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HOUSE BILL NO. 562

Offered January 10, 2024

Prefiled January 9, 2024

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.

Patron—Campbell

Referred to Committee on Communications, Technology and Innovation

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 the Internet or via an application which allows (i) a person to create a profile to create, share, and view user-generated content; (ii) enables one or more users to generate content that can be viewed by users of such medium; and (iii) primarily serves as a medium for users to interact with content generated by other users of such medium.

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

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

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

INTRODUCED

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