



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3702/2
MDE:emw&cde

2025 BILL

- 1 **AN ACT** *to create* 134.07 of the statutes; **relating to:** social media platforms’
2 treatment of minors and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates certain prohibitions related to social media platforms’ treatment of minors. “Social media platform” is defined in the bill to mean a public or semipublic online website, service, or application that 1) is used by a minor in this state; 2) allows users to construct a public or semipublic profile for the purposes of using the website, service, or application; 3) allows users to 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; and 4) allows users to privately message each other as a significant part of the provision of the website, service, or application.

The bill prohibits social media platforms from gathering, using, selling, offering, or retaining data relating to a minor’s use of or interaction with a social media platform. The bill also prohibits social media platforms from selecting, prioritizing, deprioritizing, or recommending content for a minor based on data gathered about the minor or from a device used by the minor to access the Internet. The bill contains certain exceptions to these prohibitions, including that a social media platform may gather and retain the data necessary for a minor to establish and maintain the minor’s social media platform account, and a social media platform may suggest content for a minor in response to a specific search conducted by the minor on the social media platform. The bill requires social media platforms

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to employ a reliable, industry-accepted method approved by the Department of Justice that determines whether a user of the social media platform is a minor, and requires social media platforms to prevent targeted advertising from being shown to a minor user of the social media platform.

The bill requires DOJ to create and maintain a website to receive complaints, information, or referrals from the public regarding a social media platform's alleged compliance or noncompliance with the bill. DOJ may investigate violations of the provisions in the bill and may bring an action in the name of the state seeking a civil forfeiture of not more than \$5,000 per violation, attorney fees, court costs, injunctive relief, and other relief or course of action that a court deems reasonable.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.07 of the statutes is created to read:

134.07 Social media platforms' treatment of minors. (1) DEFINITIONS.

In this section:

(a) "Minor" means an individual who is under 18 years of age and who resides in this state.

(b) "Social media platform" means a public or semipublic online website, service, or application that satisfies all of the following:

1. The website, service, or application is used by a minor in this state.

2. The website, service, or application allows users to construct a public or semipublic profile for the purposes of using the website, service, or application.

3. The website, service, or application allows users to 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.

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1 4. The website, service, or application allows users to privately message each
2 other as a significant part of the provision of the website, service, or application.

3 (c) “Targeted advertising” means displaying or presenting an online
4 advertisement to a consumer or to a device identified by a unique persistent
5 identifier or to a group of consumers or devices identified by unique persistent
6 identifiers if the advertisement is selected based in whole or in part on known or
7 predicted preferences, characteristics, behavior, or interests associated with the
8 consumer or a device identified by a unique persistent identifier. “Targeted
9 advertising” includes displaying or presenting the advertisement and marketing
10 measurement related to such advertisements. “Targeted advertising” does not
11 include first-party advertising or contextual advertising.

12 (d) “Unique persistent identifier” means a technologically created identifier to
13 the extent that such identifier is reasonably linkable to a consumer or a device that
14 identifies or is linked or reasonably linkable to one or more consumers, including
15 device identifiers, Internet Protocol addresses, cookies, beacons, pixel tags, mobile
16 advertisement identifiers or similar technology customer numbers, unique
17 pseudonyms, user aliases, telephone numbers, or other forms of persistent or
18 probabilistic identifiers that are linked or reasonably linkable to one or more
19 consumers or devices. “Unique persistent identifier” does not include an identifier
20 assigned by a controller for the sole purpose of giving effect to the exercise of
21 affirmative consent or opt out by a consumer with respect to the collecting,
22 processing, and transfer of personal data or otherwise limiting the collecting,
23 processing, or transfer of personal data.

24 **(2) DATA PRIVACY.** Except as provided in sub. (4) and as necessary to comply

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1 with the requirements of this section, no social media platform may gather, use,
2 sell, offer, or retain data relating to a minor's use of or interaction with a social
3 media platform.

4 **(3) DATA-BASED RECOMMENDATION, SELECTION, OR PRIORITIZATION.** Except as
5 provided in sub. (4), based on data gathered about the minor or from a device used
6 by the minor to access the Internet, no social media platform may select, prioritize,
7 or deprioritize for a minor, or recommend to a minor, information, content, or a
8 feature of a social media platform.

9 **(4) EXCEPTIONS.** (a) Notwithstanding sub. (2), a social media platform may
10 gather and retain the data necessary for a minor to establish and maintain the
11 minor's account on the social media platform.

12 (b) Notwithstanding sub. (3), a social media platform may select or prioritize
13 specific content for a minor if any of the following applies:

14 1. The minor has clearly and expressly requested the selection or
15 prioritization of the specific content.

16 2. The specific content is provided to the minor via direct message from
17 another user on the social media platform.

18 3. The specific content is the next piece of content in a preexisting sequence of
19 content from the same user of the social media platform as the immediately
20 preceding content viewed by the minor.

21 (c) Notwithstanding sub. (3), a social media platform may deprioritize or block
22 certain content for a minor when reasonably based on privacy or accessibility
23 settings selected by the minor or if the minor has clearly and expressly requested
24 the certain content to be deprioritized or blocked.

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1 (d) Notwithstanding sub. (3), a social media platform may select, prioritize,
2 deprioritize, or recommend specific information, content, or a feature of a social
3 media platform in response to a specific search conducted by the minor on the social
4 media platform.

5 (5) AGE VERIFICATION. A social media platform shall employ a reliable,
6 industry-accepted method approved by the department of justice that determines
7 whether a user of the social media platform is a minor.

8 (6) TARGETED ADVERTISING TO MINORS. A social media platform shall prevent
9 targeted advertising from being shown to a minor user of the social media platform.

10 (7) ENFORCEMENT AND PENALTIES. (a) The department of justice shall create
11 and maintain a website to receive complaints, information, or referrals from the
12 public regarding a social media platform's alleged compliance or noncompliance
13 with this section.

14 (b) The department of justice may investigate violations of this section and
15 may bring an action in the name of the state seeking injunctive relief.

16 (c) The department of justice may bring an action in the name of the state to
17 recover a civil forfeiture of not more than \$5,000 per violation of this section, court
18 costs, and notwithstanding s. 814.04 (1), reasonable attorney fees.

19 (d) A person affected by a violation of this section, or a person on behalf of a
20 person affected by a violation of this section, may bring a civil action to recover the
21 person's actual damages, an award of punitive damages not to exceed \$5,000, court
22 costs, and notwithstanding the limitations under s. 814.04 (1), reasonable attorney
23 fees.

24 (e) In addition to the relief stated under pars. (b) to (d), a court may order any

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1 other relief or course of action the court deems reasonable, including an order for
2 the disgorgement of any money that a violator received in the course of violating
3 this section and an order that the person who violated this section pay the disgorged
4 money to any injured individuals.

SECTION 2. Nonstatutory provisions.

6 (1) LEGISLATIVE FINDINGS. The legislature finds all of the following:

7 (a) Social media is a widely used tool for community and communication.

8 (b) Some social media platforms have evolved to include addictive features,
9 including the algorithmic delivery of content and other design features, that pose a
10 significant risk of harm to the mental health and well-being of children and
11 adolescents.

12 (c) The U.S. surgeon general has found evidence that identifies reasons for
13 concern about social media usage by children and adolescents, including a study
14 concluding that the risk of poor mental health outcomes doubles for children and
15 adolescents who use social media at least 3 hours a day and research finding that
16 social media usage is linked to a variety of negative health outcomes, including low
17 self-esteem and disordered eating in adolescent girls.

18 (d) Heavy usage of social media leads to less healthy sleep patterns and sleep
19 quality, which can in turn exacerbate both physical and mental health problems.

20 (e) Social media usage is associated with more negative mental health
21 outcomes, including depressive symptoms and self-harm behaviors, than is
22 associated with consumption of other forms of media such as television or video
23 games.

24 (f) Targeted advertisements on social media can expose children and

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1 adolescents to harmful content, including alcohol, pharmaceuticals, and extreme
2 weight loss, and amplify their preexisting vulnerabilities to anxiety, depression,
3 and eating disorders.

4 (g) Both this state and the country as a whole are facing an ongoing youth
5 mental health crisis, with rates of adolescent suicides, depressive episodes, and
6 feelings of sadness and hopelessness on the rise in recent years.

7 (h) For these reasons, it is essential that this state act to ensure that social
8 media platforms prohibit addictive social media features and targeted advertising
9 for children and adolescents.

10 **SECTION 3. Effective date.**

11 (1) This act takes effect on the first day of the 3rd month beginning after
12 publication.

13 (END)