

LC001398

IN GENERAL ASSEMBLY

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
RHODE ISLAND SOCIAL MEDIA REGULATION ACT

Referred To: Senate Judiciary

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW — GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

RHODE ISLAND SOCIAL MEDIA REGULATION ACT

(1) "Account holder" means a person who has, or opens, an account or profile to use a media company's platform.

(3) "Department" means the department of business regulation.

(4) "Educational entity" means a public school, a local education agency (LEA), a charter a private school, a denominational school, a parochial school, a community college, a state , a state university, or a nonprofit private postsecondary educational institution.

(5) "Interactive computer service" means an information service, information system, or information access software provider that provides or enables computer access by multiple users to a computer server and provides access to the Internet. "Interactive computer service" includes:

(ii) A web system;

1 (iii) A website;
2 (iv) A web application; and
3 (v) A web portal.
4 (6) "Minor" means an individual who is under the age of eighteen (18) years.
5 (7) "Post" means content that an account holder makes available on a social media platform
6 for other account holders or users to view.
7 (8) "Social media company" means a person or entity that:
8 (i) Provides a social media platform that has at least five million (5,000,000) account
9 holders worldwide; and
10 (ii) Is an interactive computer service.
11 (9)(i) "Social media platform" means an online forum that a social media company makes
12 available for an account holder to:
13 (A) Create a profile;
14 (B) Upload posts;
15 (C) View the posts of other account holders; and
16 (D) Interact with other account holders or users.
17 (ii) "Social media platform" does not include an online service, website, or application:
18 (A) Where the predominant or exclusive function is:
19 (I) Electronic mail;
20 (II) Direct messaging consisting of text, photos, or videos that are sent between devices by
21 electronic means where messages are shared between the sender and the recipient, only visible to
22 the sender and the recipient, and are not posted publicly;
23 (B) That provides a streaming service that:
24 (I) Provides only licensed media in a continuous flow from the service, website, or
25 application to the end user; and
26 (II) Does not obtain a license to the media from a user or account holder by agreement to
27 its terms of service;
28 (C) That provides news, sports, entertainment, or other content that is preselected by the
29 provider and not user generated, and any chat, comment, or interactive functionality that is provided
30 incidental to, directly related to, or dependent upon provision of the content;
31 (D) That provides online shopping or e-commerce, if the interaction with other users or
32 account holders is generally limited to:
33 (I) The ability to upload a post and comment on reviews; and
34 (II) The ability to display lists or collections of goods for sale or wish lists; and other

1 functions that are focused on online shopping or e-commerce rather than interaction between users
2 or account holders;

3 (E) That provides interactive gaming, virtual gaming, or an online service, that allows the
4 creation and uploading of content for the purpose of interactive gaming, edutainment, or associated
5 entertainment, and the communication related to that content;

6 (F) That provides photo editing that has an associated photo hosting service, if the
7 interaction with other users or account holders is generally limited to liking or commenting;

8 (G) That provides a professional creative network for showcasing and discovering artistic
9 content, if the content is required to be non-pornographic;

10 (H) That provides single-purpose community groups for public safety if the interaction
11 with other users or account holders is generally limited to that single purpose and the community
12 group has guidelines or policies against illegal content;

13 (I) Providing career development opportunities, including professional networking, job
14 skills, learning certifications, and job posting and application services;

15 (J) That provides business to business software;

16 (K) That provides a teleconferencing or videoconferencing service that allows reception
17 and transmission of audio and video signals for real time communication;

18 (L) That provides cloud storage;

19 (M) That provides shared document collaboration;

20 (N) That provides cloud computing services, which may include cloud storage and shared
21 document collaboration;

22 (O) Providing access to or interacting with data visualization platforms, libraries, or hubs;

23 (P) Permitting comments on a digital news website, if the news content is posted only by
24 the provider of the digital news website;

25 (Q) Providing or obtaining technical support for a platform, product, or service;

26 (R) That provides academic or scholarly research;

27 (S) That provides genealogical research where the majority of the content that is posted or
28 created is posted or created by the provider of the online service, website, or application and the
29 ability to chat, comment, or interact with other users is directly related to the provider's content;

30 (T) That is a classified ad service that only permits the sale of goods and prohibits the
31 solicitation of personal services; or

32 (U) That is used by and under the direction of an educational entity, including a learning
33 management system a student engagement program and a subject or skill-specific program.

34 (10) "User" means a person who has access to view all or some of, the post on a social

1 media platform, but is not an account holder.

2 (11) "Rhode Island account holder" means a person who is a Rhode Island resident and an
3 account holder. The term "Rhode Island account holder" includes a Rhode Island minor account
4 holder.

5 (12) "Rhode Island minor account holder" means a Rhode Island account holder who is a
6 minor.

7 (13) "Rhode Island resident" means an individual who currently resides in Rhode Island.

8 **6-61-2. Age requirements for use of social media platform -- Parental consent --**
9 **Rulemaking authority of decision.**

10 (a) Commencing January 1, 2026, a social media company may not permit a Rhode Island
11 resident who is a minor to be an account holder on the social media company's social media
12 platform unless the Rhode Island resident has the express consent of a parent or guardian.

13 (b) Notwithstanding any provision of this chapter, a social media company may not permit
14 a Rhode Island resident who is a minor to hold or open an account on a social media platform if the
15 minor is ineligible to hold or open an account under any other provision of state or federal law.

16 (c) Commencing January 1, 2026, a social media company shall verify the age of an
17 existing or new Rhode Island account holder and, if the existing or new account holder is a minor,
18 confirm that a minor has consent as required under this chapter:

19 (1) For a new account, at the time the Rhode Island resident opens the account; or

20 (2) For a Rhode Island account holder who has not provided age verification as required
21 under this section, within fourteen (14) calendar days of the Rhode Island account holder's attempt
22 to access the account.

23 (d) If a Rhode Island account holder fails to meet the verification requirements of this
24 section within the required time period, the social media company shall deny access to the account:

25 (1) Upon the expiration of the time period; and

26 (2) Until all verification requirements are met.

27 (e) The department shall promulgate rules and regulations to implement the provisions of
28 this chapter to include, but not limited to:

29 (1) Establish processes or means by which a social media company may meet the age
30 verification requirements of this chapter;

31 (2) Establish acceptable forms or methods of identification, which may not be limited to a
32 valid identification card issued by a government entity;

33 (3) Establish requirements for providing confirmation of the receipt of any information
34 provided by a person seeking to verify age under this chapter;

1 (4) Establish processes or means to confirm that a parent or guardian has provided consent
2 for the minor to open or use an account pursuant to the provisions of this chapter;

3 (5) Establish requirements for retaining, protecting, and securely disposing of any
4 information obtained by a social media company or its agent as a result of compliance with the
5 requirements of this chapter; and

6 (6) Require that information obtained by a social media company or its agent in order to
7 comply retained for the purpose of compliance and may not be used for any other purpose.

8 (f) If the department permits an agent to process verification requirements required by this
9 section, require that the agent have its principal place of business in the United States of America.

10 (g) The department shall require other applicable state agencies to comply with any rules
11 promulgated under the authority of this section.

12 (h) The department shall ensure that the rules are consistent with state and federal law.

13 **6-61-3. Prohibition on data collection for certain accounts -- Prohibition on**
14 **advertising -- Use of information -- Search results-- Directed content.**

15 Commencing January 1, 2026, a social media company, for a social media platform
16 account held by a Rhode Island minor account holder:

17 (1) Shall prohibit direct messaging between the account and any other user that is not linked
18 to the account through friending;

19 (2) May not show the account in search results for any user that is not linked to the account
20 through friending;

21 (3) Shall prohibit the display of any advertising in the account;

22 (4) Shall not collect or use any personal information from the posts, content, messages,
23 text, or usage activities of the account other than information that is necessary to comply with, and
24 to verify compliance with, state or federal law, which information includes a parent or guardian's
25 name, a birth date, and any other information required to be submitted under this section; and

26 (5) Shall prohibit the use of targeted or suggested groups, services, products, posts,
27 accounts, or users in the account.

28 **6-61-4. Parental access to social media account.**

29 (a) Commencing January 1, 2026, a social media company shall provide a parent or
30 guardian who has given parental consent for a Rhode Island minor account holder under § 6-61-2
31 with a password or other means for the parent or guardian to access the account, which shall allow
32 the parent or guardian to view:

33 (1) All posts the Rhode Island minor account holder makes under the social media platform
34 account; and

1 (2) All responses and messages sent to or by the Rhode Island minor account holder in the
2 social media platform account.

3 **6-61-5. Limited hours of access for minors -- Parental access and options.**

4 (a) Commencing January 1, 2026, a social media company shall prohibit a Rhode Island
5 minor account holder from having access to the Rhode Island minor account holder's account
6 during the hours of 10:30 p.m. to 6:30 a.m., unless the access is modified according to another
7 requirement of this section.

8 (1) Time of day under this section shall be calculated based on the Internet protocol address
9 being used by the Rhode Island minor account holder at the time of attempting access.

10 (2) A social media company shall provide options for a parent or guardian with access to
11 an account under § 6-61-4 to:

12 (i) Change or eliminate the time-of-day restriction described in subsection (a) of this
13 section; and

14 (ii) Set a limit on the number of hours per day that a Rhode Island minor account holder
15 may use the account.

16 (3) A social media company shall not permit a Rhode Island minor account holder to
17 change or bypass restrictions on access as required by this section.

18 (4) Notwithstanding any provision of this section, a social media company shall permit a
19 parent or guardian with access to an account under § 6-61-4 to access the account without time
20 restrictions.

21 **6-61-6. Investigating powers of the department.**

22 (a) The department shall receive consumer complaints alleging a violation of this chapter.

23 (b) A person may file a consumer complaint that alleges a violation under this chapter, with
24 the department.

25 (c) The department shall investigate a consumer complaint to determine whether a violation
26 of §§ 6-61-2, 6-61-3, and/or 6-61-4 occurred.

27 **6-61-7. Enforcement powers of the department.**

28 (a) Except for a private right of action under § 6-61-9, the department has the exclusive
29 authority to administer and enforce the requirements of §§ 6-61-2, 6-61-3, and 6-61-4.

30 (b) The attorney general upon request, shall give legal advice to, and act as counsel for, the
31 department in the exercise of the department responsibilities under this chapter.

32 (c) Subject to the ability to cure an alleged violation under this chapter:

33 (1) The department director may impose an administrative fine of up to two thousand five
34 hundred dollars (\$2,500) for each violation of this chapter; and

1 (2) The department may bring an action in a court of competent jurisdiction to enforce a
2 provision of this chapter.

3 (d) In a court action by the department to enforce a provision of §§ 6-61-2, 6-61-3, or 6-
4 61-4, the court may:

5 (1) Declare that the act or practice violates a provision of §§ 6-61-2, 6-61-3, or 6-61-4;
6 (2) Issue an injunction for a violation of §§ 6-61-2, 6-61-3; or 6-61-4;
7 (3) Order disgorgement of any money received in violation of §§ 6-61-2, 6-61-3, or 6-61-
8 4;

9 (4) Order payment of disgorged money to an injured purchaser or consumer;
10 (5) Award actual damages to an injured purchaser or consumer; and
11 (6) Award any other relief that the court deems reasonable and necessary.

12 (e) At least thirty (30) days before the day on which the department initiates an enforcement
13 action against a person or entity that is subject to the requirements of this chapter, the department
14 shall provide the person or entity with:

15 (1) Written notice that identifies each alleged violation; and
16 (2) An explanation of the basis for each allegation.

17 (f) The department may not initiate an action if the person or entity:

18 (1) Cures the noticed violation within thirty (30) days after the day on which the person or
19 entity receives the notices; and

20 (2) Provides the department with a written statement that:

21 (i) The person or entity has cured the violation; and
22 (ii) States no further violation shall occur.

23 (g) The department may initiate a civil action against a person or entity who:

24 (1) Fails to cure a violation after receiving the notice described in this section; or
25 (2) After curing a noticed violation and providing a written statement in accordance with
26 the provisions of this chapter, commits another violation of the same provision.

27 (h) If a court of competent jurisdiction grants judgment or injunctive relief to the
28 department the court shall award the department:

29 (1) Reasonable attorney fees;
30 (2) Court costs; and
31 (3) Investigative fees.

32 (i) A person who repeatedly violates an administrative or court order issued for a violation
33 of this chapter, is subject to a civil penalty of no more than five thousand dollars (\$5,000) for a
34 second or subsequent violation.

1 (j) A civil penalty authorized under this section may be imposed in any civil action brought
2 by the department or by the attorney general on behalf of the department.

3 **6-61-8. Department report.**

4 The department shall compile an annual report:

5 (1) Evaluating the liability and enforcement provisions of this chapter, including:

6 (i) The effectiveness of the department's efforts to enforce this chapter; and

7 (ii) Any recommendations for changes to this chapter;

8 (2) Summarizing the consumer interactions that are protected and not protected by this
9 chapter, including a list of alleged violations the department has received; and

10 (3) An accounting of all administrative fines and civil penalties assessed during the year.

11 **6-61-9. Private rights of action.**

12 (a) Commencing January 1, 2026, an aggrieved person or account holder may bring an
13 action against a person that does not comply with a requirement of § 6-61-2.

14 (b) A suit filed under the authority of this section shall be filed in the superior court for the
15 county in which a person bringing the action resides.

16 (c) If a court finds that a person or entity has violated a provision of §§ 6-61-2, 6-61-3, or
17 6-61-4, the person who brings an action under this section is entitled to:

18 (1) An award of reasonable attorney fees and court costs; and

19 (2) An amount equal to the greater of:

20 (i) Two thousand five hundred dollars (\$2,500) per each incident of violation; or

21 (ii) Actual damages for financial, physical, and emotional harm incurred by the person
22 bringing the action, if the court determines that the harm is a direct consequence of the violation or
23 violations.

24 **6-61-10. Waiver prohibited.**

25 A waiver or limitation, or a purported waiver or limitation, of any of the following is void
26 as unlawful, is against public policy, and a court or arbitrator may not enforce or give effect to the
27 waiver, notwithstanding any contract or choice-of-law provision in a contract of a protection or
28 requirement provided under this chapter.

29 **6-61-11. Severability.**

30 If any provision of this chapter or the application of any provision to any person or
31 circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder
32 of this chapter shall be given effect without the invalid provision or application. The provisions of
33 this chapter are severable.

1 SECTION 2. This act shall take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
RHODE ISLAND SOCIAL MEDIA REGULATION ACT

- 1
- This act would create the Rhode Island Social Media Regulation act, which would not
- 2
- permit a Rhode Island resident who is a minor to be an account holder on a social media's platform
- 3
- unless the minor has the express consent of a parent or guardian.
- 4
- This act would take effect on January 1, 2026.

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