
OLR Bill Analysis

sHB 6857 (as amended by House "A")*

AN ACT CONCERNING THE ATTORNEY GENERAL'S RECOMMENDATIONS REGARDING SOCIAL MEDIA AND MINORS.

SUMMARY

This bill generally requires covered platform operators, before giving a user access to any portion of the platform that uses a personalized algorithm, to (1) verify a covered user's age and (2) if the user is a minor, receive permission from the minor's parent or legal guardian. It also sets certain conditions where age verification is not required (e.g., media that immediately follows another item in a preexisting sequence from the same author, creator, or poster).

The bill also limits covered operators to only sending notifications to a minor with any personalized algorithmic suggestions between 8:00 a.m. and 9:00 p.m. Eastern Time but allows notifications outside these times with parental or legal guardian consent. It also generally requires operators to make the platform's default setting, among others, one that limits the minor's access to any portion of the platform that uses a personalized algorithm to one hour per day.

Under the bill, covered operators must also annually disclose certain information for the previous calendar year. This includes providing certain statistics about users, including the number that obtained parental or guardian consent and used the default setting, as well as the average amount of time users spent on the platform.

The bill makes a violation of its provisions a violation of the Connecticut Unfair Trade Practices Act (CUTPA, see BACKGROUND).

*House Amendment "A" (1) delays the effective date from July 1, 2026, to January 1, 2027, and (2) adds exemptions to certain definitions, including exempting certain governmental entities as covered operators and certain platforms that primarily sell goods or are used for

educational purposes as covered platforms.

EFFECTIVE DATE: January 1, 2027

DEFINITIONS

Under the bill, a “covered user” is any covered platform user in Connecticut who is not acting as the covered platform operator, or the operator’s agent or affiliate. A “covered minor” is a covered user under age 18.

A “platform” is any Internet website, online service, online application, mobile application, or social media platform, or any part of them.

A “social media platform” is a public or semi-public Internet-based service or application that:

1. is used by a consumer in Connecticut;
2. is primarily intended to connect and allow users to socially interact within the service or application; and
3. enables a user to (a) construct a public or semi-public profile for signing into and using the service or application; (b) populate a public list of other users with whom the user shares a social connection within the service or application; and (c) create or post content that is 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 social media platform is not a public or semi-public Internet-based service or application that:

1. exclusively provides e-mail or direct messaging services;
2. primarily consists of news, sports, entertainment, interactive video games, electronic commerce, or content preselected by the provider, or for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on

providing the content; or

3. is used by and under an educational entity's direction, including a learning management system or a student engagement program.

A "covered platform" is any platform that, as a significant part of the services offered by that portion, offers, recommends, selects, or prioritizes (i.e. uses an algorithm) displaying certain media items based on information associated with the user or his or her device (i.e. personalized). These media items are those generated or shared by platform users for display either concurrently or sequentially. A covered platform does not include any platform that primarily facilitates the sales of goods or is used solely for educational purposes under a contract required by law between a board of education and a contractor if sharing student data with the contractor.

A "covered operator" is any operator (i.e. an individual or legal entity) who operates or provides a covered platform, but does not include the federal government, any state or municipal government, or any of their agencies or instrumentalities.

AGE VERIFICATION

The bill generally requires covered platform operators to verify a covered user's age before giving the user access to any portion of the platform that uses a personalized algorithm. It requires the covered operator to use age verification that is commercially reasonable and technically feasible. If the covered user is a covered minor, then the operator must obtain verifiable consent from the minor's parent or legal guardian to use the personalized algorithm.

If a covered operator has used commercially reasonable and technically feasible methods to verify a user's age and cannot determine if a user is a minor, the operator may presume the user is not a minor under the bill's provisions. But the operator must treat a user as a minor if the operator obtains actual knowledge that the user is a minor.

Data Retention

Unless any collected information is needed to comply with any federal or state law or regulation, the bill prohibits information collected for age-verification from being used for any other purpose and requires it to be deleted immediately after an attempt to verify the user's age. It similarly prohibits information collected for obtaining verifiable consent from a minor's parent or legal guardian from being used for any other purpose and requires it to be deleted immediately after an attempt to obtain the consent.

CONDITIONS WHEN AGE VERIFICATION IS NOT REQUIRED

Under the bill, age verification is not required if the personalized algorithm is:

1. based on information that is not persistently associated with the covered user or his or her device, and does not concern the user's previous interactions with media items generated or shared by other platform users;
2. based on (a) privacy or accessibility settings the covered user selects or (b) technical information concerning the covered user's device; or
3. needed to comply with another provision in the bill.

Additionally, age verification is not required if the media item based on a personalized algorithm is:

1. a direct and private communication;
2. exclusively in response to a specific search inquiry the covered user made; or
3. displayed exclusively because it immediately follows another item in a preexisting sequence and is from the same author, creator, poster, or source.

Personalized algorithms can also be used if a covered user expressly and unambiguously requests that certain media he or she subscribes to be displayed, blocked, prioritized, or deprioritized. This includes any

specific media items, including items the user subscribes to such as from an author, creator, or poster or those shared by users to pages or groups.

QUALITY REDUCTION OR PRICE INCREASE PROHIBITION

The bill prohibits covered operators from withholding, degrading, reducing the quality, or increasing the price of any product, service, or feature due to the bill's personalized algorithm restrictions, unless it is needed for the operator to comply with the bill's provisions.

CONTENT RESTRICTIONS

The bill specifies that it does not prohibit a covered operator from restricting access to, or the availability of, any media item that the operator in good faith considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless of whether the item is constitutionally protected.

NOTIFICATIONS

The bill prohibits covered operators from sending any notification to a covered minor with any personalized algorithmic suggestion unless (1) it is sent between 8:00 a.m. and 9:00 p.m. Eastern Time or (2) the operator has verifiable consent from the covered minor's parent or legal guardian to send notifications outside this timeframe.

DEFAULT SETTINGS

The bill requires each covered operator to make the platform's default setting, unless allowed by the covered minor's parent or legal guardian (see below), one that:

1. prevents the minor from accessing or receiving any notification with any personalized algorithmic suggestion outside of the allowable time frame,
2. limits the minor's access to any portion of the platform that uses a personalized algorithm to one hour per day, and
3. sets the minor's platform account to a mode that only allows users connected to the minor to view or respond to content the minor posts.

The covered operator must also establish and maintain a mechanism that a minor's verified parent or legal guardian can use for alternative settings to (1) set a different timeframe for accessing or receiving these notifications or using the platform and (2) enable the restricted mode described above.

PUBLIC DISCLOSURE

The bill requires each covered operator, starting by March 1, 2027, to annually disclose certain information for the previous calendar year in an attorney general-prescribed form and manner. This public disclosure includes the:

1. total number of platform users during the year;
2. portion of the total number of covered users (a) for whom the operator obtained verifiable consent from a parent or legal guardian, (b) that had the default settings enabled, and (c) that did not have the default settings enabled; and
3. the average amount of time per day that covered users used the platform, broken down by user age and hour of day.

APPLICABILITY

The bill specifies that it does not:

1. require a covered operator to give a covered minor's parent or legal guardian access to, or control over, the minor's platform account or any data associated with it, unless the access or control is specifically required by the bill, or
2. impose liability for any commercial activity or action by an operator subject to the federal Children's Online Privacy Protection Act (COPPA) that is inconsistent with how COPPA treats commercial activity or action (15 U.S.C. § 6501).

BACKGROUND

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and

deceptive acts or practices. It allows the Department of Consumer Protections commissioner, under specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, impose civil penalties of up to \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/12/2025)