

HOUSE BILL NO. 562

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Communications, Technology and Innovation

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Campbell)

A BILL to amend the Code of Virginia by adding a section numbered 8.01-40.6, relating to commercial entity offering social media accounts; restricted hours for minors; civil liability.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-40.6 as follows:**

**§ 8.01-40.6. Allowing minor to access social media accounts during restricted hours; interfering with the sleep cycle or mental health of a minor.**

A. For the purposes of this section:

"Interactive computer service" means the same as that term is defined in § 8.01-49.1.

"Social media account" means an online personal account on a social media platform.

"Social media platform" means a public or semipublic Internet-based service or application that has users in the Commonwealth and meets both of the following criteria:

1. A primary function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone.

2. The service or application allows a user to: (i) construct a public or semipublic profile for purposes of signing into and using the service or application; (ii) populate a public list of other users with whom the user shares a social connection within the system; and (iii) create or post content viewable by other users, including on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. A service or application that consists primarily of news, sports, entertainment, ecommerce, or content that is preselected by the provider, or for which any

27 chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the  
28 provision of such content, shall not be considered to meet this criterion on the basis of that function alone.

29 B. No commercial entity offering social media accounts shall knowingly or intentionally allow a  
30 minor to access his social media account during the hours of 12:00 a.m. to 6:00 a.m. unless the minor's  
31 parent, guardian, or legal custodian has provided permission for such minor to use such social media  
32 account during these hours. For the purposes of this section, the time of day shall be determined based on  
33 the location of the Internet Protocol address used by the minor account holder at the time of attempting  
34 such access.

35 C. Any commercial entity offering social media accounts that violates the provisions of this section  
36 shall be subject to civil liability for damages resulting from the interference with the sleep cycle or mental  
37 health of a minor by allowing such minor to access his social media account during the hours of 12:00  
38 a.m. to 6:00 a.m. and reasonable attorney fees and costs.

39 D. Nothing in this section shall be construed to impose an obligation or liability on a provider or  
40 user of an interactive computer service on the Internet.

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