\) A violation of IC 24-5-17 \(concerning environmental](#)
- 17 [marketing claims\), as set forth in IC 24-5-17-14.](#)
- 18 [\(31\) A violation of IC 24-5-19 \(concerning deceptive](#)
- 19 [commercial solicitation\), as set forth in IC 24-5-19-11.](#)
- 20 [\(32\) A violation of IC 24-5-21 \(concerning prescription drug](#)
- 21 [discount cards\), as set forth in IC 24-5-21-7.](#)
- 22 [\(33\) A violation of IC 24-5-23.5-7 \(concerning real estate](#)
- 23 [appraisals\), as set forth in IC 24-5-23.5-9.](#)
- 24 [\(34\) A violation of IC 24-5-26 \(concerning identity theft\), as set](#)
- 25 [forth in IC 24-5-26-3.](#)
- 26 [\(35\) A violation of IC 24-5.5 \(concerning mortgage rescue](#)
- 27 [fraud\), as set forth in IC 24-5.5-6-1.](#)
- 28 [\(36\) A violation of IC 24-8 \(concerning promotional gifts and](#)
- 29 [contests\), as set forth in IC 24-8-6-3.](#)
- 30 [\(37\) A violation of IC 21-18.5-6 \(concerning representations](#)
- 31 [made by a postsecondary credit bearing proprietary educational](#)
- 32 [institution\), as set forth in IC 21-18.5-6-22.5.](#)
- 33 [\(38\) A violation of IC 24-5-15.5 \(concerning collection actions](#)
- 34 [of a plaintiff debt buyer\), as set forth in IC 24-5-15.5-6.](#)
- 35 [\(39\) A violation of IC 24-14 \(concerning towing services\), as set](#)
- 36 [forth in IC 24-14-10-1.](#)
- 37 [\(40\) A violation of IC 24-5-14.5 \(concerning misleading or](#)
- 38 [inaccurate caller identification information\), as set forth in](#)
- 39 [IC 24-5-14.5-12.](#)
- 40 [\(41\) A violation of IC 24-5-27 \(concerning intrastate inmate](#)
- 41 [calling services\), as set forth in IC 24-5-27-27.](#)
- 42 [\(42\) A violation of IC 15-21 \(concerning sales of dogs by retail](#)

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pet stores), as set forth in IC 15-21-7-4.

(43) A violation of IC 24-4-23 (concerning the security of information collected and transmitted by an adult oriented website operator), as set forth in IC 24-4-23-14.

**(44) A violation of IC 24-16 (concerning social media providers), as set forth in IC 24-16-6-1.**

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in 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

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SB 199—LS 6945/DI 152



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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 online forum, website, or application during:

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

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

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

(4) Has any of the following addictive features:

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

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

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

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

(E) Live streaming or a function that allows a user or 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.

(4) A communications service provider (as defined in IC 8-1-2.6-13).

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

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1 consent as defined by 15 U.S.C. 6501(9) that is obtained in  
2 conformance with 16 CFR 312.5.

3 Chapter 3. Adolescent Use of Social Media

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

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

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

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

- 20 (1) adolescent; and
- 21 (2) Indiana resident.

22 (b) A social media provider may not allow an adolescent to  
23 change or bypass an account configuration described in subsection  
24 (c).

25 (c) A social media provider shall configure the account of a  
26 registered user described in subsection (a) such that the account  
27 does not use or provide, and such that the account holder may not  
28 activate or access, the following features or functionality of the  
29 social media platform:

30 (1) Functionality to receive direct communications other  
31 than direct communications from an account that the user  
32 has designated as a linked account.

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

37 (3) Dissemination of:

- 38 (A) content;
- 39 (B) recommendations for content; or
- 40 (C) advertising;

41 based on patterns of the adolescent's use of the social media  
42 provider.

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(4) Addictive features described under IC 24-16-2-5(a)(4).  
(d) The social media provider shall provide the adolescent's parent or legal guardian who provides verifiable parental consent to the creation of the account with the option to receive a separate password for the account that allows the parent or legal guardian to:

- (1) monitor the amount of time the adolescent spends using the social media platform;
- (2) set daily and weekly time limits on the adolescent's use of the social media platform;
- (3) set limits on the times of day during which the adolescent can access the social media platform; and
- (4) access the adolescent's account at any time.

Chapter 4. Continuing Age Estimation

Sec. 1. (a) Beginning January 1, 2027, not later than fourteen (14) days after the first date on which an Indiana account holder has spent at least twenty-five (25) hours in a single six (6) month period using a social media provider's social media platform, the social media provider shall:

- (1) make reasonable efforts; and
- (2) use reasonable means, taking into consideration the technology and data available to the social media provider; to determine the age of the Indiana account holder.

(b) Subject to subsection (d):

- (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 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.

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

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(d) Subject to subsection (f):

(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.

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

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

The notice must include:

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

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

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

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

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

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

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

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

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provides the social media provider with verifiable parental consent to the continuation of the account under subsection (c)(1); or  
(2) the Indiana account holder completes an age estimation process under subsection (c)(2) that results in a determination by the social media provider that the Indiana account holder is not an adolescent;  
the social media provider shall not terminate the account based on the social media provider's determination under subsection (a)(1)(A) or the information under subsection (a)(1)(B).

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

(1) a parent or legal guardian of the Indiana account holder does not provide the social media provider with verifiable parental consent to the continuation of the account under subsection (c)(1); or  
(2) the Indiana account holder does not complete an age estimation process under subsection (c)(2);  
the social media provider shall terminate the account at the conclusion of the thirty (30) day period.

(f) If:  
(1) an Indiana account holder who receives a notice under subsection (b) completes an age estimation process under subsection (c)(2) not later than thirty (30) days after the transmission date of the notice; and  
(2) the age estimation results in a determination by the social media provider that the Indiana account holder is an adolescent;  
the social media provider shall terminate the account not later than seven (7) days after receiving the results of the age estimation.

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

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

Chapter 5. Use and Retention of Information

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

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

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

11 Chapter 6. Enforcement

12 Sec. 1. An owner or operator of a social media provider that  
13 violates this article commits a deceptive act that is actionable by  
14 the attorney general under IC 24-5-0.5 and that is subject to the  
15 penalties and remedies available to the attorney general under  
16 IC 24-5-0.5.

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

21 (b) This SECTION expires July 1, 2027.  
22 SECTION <9>[11]. An emergency is declared for this act.

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