

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 383

Introduced by Storer, 43; at the request of the Governor; Ballard, 21;
Bosn, 25; Clouse, 37; Dover, 19; Hardin, 48; Holdcroft, 36;
Ibach, 44; Kauth, 31; Lippincott, 34; Meyer, 17.

Read first time January 17, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to social media; to adopt the Parental Rights
- 2 in Social Media Act; to provide an operative date; and to provide
- 3 severability.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 5 of this act shall be known and may be
2 cited as the Parental Rights in Social Media Act.

3 **Sec. 2.** For purposes of the Parental Rights in Social Media Act:

4 (1) Account holder means a person who, on or after the operative
5 date of this act, creates an account or profile on a social media
6 platform;

7 (2)(a) Content includes a text, an image, or a video.

8 (b) Content does not include an interactive game or any form of
9 educational entertainment;

10 (3) Digitized identification card means a data file that contains
11 all of the data elements visible on the face and back of a government-
12 issued operator's license or government-issued identification document
13 and displays the current status of the license or document;

14 (4)(a) Interactive computer service means an information service as
15 defined in 47 U.S.C. 153, an information system, or an information access
16 software that:

17 (i) Provides or enables access by multiple users to a computer
18 server; and

19 (ii) Provides access to the Internet.

20 (b) An interactive computer service includes an Internet service, an
21 Internet system, an Internet application, an Internet portal, and a
22 website;

23 (5) Minor means an individual who is:

24 (a) Known or reasonably believed by a social media platform to be
25 under eighteen years of age;

26 (b) Not emancipated; and

27 (c) A resident of this state;

28 (6) Parent means the parent or legal guardian of a minor;

29 (7) Person means an individual or entity;

30 (8) Post means content that an account holder makes available on a
31 social media platform for other account holders and users to view;

1 (9) Reasonable age verification method includes requiring
2 presentation of a digitized identification card or any commercially
3 reasonable age verification method to confirm an individual's age;

4 (10) Social media company means a person that is an interactive
5 computer service and that provides a social media platform;

6 (11)(a) Social media platform means a website or Internet
7 application that:

8 (i) Allows a person to create an account; and

9 (ii) Enables an account holder to communicate with other account
10 holders and users through posts.

11 (b) Social media platform does not include:

12 (i) A broadband Internet access service, as defined in 47 C.F.R.
13 8.1(b);

14 (ii) An email service; or

15 (iii) An Internet service, Internet application, or website:

16 (A) That consists primarily of content that is not generated by
17 account holders, but rather is preselected by the service, application,
18 or website provider; and

19 (B) For which interactive functionality is incidental to, directly
20 related to, or dependent upon, such preselected content;

21 (iv) Online shopping, if the interaction with other account holders
22 or users is predominantly limited to the ability to (A) send, receive,
23 request, or settle funds, (B) comment on transactions, (C) display goods
24 for sale, (D) engage as consumers about products and reviews, or (E) post
25 a wish list;

26 (v) An Internet service, Internet application, or website that
27 primarily provides career development opportunities;

28 (vi) A cloud storage or cloud computing service;

29 (vii) An online service, application, or website in which
30 interaction between users is predominately (A) used for technical support
31 or (B) limited to reviewing products offered for sale by means of

1 electronic commerce or commenting on such reviews posted by other users;
2 or

3 (viii) Peer-to-peer payment platforms, if the interaction with other
4 users or account holders is generally limited to the ability to send,
5 receive, or request funds and to like or comment on such transactions, or
6 other functions that are focused on sending, receiving, requesting, or
7 settling payments between users or account holders; and

8 (12) User means a person who consumes posts on a social media
9 platform but who is not an account holder.

10 **Sec. 3.** (1)(a) Except as provided in subsection (2) of this
11 section, a social media company shall not permit a minor to become an
12 account holder. A social media platform shall use a reasonable age
13 verification method to verify the age of an individual seeking to become
14 an account holder on the company's social media platform. A social media
15 company may use a third-party vendor to perform such verification.

16 (b) A social media company or third-party vendor conducting such
17 verification shall not retain any identifying information of an
18 individual after verification is complete.

19 (2) A social media company may allow a minor to become an account
20 holder if the parent of such minor provides express parental consent
21 authorizing such minor to become an account holder. A social media
22 company or third-party vendor shall verify the express parental consent
23 which shall include:

24 (a) Age verification of the parent through a reasonable age
25 verification method; and

26 (b) An oath, affirmation, or form signed by the parent and returned
27 to the social media company or third-party vendor by common carrier,
28 facsimile, or electronic scan stating that the consenting adult is the
29 minor user's parent and authorizes such minor to become an account
30 holder.

31 (3)(a) Once age and parental consent, if applicable, are verified,

1 the social media company may permit the minor to become an account
2 holder. Reverification of an account holder is not required unless
3 parental consent is revoked by a parent.

4 (b) A social media company shall develop a method for a parent to
5 revoke consent for a minor to be an account holder. If consent is
6 revoked, a social media company shall remove the account of such parent's
7 minor and prohibit such minor from becoming an account holder until
8 additional express parental consent is provided.

9 (4) A social media company shall provide a parent of a minor account
10 holder with methods for the parent to supervise the minor's account. Such
11 methods shall include options for the parent to:

12 (a) View all posts the minor account holder makes under the social
13 media platform account;

14 (b) View all responses and messages sent to or by the minor account
15 holder in the social media platform account;

16 (c) Control the minor's privacy and account settings; and

17 (d) Monitor and limit the amount of time the minor account holder
18 spends using the social media platform.

19 **Sec. 4.** (1) A person aggrieved by a violation of section 3 of this
20 act may bring a civil action against the social media company or third-
21 party vendor which engaged in the violation to recover such relief as may
22 be appropriate.

23 (2) In an action under this section, appropriate relief includes:

24 (a) Such preliminary and other equitable or declaratory relief as
25 may be appropriate;

26 (b) Damages under subsection (3) of this section; and

27 (c) At the discretion of the court, reasonable attorney's fees and
28 other litigation costs reasonably incurred.

29 (3)(a) An individual whose information was retained in violation of
30 subdivision (1)(b) of section 3 of this act may recover actual damages
31 caused by such violation.

1 (b) A minor or a parent of such minor aggrieved by any other
2 violation of section 3 of this act may recover actual damages caused by
3 such violation.

4 **Sec. 5.** The Attorney General shall enforce the Parental Rights in
5 Social Media Act and may impose a penalty of up to two thousand five
6 hundred dollars per violation.

7 **Sec. 6.** This act becomes operative on January 1, 2026.

8 **Sec. 7.** If any section in this act or any part of any section is
9 declared invalid or unconstitutional, the declaration shall not affect
10 the validity or constitutionality of the remaining portions.