



General Assembly

Substitute Bill No. 1295

January Session, 2025



AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND ONLINE SERVICES, PRODUCTS AND FEATURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

2 (1) "Consumer" means an individual who is a resident of this state
3 and a user of a social media platform;

4 (2) "Cyberbullying" means any unwanted and aggressive behavior on
5 a social media platform;

6 (3) "Mental health services" has the same meaning as provided in
7 section 19a-498c of the general statutes;

8 (4) "Owner" means the person who owns a social media platform;

9 (5) "Person" means an individual, association, corporation, limited
10 liability company, partnership, trust or other legal entity; and

11 (6) "Social media platform" has the same meaning as provided in
12 section 42-528 of the general statutes.

13 (b) Not later than January 1, 2026, each owner of a social media
14 platform shall incorporate an online safety center into the social media
15 platform. Each online safety center shall, at a minimum, provide the

16 consumers who use such social media platform with:

17 (1) Resources for the purposes of (A) preventing cyberbullying on
18 such social media platform, and (B) enabling any consumer to identify
19 any means available to such consumer to obtain mental health services,
20 including, but not limited to, an Internet web site address or telephone
21 number where such consumer may obtain mental health services for the
22 treatment of an anxiety disorder or the prevention of suicide;

23 (2) Access to online behavioral health educational resources;

24 (3) An explanation of such social media platform's mechanism for
25 reporting harmful or unwanted behavior, including, but not limited to,
26 cyberbullying, on such social media platform; and

27 (4) Educational information concerning the impact that social media
28 platforms have on users' mental health.

29 (c) Not later than January 1, 2026, each owner of a social media
30 platform shall establish a cyberbullying policy for the social media
31 platform. Such policy shall, at a minimum, set forth the manner in which
32 such owner handles reports of cyberbullying on such social media
33 platform.

34 Sec. 2. Section 42-529 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2025*):

36 For the purposes of this section and sections 42-529a to 42-529e,
37 inclusive, as amended by this act:

38 (1) "Adult" means any individual who is at least eighteen years of age;

39 (2) "Consent" has the same meaning as provided in section 42-515;

40 (3) "Consumer" has the same meaning as provided in section 42-515;

41 (4) "Controller" has the same meaning as provided in section 42-515;

42 (5) "Heightened risk of harm to minors" means processing minors'

43 personal data in a manner that presents any reasonably foreseeable risk
44 of (A) any unfair or deceptive treatment of, or any unlawful disparate
45 impact on, minors, (B) any financial, physical or reputational injury to
46 minors, [or] (C) any physical or other intrusion upon the solitude or
47 seclusion, or the private affairs or concerns, of minors if such intrusion
48 would be offensive to a reasonable person, (D) any anxiety or depressive
49 disorder in minors, which disorder has objectively verifiable and
50 clinically diagnosable symptoms and is related to compulsive use of any
51 online service, product or feature by minors, (E) any compulsive use of
52 any online service, product or feature by minors, (F) any physical
53 violence against minors, (G) any harassment of minors on any online
54 service, product or feature, which harassment is so severe, pervasive or
55 objectively offensive as to impact one or more major life activities of
56 minors, (H) any sexual abuse or sexual exploitation of minors, (I) any
57 unlawful distribution or sale to minors of, or any consumption or use
58 by minors of, any alcoholic beverage, as defined in section 30-1,
59 cannabis, as defined in section 21a-420, cigarette, as defined in section
60 12-285, electronic nicotine delivery system, as defined in section 21a-415,
61 infused beverage, as defined in section 21a-425, moderate-THC hemp
62 product, as defined in section 21a-426, narcotic substance, as defined in
63 section 21a-240, tobacco product, as defined in section 12-330a, or vapor
64 product, as defined in section 21a-415, or (J) any unlawful gambling by
65 minors;

66 (6) "HIPAA" has the same meaning as provided in section 42-515;

67 (7) "Minor" means any consumer who is younger than eighteen years
68 of age;

69 (8) "Online service, product or feature" means any service, product or
70 feature that is provided online. "Online service, product or feature" does
71 not include any (A) telecommunications service, as defined in 47 USC
72 153, as amended from time to time, (B) broadband Internet access
73 service, as defined in 47 CFR 54.400, as amended from time to time, or
74 (C) delivery or use of a physical product;

75 (9) "Person" has the same meaning as provided in section 42-515;

76 (10) "Personal data" has the same meaning as provided in section 42-
77 515;

78 (11) "Precise geolocation data" has the same meaning as provided in
79 section 42-515;

80 (12) "Process" and "processing" have the same meaning as provided
81 in section 42-515;

82 (13) "Processor" has the same meaning as provided in section 42-515;

83 (14) "Profiling" has the same meaning as provided in section 42-515;

84 (15) "Protected health information" has the same meaning as
85 provided in section 42-515;

86 (16) "Sale of personal data" has the same meaning as provided in
87 section 42-515;

88 (17) "Targeted advertising" has the same meaning as provided in
89 section 42-515; and

90 (18) "Third party" has the same meaning as provided in section 42-
91 515.

92 Sec. 3. Section 42-529a of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective October 1, 2025*):

94 (a) Each controller that offers any online service, product or feature
95 to consumers whom such controller has actual knowledge, or [wilfully
96 disregards] knowledge fairly implied based on objective circumstances,
97 are minors shall use reasonable care to avoid any heightened risk of
98 harm to minors caused by such online service, product or feature. In any
99 enforcement action brought by the Attorney General pursuant to section
100 42-529e, there shall be a rebuttable presumption that a controller used
101 reasonable care as required under this section if the controller complied
102 with the provisions of section 42-529b, as amended by this act,

103 concerning data protection assessments and impact assessments.

104 (b) (1) [Subject to the consent requirement established in subdivision
105 (3) of this subsection, no] No controller that offers any online service,
106 product or feature to consumers whom such controller has actual
107 knowledge, or [wilfully disregards] knowledge fairly implied based on
108 objective circumstances, are minors shall [: (A) Process] process any
109 minor's personal data; [(i) for] (A) For the purposes of [(I)] (i) targeted
110 advertising, [(II)] (ii) any sale of personal data, or [(III)] (iii) profiling in
111 furtherance of any [fully] automated decision made by such controller
112 that produces any legal or similarly significant effect concerning the
113 provision or denial by such controller of any financial or lending
114 services, housing, insurance, education enrollment or opportunity,
115 criminal justice, employment opportunity, health care services or access
116 to essential goods or services; [, (ii)] (B) unless such processing is
117 reasonably necessary to provide such online service, product or feature;
118 [, (iii)] (C) for any processing purpose [(I)] (i) other than the processing
119 purpose that the controller disclosed at the time such controller
120 collected such personal data, or [(II)] (ii) that is reasonably necessary for,
121 and compatible with, the processing purpose described in
122 subparagraph [(A)(iii)(I)] (C)(i) of this subdivision; [,] or [(iv)] (D) for
123 longer than is reasonably necessary to provide such online service,
124 product or feature. [; or (B) use any system design feature to
125 significantly increase, sustain or extend any minor's use of such online
126 service, product or feature.] The provisions of this subdivision shall not
127 apply to any service or application that is used by and under the
128 direction of an educational entity, including, but not limited to, a
129 learning management system or a student engagement program.

130 (2) [Subject to the consent requirement established in subdivision (3)
131 of this subsection, no] No controller that offers an online service,
132 product or feature to consumers whom such controller has actual
133 knowledge, or [wilfully disregards] knowledge fairly implied based on
134 objective circumstances, are minors shall collect a minor's precise
135 geolocation data unless: (A) Such precise geolocation data is reasonably
136 necessary for the controller to provide such online service, product or

137 feature and, if such data is necessary to provide such online service,
138 product or feature, such controller may only collect such data for the
139 time necessary to provide such online service, product or feature; and
140 (B) the controller provides to the minor a signal indicating that such
141 controller is collecting such precise geolocation data, which signal shall
142 be available to such minor for the entire duration of such collection.

143 [(3) No controller shall engage in the activities described in
144 subdivisions (1) and (2) of this subsection unless the controller obtains
145 the minor's consent or, if the minor is younger than thirteen years of age,
146 the consent of such minor's parent or legal guardian. A controller that
147 complies with the verifiable parental consent requirements established
148 in the Children's Online Privacy Protection Act of 1998, 15 USC 6501 et
149 seq., and the regulations, rules, guidance and exemptions adopted
150 pursuant to said act, as said act and such regulations, rules, guidance
151 and exemptions may be amended from time to time, shall be deemed to
152 have satisfied any requirement to obtain parental consent under this
153 subdivision.]

154 (c) (1) No controller that offers any online service, product or feature
155 to consumers whom such controller has actual knowledge, or [wilfully
156 disregards] knowledge fairly implied based on objective circumstances,
157 are minors shall: (A) Provide any consent mechanism that is designed
158 to substantially subvert or impair, or is manipulated with the effect of
159 substantially subverting or impairing, user autonomy, decision-making
160 or choice; [or] (B) except as provided in subdivision (2) of this
161 subsection, offer any direct messaging apparatus for use by minors
162 [without providing] unless (i) such controller provides readily
163 accessible and easy-to-use safeguards to [limit the ability of adults to
164 send] enable any minor, or any minor's parent or legal guardian, to
165 prevent any adult from sending any unsolicited [communications to
166 minors with whom they are not connected] communication to such
167 minor unless such minor and adult are already connected on such online
168 service, product or feature, and (ii) the safeguards required under
169 subparagraph (B)(i) of this subdivision, as a default setting, prevent any
170 adult from sending any unsolicited communication to any minor unless

171 such minor and adult are already connected on such online service,
172 product or feature; or (C) except as provided in subdivision (3) of this
173 subsection, use any system design feature to significantly increase,
174 sustain or extend any minor's use of such online service, product or
175 feature.

176 (2) The provisions of subparagraph (B) of subdivision (1) of this
177 subsection shall not apply to services where the predominant or
178 exclusive function is: (A) Electronic mail; or (B) direct messaging
179 consisting of text, photos or videos that are sent between devices by
180 electronic means, where messages are (i) shared between the sender and
181 the recipient, (ii) only visible to the sender and the recipient, and (iii) not
182 posted publicly.

183 (3) The provisions of subparagraph (C) of subdivision (1) of this
184 subsection shall not apply to any service or application that is used by
185 and under the direction of an educational entity, including, but not
186 limited to, a learning management system or a student engagement
187 program.

188 Sec. 4. Section 42-529b of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective October 1, 2025*):

190 (a) Each controller that [, on or after October 1, 2024,] offers any online
191 service, product or feature to consumers whom such controller has
192 actual knowledge, or [wilfully disregards] knowledge fairly implied
193 based on objective circumstances, are minors shall conduct a data
194 protection assessment for such online service, product or feature: (1) In
195 a manner that is consistent with the requirements established in section
196 42-522; and (2) that addresses (A) the purpose of such online service,
197 product or feature, (B) the categories of minors' personal data that such
198 online service, product or feature processes, (C) the purposes for which
199 such controller processes minors' personal data with respect to such
200 online service, product or feature, and (D) any heightened risk of harm
201 to minors that is a reasonably foreseeable result of offering such online
202 service, product or feature to minors.

203 (b) Each controller that offers any online service, product or feature
204 to consumers whom such controller has actual knowledge, or
205 knowledge fairly implied based on objective circumstances, are minors
206 shall, if such online service, product or feature engages in any profiling
207 based on such consumers' personal data, conduct an impact assessment
208 for such online service, product or feature. Such impact assessment shall
209 include, to the extent reasonably known by or available to the controller,
210 as applicable: (1) A statement by the controller disclosing the purpose,
211 intended use cases and deployment context of, and benefits afforded by,
212 such online service, product or feature, if such online service, product
213 or feature engages in any profiling for the purpose of making decisions
214 that produce legal or similarly significant effects concerning such
215 consumers; (2) an analysis of whether such profiling poses any known
216 or reasonably foreseeable heightened risk of harm to minors and, if so,
217 (A) the nature of such heightened risk of harm to minors, and (B) the
218 steps that have been taken to mitigate such heightened risk of harm to
219 minors; (3) a description of (A) the categories of personal data such
220 online service, product or feature processes as inputs for the purposes
221 of such profiling, and (B) the outputs such online service, product or
222 feature produces for the purposes of such profiling; (4) an overview of
223 the categories of personal data the controller used to customize such
224 online service, product or feature for the purposes of such profiling, if
225 the controller used data to customize such online service, product or
226 feature for the purposes of such profiling; (5) any metrics used to
227 evaluate the performance and known limitations of such online service,
228 product or feature for the purposes of such profiling; (6) a description
229 of any transparency measures taken concerning such online service,
230 product or feature with respect to such profiling, including, but not
231 limited to, any measures taken to disclose to consumers that such online
232 service, product or feature is being used for such profiling while such
233 online service, product or feature is being used for such profiling; and
234 (7) a description of the post-deployment monitoring and user
235 safeguards provided concerning such online service, product or feature
236 for the purposes of such profiling, including, but not limited to, the
237 oversight, use and learning processes established by the controller to

238 address issues arising from deployment of such online service, product
239 or feature for the purposes of such profiling.

240 ~~[(b)]~~ (c) Each controller that conducts a data protection assessment
241 pursuant to subsection (a) of this section, or an impact assessment
242 pursuant to subsection (b) of this section, shall: (1) Review such data
243 protection assessment or impact assessment as necessary to account for
244 any material change to the processing or profiling operations of the
245 online service, product or feature that is the subject of such data
246 protection assessment or impact assessment; and (2) maintain
247 documentation concerning such data protection assessment or impact
248 assessment for the longer of (A) the three-year period beginning on the
249 date on which such processing or profiling operations cease, or (B) as
250 long as such controller offers such online service, product or feature.

251 ~~[(c)]~~ (d) A single data protection assessment or impact assessment
252 may address a comparable set of processing or profiling operations that
253 include similar activities.

254 ~~[(d)]~~ (e) If a controller conducts a data protection assessment or
255 impact assessment for the purpose of complying with another
256 applicable law or regulation, the data protection assessment or impact
257 assessment shall be deemed to satisfy the requirements established in
258 this section if such data protection assessment or impact assessment is
259 reasonably similar in scope and effect to the data protection assessment
260 or impact assessment that would otherwise be conducted pursuant to
261 this section.

262 ~~[(e)]~~ (f) If any controller conducts a data protection assessment
263 pursuant to subsection (a) of this section, or an impact assessment
264 pursuant to subsection (b) of this section, and determines that the online
265 service, product or feature that is the subject of such assessment poses a
266 heightened risk of harm to minors, such controller shall establish and
267 implement a plan to mitigate or eliminate such risk. The Attorney
268 General may require a controller to disclose to the Attorney General a
269 plan established and implemented pursuant to this subsection if the

270 plan is relevant to an investigation conducted by the Attorney General.

271 ~~[(f)]~~ (g) Data protection assessments and impact assessments shall be
272 confidential and shall be exempt from disclosure under the Freedom of
273 Information Act, as defined in section 1-200. To the extent any
274 information contained in a data protection assessment or impact
275 assessment disclosed to the Attorney General includes information
276 subject to the attorney-client privilege or work product protection, such
277 disclosure shall not constitute a waiver of such privilege or protection.

278 Sec. 5. Section 42-529c of the general statutes is repealed and the
279 following is substituted in lieu thereof (*Effective October 1, 2025*):

280 (a) A processor shall adhere to the instructions of a controller, and
281 shall: (1) Assist the controller in meeting the controller's obligations
282 under sections 42-529 to 42-529e, inclusive, as amended by this act,
283 taking into account (A) the nature of the processing, (B) the information
284 available to the processor by appropriate technical and organizational
285 measures, and (C) whether such assistance is reasonably practicable and
286 necessary to assist the controller in meeting such obligations; and (2)
287 provide any information that is necessary to enable the controller to
288 conduct and document data protection assessments and impact
289 assessments pursuant to section 42-529b, as amended by this act.

290 (b) Each processor that offers any online service, product or feature
291 to consumers whom such processor has actual knowledge, or
292 knowledge fairly implied based on objective circumstances, are minors
293 shall, if such online service, product or feature engages in any profiling
294 based on such consumers' personal data, conduct an impact assessment
295 for such online service, product or feature. Such impact assessment shall
296 include, to the extent reasonably known by or available to the processor,
297 as applicable: (1) A statement by the processor disclosing the purpose,
298 intended use cases and deployment context of, and benefits afforded by,
299 such online service, product or feature, if such online service, product
300 or feature engages in any profiling for the purpose of making decisions
301 that produce legal or similarly significant effects concerning such

302 consumers; (2) an analysis of whether such profiling poses any known
303 or reasonably foreseeable heightened risk of harm to minors and, if so,
304 (A) the nature of such heightened risk of harm to minors, and (B) the
305 steps that have been taken to mitigate such heightened risk of harm to
306 minors; (3) a description of (A) the categories of personal data such
307 online service, product or feature processes as inputs for the purposes
308 of such profiling, and (B) the outputs such online service, product or
309 feature produces for the purposes of such profiling; (4) an overview of
310 the categories of personal data the processor used to customize such
311 online service, product or feature for the purposes of such profiling, if
312 the processor used data to customize such online service, product or
313 feature for the purposes of such profiling; (5) any metrics used to
314 evaluate the performance and known limitations of such online service,
315 product or feature for the purposes of such profiling; (6) a description
316 of any transparency measures taken concerning such online service,
317 product or feature with respect to such profiling, including, but not
318 limited to, any measures taken to disclose to consumers that such online
319 service, product or feature is being used for such profiling while such
320 online service, product or feature is being used for such profiling; and
321 (7) a description of the post-deployment monitoring and user
322 safeguards provided concerning such online service, product or feature
323 for the purposes of such profiling, including, but not limited to, the
324 oversight, use and learning processes established by the processor to
325 address issues arising from deployment of such online service, product
326 or feature for the purposes of such profiling.

327 (c) Each processor that conducts an impact assessment pursuant to
328 subsection (b) of this section shall: (1) Review such impact assessment
329 as necessary to account for any material change to the profiling
330 operations of the online service, product or feature that is the subject of
331 such impact assessment; and (2) maintain documentation concerning
332 such impact assessment for the longer of (A) the three-year period
333 beginning on the date on which such profiling operations cease, or (B)
334 as long as such processor offers such online service, product or feature.

335 (d) A single impact assessment may address a comparable set of

336 profiling operations that include similar activities.

337 (e) If a processor conducts an impact assessment for the purpose of
338 complying with another applicable law or regulation, the impact
339 assessment shall be deemed to satisfy the requirements established in
340 this section if such impact assessment is reasonably similar in scope and
341 effect to the impact assessment that would otherwise be conducted
342 pursuant to this section.

343 (f) If any processor conducts an impact assessment pursuant to
344 subsection (b) of this section and determines that the online service,
345 product or feature that is the subject of such assessment poses a
346 heightened risk of harm to minors, such processor shall establish and
347 implement a plan to mitigate or eliminate such risk. The Attorney
348 General may require a processor to disclose to the Attorney General a
349 plan established and implemented pursuant to this subsection if the
350 plan is relevant to an investigation conducted by the Attorney General.

351 (g) Impact assessments shall be confidential and shall be exempt from
352 disclosure under the Freedom of Information Act, as defined in section
353 1-200. To the extent any information contained in an impact assessment
354 disclosed to the Attorney General includes information subject to the
355 attorney-client privilege or work product protection, such disclosure
356 shall not constitute a waiver of such privilege or protection.

357 [(b)] (h) A contract between a controller and a processor shall satisfy
358 the requirements established in subsection (b) of section 42-521.

359 [(c)] (i) Nothing in this section shall be construed to relieve a
360 controller or processor from the liabilities imposed on the controller or
361 processor by virtue of such controller's or processor's role in the
362 processing relationship, as described in sections 42-529 to 42-529e,
363 inclusive, as amended by this act.

364 [(d)] (j) Determining whether a person is acting as a controller or
365 processor with respect to a specific processing of data is a fact-based
366 determination that depends upon the context in which personal data is

367 to be processed. A person who is not limited in such person's processing
368 of personal data pursuant to a controller's instructions, or who fails to
369 adhere to such instructions, is a controller and not a processor with
370 respect to a specific processing of data. A processor that continues to
371 adhere to a controller's instructions with respect to a specific processing
372 of personal data remains a processor. If a processor begins, alone or
373 jointly with others, determining the purposes and means of the
374 processing of personal data, the processor is a controller with respect to
375 such processing and may be subject to an enforcement action under
376 section 42-529e.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2025</i>	New section
Sec. 2	<i>October 1, 2025</i>	42-529
Sec. 3	<i>October 1, 2025</i>	42-529a
Sec. 4	<i>October 1, 2025</i>	42-529b
Sec. 5	<i>October 1, 2025</i>	42-529c

GL *Joint Favorable Subst.*