



Reprinted
January 22, 2025

SENATE BILL No. 11

DIGEST OF SB 11 (Updated January 21, 2025 2:04 pm - DI 149)

Citations Affected: IC 24-4; IC 24-4.9; IC 24-5.

Synopsis: Minor access and use of social media. Requires a social media operator to restrict a minor user's viewing of social media without first obtaining verifiable parental consent for the minor user. Defines a "minor user" as an individual who is less than 16 years of age. Allows the attorney general to: (1) bring an action against a social media operator that fails to implement a verifiable parental consent method; and (2) issue a civil investigative demand if the attorney general has reasonable cause to believe that any person is engaged in a violation.

Effective: July 1, 2025.

**Bohacek, Brown L, Garten,
Johnson T, Deery,
Randolph Lonnie M, Schmitt**

January 8, 2025, read first time and referred to Committee on Judiciary.
January 16, 2025, amended, reported favorably — Do Pass.
January 21, 2025, read second time, amended, ordered engrossed.

SB 11—LS 6058/DI 149



Reprinted
January 22, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 11

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

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

1 SECTION 1. IC 24-4-24 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]:

4 **Chapter 24. Verifiable Parental Consent for Social Media**

5 **Sec. 1. As used in this chapter, "minor user" means an**
6 **individual less than sixteen (16) years of age.**

7 **Sec. 2. As used in this chapter, "person" has the meaning set**
8 **forth in IC 24-4-23-6.**

9 **Sec. 3. (a) As used in this chapter, "social media" means a**
10 **website or other Internet-based application that allows a person to**
11 **create an account or profile to communicate or interact with other**
12 **users and:**

13 **(1) create content;**

14 **(2) share content and information; or**

15 **(3) view content and information that is shared by other users.**

16 **(b) The term does not include a website or other Internet-based**
17 **application that:**

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- (1) a user accesses for the sole purpose of interactive gaming;
- (2) is designed to facilitate communication and operations between employees, affiliates, or contractors of a business, governmental entity, or nonprofit organization;
- (3) facilitates only electronic mail;
- (4) consists of content that is:
 - (A) preselected by the entity that owns, operates, or hosts the website or other Internet-based application; and
 - (B) not user generated; or
- (5) facilitates crowdsourcing of content to create visual aids such as charts, graphs, diagrams, and infographics.

Sec. 4. (a) As used in this chapter, "social media operator" means a person that owns, operates, or hosts social media that is accessible in Indiana.

(b) The term does not include a device manufacturer.

Sec. 5. As used in this chapter, "verifiable parental consent" means consent of a minor user's parent or legal guardian that is obtained through a method that is reasonably designed to ensure that the person providing the consent is a parent or legal guardian of the minor user.

Sec. 6. (a) A social media operator must not allow a minor user to view social media without obtaining verifiable parental consent allowing the minor user to view the social media.

(b) A social media operator must identify if an account or profile is created by a minor user without verifiable parental consent and must require that verifiable parental consent is obtained before social media is accessed through an account or profile described in this subsection.

(c) A social media operator must:

- (1) provide notice to the parent or legal guardian who has provided verifiable parental consent under this section that consent may be revoked at any time; and
- (2) establish a procedure to allow a parent or legal guardian to revoke an executed verifiable parental consent.

(d) A licensed application end user license agreement executed between a device manufacturer and an application developer may incorporate the requirements of subsection (b).

Sec. 7. A social media operator must use commercially reasonable methods to secure all information collected and transmitted under this chapter. Any information collected and retained by a social media operator under this chapter must be encrypted (as defined by IC 24-4-14-4).



1 **Sec. 8. (a) Except as provided in subsection (b), the attorney**
 2 **general may bring an action against a social media operator if the**
 3 **social media operator violates section 6 of this chapter.**

4 **(b) If the attorney general has not previously:**

5 **(1) brought an action against; or**

6 **(2) sent a notice of violation to;**

7 **a social media operator under this section, the attorney general**
 8 **shall send a notice of violation. The notice sent under this**
 9 **subsection must describe the violation of section 6 of this chapter.**
 10 **The social media operator then has ninety (90) days from the date**
 11 **on the notice to cure the violation and provide documentation to**
 12 **prove that the violation has been remedied.**

13 **(c) If the social media operator does not remedy the violation**
 14 **described in the notice required under subsection (b), the attorney**
 15 **general may bring an action to obtain any of the following relief**
 16 **against the social media operator:**

17 **(1) Injunctive relief.**

18 **(2) A civil penalty of not more than two hundred fifty**
 19 **thousand dollars (\$250,000).**

20 **(3) The attorney general's reasonable costs of:**

21 **(A) the investigation of the violation; and**

22 **(B) maintaining the action.**

23 **Sec. 9. If the attorney general has reasonable cause to believe**
 24 **that any person has violated this chapter, the attorney general may**
 25 **issue a civil investigative demand under IC 4-6-3-3.**

26 **Sec. 10. In an action filed under section 8 of this chapter, any**
 27 **information collected about a minor user is confidential. The clerk**
 28 **of the court shall place all records of the minor user in an envelope**
 29 **marked "confidential" inside the court's file pertaining to the**
 30 **minor user. Records placed in the confidential envelope may only**
 31 **be released to:**

32 **(1) the judge or any authorized staff member;**

33 **(2) a party and the party's attorney;**

34 **(3) the parent or legal guardian of a minor user who accessed**
 35 **the social media; or**

36 **(4) any person having a legitimate interest in the work of the**
 37 **court or in a particular case as determined by the presiding**
 38 **judge or the judge's successor who shall consider the best**
 39 **interests, safety, and welfare of the minor user.**

40 **Sec. 11. The provisions of this chapter are severable in the**
 41 **manner provided by IC 1-1-1-8(b).**

42 **SECTION 2. IC 24-4.9-2-10, AS AMENDED BY P.L.98-2024,**



SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. "Personal information" means:

- (1) a Social Security number that is not encrypted or redacted;
- (2) an individual's first and last names, or first initial and last name, and one (1) or more of the following data elements that are not encrypted or redacted:

- (A) A driver's license number.
- (B) A state identification card number.
- (C) A credit card number.

- (D) A financial account number or debit card number in combination with a security code, password, or access code that would permit access to the person's account; ~~or~~

- (3) information collected by an adult oriented website operator, or their designee, under IC 24-4-23; **or**

- (4) information collected by a social media operator, or their designee, under IC 24-4-24.**

The term does not include information that is lawfully obtained from publicly available information or from federal, state, or local government records lawfully made available to the general public.

SECTION 3. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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



1 to the public in greater quantity than the supplier intends or
2 reasonably expects.

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

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

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

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

17 (9) That the consumer will receive a rebate, discount, or other
18 benefit as an inducement for entering into a sale or lease in return
19 for giving the supplier the names of prospective consumers or
20 otherwise helping the supplier to enter into other consumer
21 transactions, if earning the benefit, rebate, or discount is
22 contingent upon the occurrence of an event subsequent to the time
23 the consumer agrees to the purchase or lease.

24 (10) That the supplier is able to deliver or complete the subject of
25 the consumer transaction within a stated period of time, when the
26 supplier knows or should reasonably know the supplier could not.
27 If no time period has been stated by the supplier, there is a
28 presumption that the supplier has represented that the supplier
29 will deliver or complete the subject of the consumer transaction
30 within a reasonable time, according to the course of dealing or the
31 usage of the trade.

32 (11) That the consumer will be able to purchase the subject of the
33 consumer transaction as advertised by the supplier, if the supplier
34 does not intend to sell it.

35 (12) That the replacement or repair constituting the subject of a
36 consumer transaction can be made by the supplier for the estimate
37 the supplier gives a customer for the replacement or repair, if the
38 specified work is completed and:

39 (A) the cost exceeds the estimate by an amount equal to or
40 greater than ten percent (10%) of the estimate;

41 (B) the supplier did not obtain written permission from the
42 customer to authorize the supplier to complete the work even



- 1 if the cost would exceed the amounts specified in clause (A);
 2 (C) the total cost for services and parts for a single transaction
 3 is more than seven hundred fifty dollars (\$750); and
 4 (D) the supplier knew or reasonably should have known that
 5 the cost would exceed the estimate in the amounts specified in
 6 clause (A).
- 7 (13) That the replacement or repair constituting the subject of a
 8 consumer transaction is needed, and that the supplier disposes of
 9 the part repaired or replaced earlier than seventy-two (72) hours
 10 after both:
- 11 (A) the customer has been notified that the work has been
 12 completed; and
 13 (B) the part repaired or replaced has been made available for
 14 examination upon the request of the customer.
- 15 (14) Engaging in the replacement or repair of the subject of a
 16 consumer transaction if the consumer has not authorized the
 17 replacement or repair, and if the supplier knows or should
 18 reasonably know that it is not authorized.
- 19 (15) The act of misrepresenting the geographic location of the
 20 supplier by listing an alternate business name or an assumed
 21 business name (as described in IC 23-0.5-3-4) in a local telephone
 22 directory if:
- 23 (A) the name misrepresents the supplier's geographic location;
 24 (B) the listing fails to identify the locality and state of the
 25 supplier's business;
 26 (C) calls to the local telephone number are routinely forwarded
 27 or otherwise transferred to a supplier's business location that
 28 is outside the calling area covered by the local telephone
 29 directory; and
 30 (D) the supplier's business location is located in a county that
 31 is not contiguous to a county in the calling area covered by the
 32 local telephone directory.
- 33 (16) The act of listing an alternate business name or assumed
 34 business name (as described in IC 23-0.5-3-4) in a directory
 35 assistance data base if:
- 36 (A) the name misrepresents the supplier's geographic location;
 37 (B) calls to the local telephone number are routinely forwarded
 38 or otherwise transferred to a supplier's business location that
 39 is outside the local calling area; and
 40 (C) the supplier's business location is located in a county that
 41 is not contiguous to a county in the local calling area.
- 42 (17) The violation by a supplier of IC 24-3-4 concerning



- 1 cigarettes for import or export.
- 2 (18) The act of a supplier in knowingly selling or reselling a
- 3 product to a consumer if the product has been recalled, whether
- 4 by the order of a court or a regulatory body, or voluntarily by the
- 5 manufacturer, distributor, or retailer, unless the product has been
- 6 repaired or modified to correct the defect that was the subject of
- 7 the recall.
- 8 (19) The violation by a supplier of 47 U.S.C. 227, including any
- 9 rules or regulations issued under 47 U.S.C. 227.
- 10 (20) The violation by a supplier of the federal Fair Debt
- 11 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
- 12 rules or regulations issued under the federal Fair Debt Collection
- 13 Practices Act (15 U.S.C. 1692 et seq.).
- 14 (21) A violation of IC 24-5-7 (concerning health spa services), as
- 15 set forth in IC 24-5-7-17.
- 16 (22) A violation of IC 24-5-8 (concerning business opportunity
- 17 transactions), as set forth in IC 24-5-8-20.
- 18 (23) A violation of IC 24-5-10 (concerning home consumer
- 19 transactions), as set forth in IC 24-5-10-18.
- 20 (24) A violation of IC 24-5-11 (concerning real property
- 21 improvement contracts), as set forth in IC 24-5-11-14.
- 22 (25) A violation of IC 24-5-12 (concerning telephone
- 23 solicitations), as set forth in IC 24-5-12-23.
- 24 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 25 vehicles), as set forth in IC 24-5-13.5-14.
- 26 (27) A violation of IC 24-5-14 (concerning automatic
- 27 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 28 (28) A violation of IC 24-5-15 (concerning credit services
- 29 organizations), as set forth in IC 24-5-15-11.
- 30 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 31 vehicle subleasing), as set forth in IC 24-5-16-18.
- 32 (30) A violation of IC 24-5-17 (concerning environmental
- 33 marketing claims), as set forth in IC 24-5-17-14.
- 34 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 35 solicitation), as set forth in IC 24-5-19-11.
- 36 (32) A violation of IC 24-5-21 (concerning prescription drug
- 37 discount cards), as set forth in IC 24-5-21-7.
- 38 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 39 appraisals), as set forth in IC 24-5-23.5-9.
- 40 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 41 forth in IC 24-5-26-3.
- 42 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),



as set forth in IC 24-5.5-6-1.

(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.

(38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.

(39) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.

(40) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.

(41) A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.

(42) A violation of IC 15-21 (concerning sales of dogs by retail 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 24-4-24 (concerning the security of information collected and transmitted by a social media operator), as set forth in IC 24-4-24-7.

(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



1 estimates before performing repair or replacement work for a customer
2 shall give the customer a written estimate itemizing as closely as
3 possible the price for labor and parts necessary for the specific job
4 before commencing the work.

5 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
6 company or other provider of a telephone directory or directory
7 assistance service or its officer or agent is immune from liability for
8 publishing the listing of an alternate business name or assumed
9 business name of a supplier in its directory or directory assistance data
10 base unless the telephone company or other provider of a telephone
11 directory or directory assistance service is the same person as the
12 supplier who has committed the deceptive act.

13 (h) For purposes of subsection (b)(18), it is an affirmative defense
14 to any action brought under this chapter that the product has been
15 altered by a person other than the defendant to render the product
16 completely incapable of serving its original purpose.



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 11, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "minor user" means an individual less than sixteen (16) years of age.

Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 24-4-23-6.

Sec. 3. (a) As used in this chapter, "social media" means a website or other Internet-based application that allows a person to create an account or profile to communicate or interact with other users and:

- (1) create content;**
- (2) share content and information; or**
- (3) view content and information that is shared by other users.**

(b) The term does not include a website or other Internet-based application that:

- (1) a user accesses for the sole purpose of interactive gaming;**
- (2) is designed to facilitate communication and operations between employees, affiliates, or contractors of a business, governmental entity, or nonprofit organization;**
- (3) facilitates only electronic mail; or**
- (4) consists of content that is:**
 - (A) preselected by the entity that owns, operates, or hosts the website or other Internet-based application; and**
 - (B) not user generated.**

Sec. 4. (a) As used in this chapter, "social media operator" means a person that owns, operates, or hosts social media that is accessible in Indiana.

(b) The term does not include a device manufacturer.

Sec. 5. As used in this chapter, "verifiable parental consent" means consent of a minor user's parent or legal guardian that is obtained through a method that is reasonably designed to ensure that the person providing the consent is a parent or legal guardian of the minor user.

Sec. 6. (a) A social media operator must not allow a minor user to view social media without obtaining verifiable parental consent allowing the minor user to view the social media.

(b) A social media operator must identify if an account or profile is created by a minor user without verifiable parental



consent and must require that verifiable parental consent is obtained before social media is accessed through an account or profile described in this subsection.

(c) A social media operator must:

- (1) provide notice to the parent or legal guardian who has provided verifiable parental consent under this section that consent may be revoked at any time; and
- (2) establish a procedure to allow a parent or legal guardian to revoke an executed verifiable parental consent.

(d) A licensed application end user license agreement executed between a device manufacturer and an application developer may incorporate the requirements of subsection (b).

Sec. 7. A social media operator must use commercially reasonable methods to secure all information collected and transmitted under this chapter. Any information collected and retained by a social media operator under this chapter must be encrypted (as defined by IC 24-4-14-4).

Sec. 8. (a) Except as provided in subsection (b), the attorney general may bring an action against a social media operator if the social media operator violates section 6 of this chapter.

(b) If the attorney general has not previously:

- (1) brought an action against; or
- (2) sent a notice of violation to;

a social media provider under this section, the attorney general shall send a notice of violation. The notice sent under this subsection must describe the violation of section 6 of this chapter. The social media operator then has ninety (90) days from the date on the notice to cure the violation and provide documentation to prove that the violation has been remedied.

(c) If the social media operator does not remedy the violation described in the notice required under subsection (b), the attorney general may bring an action to obtain any of the following relief against the social media operator:

- (1) Injunctive relief.
- (2) A civil penalty of not more than two hundred fifty thousand dollars (\$250,000).
- (3) The attorney general's reasonable costs of:
 - (A) the investigation of the violation; and
 - (B) maintaining the action.

Sec. 9. If the attorney general has reasonable cause to believe that any person has violated this chapter, the attorney general may issue a civil investigative demand under IC 4-6-3-3.



Sec. 10. In an action filed under section 8 of this chapter, any information collected about a minor user is confidential. The clerk of the court shall place all records of the minor user in an envelope marked "confidential" inside the court's file pertaining to the minor user. Records placed in the confidential envelope may only be released to:

- (1) the judge or any authorized staff member;**
- (2) a party and the party's attorney;**
- (3) the parent or legal guardian of a minor user who accessed the social media; or**
- (4) any person having a legitimate interest in the work of the court or in a particular case as determined by the presiding judge or the judge's successor who shall consider the best interests, safety, and welfare of the minor user.**

Sec. 11. The provisions of this chapter are severable in the manner provided by IC 1-1-8(b)."

Delete pages 2 through 3.

Page 4, delete lines 1 through 2.

Page 8, line 26, delete "IC 24-4-24-10." and insert "**IC 24-4-24-7**".

Page 9, delete lines 20 through 42.

Delete page 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 11 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 1.

SENATE MOTION

Mr. President: I move that Senate Bill 11 be amended to read as follows:

Page 2, line 5, delete "or".

Page 2, line 9, delete "generated." and insert "**generated; or**

(5) facilitates crowdsourcing of content to create visual aids such as charts, graphs, diagrams, and infographics."



Page 3, line 5, delete "provider" and insert "**operator**".

(Reference is to SB 11 as printed January 17, 2025.)

BROWN L

