

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1408

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 4-3-26-10, AS AMENDED BY P.L.138-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make government information available to executive state agencies, political subdivisions, educational institutions, researchers, nongovernmental organizations, **the general assembly and its members**, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with applicable confidentiality and disclosure laws.



- (3) Establish privacy and quality policies for government information that comply with all applicable Indiana and federal laws, rules, and policies.
- (4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of government information under this chapter.
- (5) Conduct operational and procedural audits of executive state agencies.
- (6) Perform financial planning and design and implement efficiency projects for executive state agencies.
- (7) Advise and assist each executive state agency to identify and implement continuous process improvement in state government.
- (8) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer to carry out the responsibilities of the OMB or the chief data officer.

SECTION 2. IC 4-3-26-17, AS ADDED BY P.L.106-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. **(a)** The MPH shall do the following before September 1 each year:

- (1) Compile into a data product:
 - (A)** all reports delivered to the MPH under IC 22-4.1-24-3 for the twelve (12) month period ending on the preceding March 31;
 - (B)** the information contained in the dashboard described in IC 20-31-8-5.5;
 - (C)** the report described in IC 21-14-15-1; and
 - (D)** the analysis described in IC 21-14-15-2.
- (2) Make the data product available to:
 - (A)** each workforce focused agency (as defined in IC 22-4.1-1-6.5); and
 - (B)** the general assembly.

(b) The MPH shall include the data product components described in subsection (a)(1)(B) through (a)(1)(D) in the data product described in subsection (a)(1) subject to available funding.

SECTION 3. IC 21-22-6-3, AS AMENDED BY P.L.174-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The campus board consists of at least seven (7) members, including **the respective regional representative of the state board of trustees appointed under IC 21-22-3-3, who serves as a nonvoting member, and** at least five (5) members who are representative of the manufacturing, commercial, agricultural, labor,



and educational groups of the campus service area, all appointed by the state board of trustees. Membership may include a representative from a school corporation that has part of its district within the campus service area and at least one (1) Ivy Tech Community College student who is enrolled at the campus. All members of the campus board must be residents of the campus service area. Appointments are for three (3) year terms, on a staggered basis, and all trustees must be citizens of Indiana. Members may serve for an unlimited number of terms.

SECTION 4. IC 21-22-6-8, AS AMENDED BY P.L.174-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. A campus board shall do the following:

- (1) Make a careful analysis of the educational needs and opportunities of the campus service area, including an analysis of programs and pathways designed to meet workforce and employer demand.
- (2) Develop and recommend to the state board of trustees a plan for providing postsecondary:
 - (A) general education;
 - (B) liberal arts education; and
 - (C) occupational and technical education;
 programs and appropriate workforce development, assessment, and training services for the residents of that campus service area.
- (3) Develop and recommend a budget for campus programs and operations.
- (4) Identify and recommend methods to optimize the use of facilities and equipment to support programs and pathways designed to meet workforce and employer demand.
- (5) Facilitate and develop cooperation with employers, community leaders, economic development efforts, area career and technical education centers, and other public and private education and training entities in order to provide postsecondary general, liberal arts, and occupational and technical education and training designed to meet workforce and employer demand in an efficient and cost effective manner and to avoid duplication of services.
- (6) Determine through evaluation, studies, or assessments the degree to which the established training needs of the campus service area are being met.
- (7) Make recommendations to the state board of trustees concerning policies that appear to substantially affect the campus board's capacity to deliver effective and efficient programming.
- (8) Review building utilization data prior to approving capital**



requests or requests for proposals to ensure capital investments are justified by enrollment projections and operational efficiency data.

SECTION 5. IC 21-22-6-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 12. On or before July 1, 2027, the state board of trustees shall create and approve evaluation tools for campus boards to provide annual feedback on the performance of the campus chancellors to the president of Ivy Tech Community College.**

SECTION 6. IC 21-22-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 13. (a) On or before July 1, 2027, and each July 1 thereafter, Ivy Tech Community College shall provide to each campus board, in a manner and form prescribed by the state board of trustees, the information described in IC 21-14-15-1(1) through IC 21-14-15-1(13).**

(b) Each campus shall provide to its campus board, at each regularly scheduled meeting, a performance dashboard that includes:

- (1) the annual goals established by the campus strategic plan under section 15 of this chapter;**
- (2) progress toward each annual goal as of the date of the report;**
- (3) a comparison of current progress to outcomes achieved for the same period of the prior year; and**
- (4) an explanation of contributing factors and proposed corrective actions for any goals where progress is significantly below target.**

(c) The state board of trustees shall establish a standardized format for the performance dashboard described in subsection (b) to ensure consistency across campuses, while permitting the inclusion of campus specific metrics.

SECTION 7. IC 21-22-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 14. On or before July 1, 2027, and each July 1 thereafter, Ivy Tech Community College shall provide to each campus board an annual analysis of market labor outcomes that does the following:**

- (1) Analyzes regional employer demand by sector, occupation, and required skills.**
- (2) Quantifies campus level credential supply relative to**



regional workforce demand.

(3) Identifies misalignment between program offerings and high wage career opportunities.

(4) Considers other relevant data, as determined by a campus.

(5) Considers strategies to address gaps identified in subdivisions (1) through (4).

SECTION 8. IC 21-22-6-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 15. (a) Each campus shall prepare a campus strategic plan that connects with Ivy Tech Community College's strategic plan and includes the following:**

(1) The campus vision and mission.

(2) Measurable goals, including:

(A) overall student enrollment;

(B) enrollment in programs aligned to high wage, high demand occupations within the campus service area as identified in the campus strategic plan;

(C) student persistence, meaning a student's continued enrollment and progress toward a degree or credential;

(D) completion of a high value credential or an associate degree, or transfer to a four (4) year institution;

(E) placement into:

(i) work based learning; or

(ii) apprenticeships;

(F) job placement and graduate wages, as measured by the regional good jobs definition approved by the campus board under clause (H);

(G) building utilization; and

(H) a regional good jobs definition approved by the campus board that includes consideration of:

(i) wages adjusted for regional cost of living;

(ii) access to employer provided benefits, including health insurance and retirement;

(iii) opportunities for career advancement; and

(iv) positions providing significant public benefit, including early childhood education, health care, and public safety.

(3) Specific strategies to achieve the goals identified in subdivision (2), including:

(A) a general description of the actions the campus will take to achieve each measurable goal;

(B) a target date for implementation; and



(C) a list of identified resources required for execution.

(4) A process for annual review and adjustment of the strategic plan based on performance data and changing regional conditions.

(b) The campus shall submit the strategic plan described in subsection (a) to the campus board and state board of trustees for approval.

(c) After a strategic plan has been approved under subsection (b), the campus shall provide the campus board with a campus budget summary and budget narrative that:

(1) demonstrates alignment between resource allocation and the priorities, goals, and strategies identified in the strategic plan;

(2) identifies categories of major expenditures;

(3) explains significant changes from the prior budget year; and

(4) describes how budget decisions support the achievement of measurable goals.

SECTION 9. IC 21-22-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 16. When a vacancy occurs in the position of a campus chancellor, a member of the campus board selected by the campus board, shall serve on the search committee appointed by the president of Ivy Tech Community College.**

SECTION 10. IC 22-4.1-1-6.5, AS AMENDED BY P.L.213-2025, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. "Workforce focused agency" means the following:**

(1) The department.

(2) The department of education established by IC 20-19-3-1.

(3) The commission for higher education established by IC 21-18-2-1.

(4) The office of the secretary of family and social services established by IC 12-8-1.5-1.

(5) The state workforce development board.

SECTION 11. IC 22-4.1-1-7, AS AMENDED BY P.L.7-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 7. (a) Except as provided in subsection (b), "workforce related program" means:**

(1) a program operated, delivered, or enabled, in whole or in part, by a state provider using public funds to offer incentives, funding, support, or guidance for any of the following purposes:



- (A) Job training.
- (B) The attainment of an industry recognized certification or credential.
- (C) The attainment of a postsecondary degree, certificate, or credential.
- (D) The provision of other types of employment assistance.
- (E) The promotion of Indiana to workers or the provision of assistance to a worker relocating to Indiana for employment.
- (F) Any other program that:
 - (i) has, at least in part, the goal of securing employment or better employment for an individual; and
 - (ii) receives funding through WIOA or a state appropriation; or
- (2) a work based learning program or transitional jobs program that is:
 - (A) through an employment social enterprise; and
 - (B) operated, delivered, or enabled, in whole or in part, by a state provider using public funds.
- (b) For purposes of IC 22-4.1-24-3, "workforce related program" means a program offering incentives, funding, support, or guidance for any of the following purposes:
 - (1) Job training.
 - (2) The attainment of an industry recognized certification or credential.
 - (3) The attainment of a postsecondary degree, certificate, or credential.
 - (4) The provision of other types of employment assistance.
 - (5) The promotion of Indiana to workers or the provision of assistance to a worker relocating to Indiana for employment.
 - (6) Any other program that has, at least in part, the goal of securing employment or better employment for an individual.

The term ~~does not include~~ **includes** an apprenticeship program ~~for which funding is received unless the apprenticeship program receives funding~~ under IC 22-4-25-1(c).

SECTION 12. IC 22-4.1-24-3, AS ADDED BY P.L.106-2024, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this section, "management performance hub" refers to the management performance hub established by IC 4-3-26-8.

(b) Not later than July 1, 2025, and before July 1 of each year thereafter, each workforce focused agency shall deliver to the management performance hub a workforce related program report,



including any related or supporting data contemplated by the report or data elements developed by a data governance team under subsection (c)(2).

(c) Before June 30, 2025, each workforce focused agency shall do the following:

- (1) Establish a workforce related program data governance team of subject matter experts.
- (2) Develop a common set of data elements to be used to evaluate the workforce related program.
- (3) To the extent reasonably possible, include in a contract entered into or renewed after June 30, 2024, between a workforce focused agency and a person conducting, operating, or administering a workforce related program a provision that requires the person to provide the workforce focused agency with the common set of data elements developed under subdivision (2).

SECTION 13. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2027]: 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 to the public in greater quantity than the supplier intends or reasonably expects.
- (5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier



knows or should reasonably know that it is not.

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

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

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

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

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

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

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

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

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that



the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the



manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.

(19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

(20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.

(22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.

(23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.

(24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.

(25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.

(26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.

(27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.

(28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.

(29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.

(30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.

(31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.

(32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.

(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

(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 24-16 (concerning social media providers), as set forth in IC 24-16-6-1.

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

(g) For purposes of subsection (b)(15) and (b)(16), a telephone



company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

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

SECTION 14. IC 24-16 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2027]:

ARTICLE 16. SOCIAL MEDIA PROVIDERS

Chapter 1. Applicability

Sec. 1. This article does not apply to an adolescent who is legally emancipated.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adolescent" means an individual who is less than sixteen (16) years of age.

Sec. 3. "Daily active users" means the unique users in the United States who:

- (1) used a particular online forum, website, or application at least eighty percent (80%) of the days during the previous twelve (12) months; or**
- (2) if the online forum, website, or application did not exist during all of the previous twelve (12) months, used the particular online forum, website, or application at least eighty percent (80%) of the days during the previous month.**

Sec. 4. "Linked account", with respect to a user's account with a social media provider, means another account with the social media provider that the user has designated, through a means provided by the social media provider, as an account:

- (1) from which the user wishes to receive content;**
- (2) from which the user wishes the social media provider to include in recommendations for content provided to the user by the social media provider; or**
- (3) with which the user wishes to associate the user's account.**

Sec. 5. (a) "Social media provider" means an online forum,



website, or application that satisfies the following criteria:

- (1) Functions primarily to enable registered users to upload content, or access content uploaded or shared by other registered users, through the online forum, website, or application.
 - (2) Has a user base in which ten percent (10%) or more of the daily active users who are less than sixteen (16) years of age spent an average of two (2) hours per day or longer on the online forum, website, or application when using the online forum, website, or application during:
 - (A) the previous twelve (12) months; or
 - (B) if the online forum, website, or application did not exist during all of the previous twelve (12) months, the previous month.
 - (3) Employs algorithms that analyze user data or information on users to select content for users.
 - (4) Has any of the following addictive features:
 - (A) Continuously loading content, or content that loads as the user scrolls down the page without the need to open a separate page.
 - (B) Seamless content, or the use of pages with no visible or apparent end or page breaks.
 - (C) Display of personal interactive metrics that indicate the number of times other users have clicked a button to indicate their reaction to content or have shared or reposted the content.
 - (D) Autoplay video or video that begins to play without the user first clicking on the video or on a play button for the video.
 - (E) Live streaming or a function that allows a user or advertiser to broadcast live video content in real time.
 - (5) Is owned or operated by a person that collectively with any parent, subsidiary, or affiliate of the person, generated at least one billion dollars (\$1,000,000,000) in gross revenues, worldwide, in one (1) or more of the immediately preceding three (3) years.
- (b) The term does not include the following:
- (1) An online service, website, or application where the exclusive function provides registered users of the service only with the ability to send and receive electronic mail or direct messaging consisting of text, photographs, pictures, images, or videos shared only between the sender and the recipients,



without displaying or posting the material publicly or to others not identified as the recipient by the sender.

(2) A device manufacturer or application store.

(3) A communications service provider (as defined in IC 8-1-2.6-13(b)).

Sec. 6. "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records that relate to a mortgage, education, or employment.

Sec. 7. "Verifiable parental consent" means verifiable parental consent as defined by 15 U.S.C. 6501(9) that is obtained in conformance with 16 CFR 312.5.

Chapter 3. Adolescent Use of Social Media

Sec. 1. A social media provider that receives a request from an Indiana resident for creation of an account with the social media provider shall comply with the following:

(1) The social media provider shall use commercially reasonable means, such as a neutral age screen mechanism, to determine the age and state of residence of the individual requesting creation of the account.

(2) If the social media provider determines under subdivision (1) that the individual requesting creation of the account is an adolescent, the social media provider may create the account only if the social media provider receives verifiable parental consent to creation of the account from a parent or legal guardian of the adolescent.

Sec. 2. (a) A social media provider shall configure the account as described in subsection (c) of a registered user that the social media provider knows or has reason to know is an:

- (1) adolescent; and
- (2) Indiana resident.

(b) A social media provider may not allow an adolescent to change or bypass an account configuration described in subsection (c).

(c) A social media provider shall configure the account of a registered user described in subsection (a) such that the account does not use or provide, and such that the account holder may not activate or access, the following features or functionality of the social media platform:

- (1) Functionality to receive direct communications other than direct communications from an account that the user has



designated as a linked account.

(2) Functionality to appear in the results of a search conducted by a person through the social media provider's search utility unless the person holds an account that the user has designated as a linked account.

(3) Dissemination of:

(A) content;

(B) recommendations for content; or

(C) advertising;

based on patterns of the adolescent's use of the social media provider.

(4) Addictive features described under IC 24-16-2-5(a)(4).

(d) The social media provider shall provide the adolescent's parent or legal guardian who provides verifiable parental consent to the creation of the account with the option to receive a separate password for the account that allows the parent or legal guardian to:

(1) monitor the amount of time the adolescent spends using the social media platform;

(2) set daily and weekly time limits on the adolescent's use of the social media platform;

(3) set limits on the times of day during which the adolescent can access the social media platform; and

(4) access the adolescent's account at any time.

Chapter 4. Continuing Age Estimation

Sec. 1. (a) Beginning January 1, 2027, not later than fourteen (14) days after the first date on which an Indiana account holder has spent at least twenty-five (25) hours in a single six (6) month period using a social media provider's social media platform, the social media provider shall:

(1) make reasonable efforts; and

(2) use reasonable means, taking into consideration the technology and data available to the social media provider;

to determine the age of the Indiana account holder.

(b) Subject to subsection (d):

(1) if a social media provider knows or has reason to know that an Indiana account holder is sixteen (16) years of age or older, the social media provider may consider the Indiana account holder to not be an adolescent for purposes of this article; and

(2) if the social media provider knows or has reason to know that the Indiana account holder is not sixteen (16) years of age



or older, the social media provider shall consider the Indiana account holder to be an adolescent for purposes of this article.

(c) Not later than fourteen (14) days after the first date on which an Indiana account holder has spent at least fifty (50) hours in a single six (6) month period using a social media provider's social media platform, the social media provider shall determine the age of the Indiana account holder as described under subsection (a) for the purpose of verifying the social media provider's determination of the Indiana account holder's age under subsection (a).

(d) Subject to subsection (f):

(1) if a social media provider knows or has reason to know that an Indiana account holder is sixteen (16) years of age or older, the social media provider may continue to consider the Indiana account holder to not be an adolescent for purposes of this article; and

(2) if the social media provider knows or has reason to know that the Indiana account holder is not sixteen (16) years of age or older, the social media provider shall consider the Indiana account holder to be an adolescent for purposes of this article.

(e) Subject to subsection (g), a social media provider shall determine the age of an Indiana account holder with the social media provider's social media platform as described under subsection (a) for the purpose of verifying the social media provider's most recent determination of the Indiana account holder's age:

(1) when the Indiana account holder has spent an additional one hundred (100) hours using the social media platform following the date on which the social media provider determines the Indiana account holder's age under subsection (c) and each time the Indiana account holder spends an additional one hundred (100) hours using the social media platform thereafter; and

(2) each time the social media provider collects demographic information of any kind regarding the Indiana account holder.

(f) Subject to subsection (g):

(1) if a social media provider knows or has reason to know that an Indiana account holder is sixteen (16) years of age or older, the social media provider may continue to consider the Indiana account holder to not be an adolescent for purposes of this article; and

(2) if the social media provider knows or has reason to know



that the Indiana account holder is not sixteen (16) years of age or older, the social media provider shall consider the Indiana account holder to be an adolescent for purposes of this article.

(g) Once an Indiana account holder has held an account with a social media provider's social media platform continuously for ten (10) consecutive years, the social media provider may, for purposes of the requirements to be met by a social media provider under this article, consider the Indiana account holder to not be an adolescent without determining the age of the Indiana account holder under this section.

Sec. 2. (a) This section applies if:

(1) a social media provider:

(A) determines under section 1 of this chapter; or

(B) receives information based on which the social media provider knows or has reason to know;

that an Indiana account holder is an adolescent; and

(2) the social media provider did not receive verifiable parental consent under IC 24-16-3-1 for creation of the account.

(b) Not later than seven (7) days after the first date on which this section applies to the account of an Indiana account holder under subsection (a), the social media provider shall transmit to the Indiana account holder notice that the account is subject to termination due to the account's noncompliance with this article.

The notice must include:

(1) the requirement under this article with which the account is noncompliant;

(2) notice that the Indiana account holder has thirty (30) days within which to dispute the social media provider's determination that the account is noncompliant; and

(3) instructions regarding the means under subsection (c) by which the Indiana account holder may dispute the social media provider's determination that the account is noncompliant.

(c) A social media provider that provides notice to an Indiana account holder under subsection (b) shall allow the Indiana account holder thirty (30) days after the transmission date of the notice to dispute the social media provider's determination through:

(1) provision of verifiable parental consent from a parent or legal guardian of the Indiana account holder to the continuation of the account; or



(2) any commercially reasonable method that relies on public or private transactional data to verify the age of the account holder.

(d) If, not later than thirty (30) days after the transmission date of a notice transmitted to an Indiana account holder under subsection (b):

(1) a parent or legal guardian of the Indiana account holder provides the social media provider with verifiable parental consent to the continuation of the account under subsection (c)(1); or

(2) the Indiana account holder completes an age estimation process under subsection (c)(2) that results in a determination by the social media provider that the Indiana account holder is not an adolescent;

the social media provider shall not terminate the account based on the social media provider's determination under subsection (a)(1)(A) or the information under subsection (a)(1)(B).

(e) If, not later than thirty (30) days after the transmission date of a notice transmitted to an Indiana account holder under subsection (b):

(1) a parent or legal guardian of the Indiana account holder does not provide the social media provider with verifiable parental consent to the continuation of the account under subsection (c)(1); or

(2) the Indiana account holder does not complete an age estimation process under subsection (c)(2);

the social media provider shall terminate the account at the conclusion of the thirty (30) day period.

(f) If:

(1) an Indiana account holder who receives a notice under subsection (b) completes an age estimation process under subsection (c)(2) not later than thirty (30) days after the transmission date of the notice; and

(2) the age estimation results in a determination by the social media provider that the Indiana account holder is an adolescent;

the social media provider shall terminate the account not later than seven (7) days after receiving the results of the age estimation.

(g) A social media provider shall make a determination regarding the results of an Indiana account holder's age estimation under subsection (c)(2) not later than thirty (30) days after the date on which the Indiana account holder completes the age estimation



process.

(h) A social media provider that receives verifiable parental consent for the continuation of an account under this section shall provide the parent or legal guardian with the option to receive a separate password for the account as described under IC 24-16-3-2(d).

Chapter 5. Use and Retention of Information

Sec. 1. A social media provider that receives information from an individual for the purpose of the individual's provision of verifiable parental consent to the social media provider:

- (1) may not use the information for any purpose other than registering the individual's provision of verifiable parental consent; and
- (2) shall, except as necessary to comply with any other applicable state or federal law or regulation, delete the information immediately after registering the individual's provision of verifiable parental consent.

Chapter 6. Enforcement

Sec. 1. An owner or operator of a social media provider that violates this article commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5 and that is subject to the penalties and remedies available to the attorney general under IC 24-5-0.5.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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