

Senate Bill 165

By: Senators Merritt of the 9th, Jones II of the 22nd, Kemp of the 38th, Jackson of the 41st, Orrock of the 36th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 39 of the Official Code of Georgia Annotated, relating to minors, so as to  
2 provide for social media and internet safety for minors; to increase the amount of the fine for  
3 which commercial entities may be liable; to require providers of social media platforms to  
4 verify the age of account holders; to require providers of social media platforms to refuse  
5 account services to minors who are 14 or 15 years of age without parental consent; to require  
6 providers of social media platforms to refuse account services to minors who are younger  
7 than 14 years of age; to provide for account termination upon the request of minors or their  
8 parents or guardians; to provide for the deletion of personal information, subject to  
9 exceptions; to increase the amount of the fine for which providers of a social media platform  
10 may be liable; to create a civil remedy for minors to recover damages against providers of  
11 a social media platform; to provide for related matters; to provide for an effective date; to  
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended in  
16 Chapter 5, relating to online internet safety, by revising paragraph (3) of subsection (c) of

17 Code Section 39-5-5, relating to commercial entity age verification, access to material  
18 harmful to minors, data retention, penalties, and exclusions, as follows:

19 "(3) A commercial entity that violates this Code section shall be subject to a fine of up  
20 to ~~\$10,000.00~~ \$50,000.00 for each violation, the amount of which shall be determined by  
21 the superior court in the county in which any affected minor resides. The Attorney  
22 General or solicitor general or district attorney having jurisdiction shall institute  
23 proceedings to impose such fine within one year of the violation. The issuance of a fine  
24 under this paragraph shall not preclude any right of action."

25

## SECTION 2.

26 Said title is further amended in Chapter 6, relating to social media platforms, by revising  
27 Code Section 39-6-2, relating to age verification of account holders, minors, and information  
28 relating to available content censorship or moderation features, as follows:

29 "39-6-2.

30 (a) The provider of a social media platform shall make commercially reasonable efforts  
31 to verify the age of account holders with a level of certainty appropriate to the risks that  
32 arise from the social media platform's information management practices or shall apply the  
33 special conditions applied to minors under this chapter to all account holders.

34 (b) The provider of a social media platform shall treat as a minor any individual such  
35 provider verifies to be under the age of 16 years.

36 (c)(1) No provider of a social media platform shall permit a minor who is 14 or 15 years  
37 of age to be an account holder unless such provider obtains the express consent of such  
38 minor's parent or guardian. Acceptable methods of obtaining express consent from a  
39 parent or guardian include:

40 ~~(+)(A)~~ Providing a form for the minor's parent or guardian to sign and return to the  
41 social media platform by common carrier, facsimile, email, or scanning;

- 42 ~~(2)(B)~~ Providing a toll-free telephone number for the minor's parent or guardian to call  
43 to consent;
- 44 ~~(3)(C)~~ Coordinating a call with the minor's parent or guardian using videoconferencing  
45 technology;
- 46 ~~(4)(D)~~ Collecting information related to the minor's parent's or guardian's government  
47 issued identification or financial or payment card information and deleting such  
48 information after confirming the identity of the parent or guardian;
- 49 ~~(5)(E)~~ Allowing the minor's parent or guardian to provide consent by responding to an  
50 email and taking additional steps to verify the parent's or guardian's identity; and
- 51 ~~(6)(F)~~ Any other commercially reasonable method of obtaining consent using available  
52 technology.

53 (2) Each provider of a social media platform shall:

- 54 (A) Terminate any account held by an account holder who is 14 or 15 years of age,  
55 including accounts that the provider of a social media platform treats or categorizes as  
56 belonging to an account holder who is likely 14 or 15 years of age for purposes of  
57 targeting content or advertising; provided, however, that such provider of a social  
58 media platform shall provide 90 days for an account holder to dispute such termination;  
59 and provided, further, that such termination shall be effective upon the expiration of  
60 such 90 day period if the account holder fails to effectively dispute such termination;
- 61 (B) Permit an account holder who is 14 or 15 years of age to request to terminate the  
62 account and ensure such account is terminated within five business days after such  
63 request;
- 64 (C) Permit the parent or guardian of an account holder who is 14 or 15 years of age to  
65 request that such minor's account be terminated and ensure such account is terminated  
66 within ten business days after such request; and

67 (D) Permanently delete all personal information held by the provider of the social  
68 media platform relating to such terminated account, unless there are legal requirements  
69 to maintain such information.

70 (c.1)(1) No provider of a social media platform shall permit a minor who is younger than  
71 14 years of age to be an account holder.

72 (2) Each provider of a social media platform shall:

73 (A) Terminate any account held by an account holder who is younger than 14 years of  
74 age, including accounts that the provider of a social media platform treats or categorizes  
75 as belonging to an account holder who is likely younger than 14 years of age for  
76 purposes of targeting content or advertising; provided, however, that such provider of  
77 a social media platform shall provide 90 days for an account holder to dispute such  
78 termination; and provided, further, that such termination shall be effective upon the  
79 expiration of such 90 day period if the account holder fails to effectively dispute such  
80 termination;

81 (B) Permit an account holder who is younger than 14 years of age to request to  
82 terminate the account and ensure such account is terminated within five business days  
83 after such request;

84 (C) Permit the parent or guardian of an account holder who is younger than 14 years  
85 of age to request that such minor's account be terminated and ensure such account is  
86 terminated within ten business days after such request; and

87 (D) Permanently delete all personal information held by the provider of the social  
88 media platform relating to such terminated account, unless there are legal requirements  
89 to maintain such information.

90 (d) Notwithstanding any other provision of this chapter, no provider of a social media  
91 platform shall permit a minor to hold or open an account on the social media platform if  
92 the minor is ineligible to hold or open an account under any other provision of state or  
93 federal law.

94 (e) The provider of a social media platform shall make available, upon the request of a  
95 parent or guardian of a minor, a list and description of the features offered by the social  
96 media platform related to censoring or moderating content available on the social media  
97 platform, including any features that can be disabled or modified by an account holder."

98 **SECTION 3.**

99 Said title is further amended in said chapter by revising Code Section 39-6-4, relating to  
100 enforceability by Attorney General, as follows:

101 "39-6-4.

102 (a) The Attorney General shall have exclusive authority to enforce the provisions of this  
103 chapter and the authority to take action pursuant to Part 2 of Article 15 of Chapter 1 of  
104 Title 10, the 'Fair Business Practices Act of 1975.'

105 (b) Except as provided in Code Section 39-6-6, nothing ~~Nothing~~ in this chapter shall be  
106 interpreted to serve as the basis for a private right of action under this chapter or any other  
107 law.

108 (c) Subject to the ability to cure an alleged violation under subsection (d) of this Code  
109 section, the Attorney General may initiate an action and seek damages for up to ~~\$2,500.00~~  
110 \$50,000.00 and court costs, including reasonable attorney's fees, for each violation under  
111 this chapter.

112 (d) At least 90 days before the day on which the Attorney General initiates an enforcement  
113 action against a person or entity that is subject to the requirements of this chapter, the  
114 Attorney General shall provide the person or entity with a written notice that identifies each  
115 alleged violation and an explanation of the basis for each allegation. The Attorney General  
116 shall not initiate an action if the person or entity cures the noticed violation within 90 days  
117 of receiving notice from the Attorney General and provides the Attorney General with a  
118 written statement indicating that the alleged violation is cured."

119 **SECTION 4.**

120 Said title is further amended in said chapter by adding a new Code section to read as follows:

121 "39-6-6.

122 (a) A provider of a social media platform that knowingly or recklessly violates  
123 subsection (c) or (c.1) of Code Section 39-6-2 shall be liable to the minor account holder,  
124 including court costs and reasonable attorney's fees as ordered by the court. Claimants may  
125 be awarded up to \$10,000.00 in damages.

126 (b) A civil action for a claim under this Code section shall be brought within one year from  
127 the date the complainant knew, or reasonably should have known, of the alleged violation.

128 (c) Any action brought under this Code section may only be brought on behalf of a minor  
129 account holder.

130 (d) For purposes of bringing an action under this Code section, a provider of a social  
131 media platform that allows a minor to create an account on such platform is considered to  
132 be both engaged in substantial and not isolated activities within this state and operating,  
133 conducting, engaging in, or carrying on a business and doing business in this state, and is  
134 therefore subject to the jurisdiction of the courts of this state.

135 (e) A provider of a social media platform that allows a minor who is 14 years of age or  
136 older to create an account on such platform has entered into a contract with such minor.

137 (f) Nothing in this Code section shall be construed to limit or preclude any other available  
138 remedy at law or equity."

139 **SECTION 5.**

140 This Act shall become effective on July 1, 2025.

141 **SECTION 6.**

142 All laws and parts of laws in conflict with this Act are repealed.