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SENATE BILL NO. 245

Offered January 14, 2026

Prefiled January 12, 2026

A BILL to amend and reenact §§ 59.1-575 and 59.1-577.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-79.3:2, 59.1-577.2, and 59.1-577.3, relating to social media platforms; school boards; artificial intelligence systems; civil penalties.

 Patron—Head

 Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-575 and 59.1-577.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-79.3:2, 59.1-577.2, and 59.1-577.3 as follows:

§ 22.1-79.3:2. Extracurricular activities; social media platform prohibition.

A. For purposes of this section:

"Extracurricular activities" means the same as that term is defined in § 22.1-370.

"Social media platform" means the same as that term is defined in § 59.1-575.

B. Each school board shall prohibit public elementary and secondary schools, school board employees, and school volunteers from using a social media platform as the sole means of communication with students for the facilitation of school-related extracurricular activities.

C. Any division superintendent or his designee may provide a written exception to the prohibition in subsection B on using a social media platform as the sole means of communication with students for the facilitation of school-related extracurricular activities when such use is required to meet an objective that cannot be reasonably achieved without such use, provided that the division superintendent or his designee (i) provides clear, written instructions on such use and (ii) may revoke such exception at any time.

§ 59.1-575. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means (i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; (ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or (iii) the power to exercise controlling influence over the management of a company.

"Algorithmic discrimination" means any condition in which the use of an artificial intelligence system results in an unlawful differential treatment or impact that disfavors a consumer on the basis of the consumer's actual or perceived age, color, disability, ethnicity, genetic information, limited proficiency in the English language, national origin, race, religion, reproductive health, sex, veteran status, or other classification protected under federal or state law.

"Artificial intelligence system" means any machine-based system that, for any explicit or implicit objective, infers from the inputs such system receives how to generate outputs, including content, decisions, prediction, or recommendations, that can influence physical or virtual environments.

"Authenticate" means verifying through reasonable means that the consumer, entitled to exercise his consumer rights in § 59.1-577, is the same consumer exercising such consumer rights with respect to the personal data at issue.

"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, a voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that are used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

"Business associate" means the same meaning as the term established by HIPAA.

"Child" means any natural person younger than 13 years of age.

"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

"Consumer" means a natural person who is a resident of the Commonwealth acting only in an individual or household context. ~~It~~ "Consumer" does not include a natural person acting in a commercial or employment context.

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59 "Controller" means the natural or legal person that, alone or jointly with others, determines the purpose
60 and means of processing personal data.

61 "Covered entity" means the same as the term is established by HIPAA.

62 "*Dark pattern*" means a user interface designed or manipulated with the substantial effect of subverting
63 or impairing user autonomy, decision-making, or choice.

64 "Decisions that produce legal or similarly significant effects concerning a consumer" means a decision
65 made by the controller that results in the provision or denial by the controller of financial and lending
66 services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care
67 services, or access to basic necessities, such as food and water.

68 "De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural
69 person, or a device linked to such person. A controller that possesses "de-identified data" shall comply with
70 the requirements of subsection A of § 59.1-581.

71 "Health record" means the same as that term is defined in § 32.1-127.1:03.

72 "Health care provider" means the same as that term is defined in § 32.1-276.3.

73 "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. §
74 1320d et seq.).

75 "Identified or identifiable natural person" means a person who can be readily identified, directly or
76 indirectly.

77 "Institution of higher education" means a public institution and private institution of higher education, as
78 those terms are defined in § 23.1-100.

79 "Nonprofit organization" means any corporation organized under the Virginia Nonstock Corporation Act
80 (§ 13.1-801 et seq.) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of
81 the Internal Revenue Code, any political organization, any organization exempt from taxation under §
82 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiary or affiliate of entities
83 organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

84 "Online service, product, or feature" means any service, product, or feature that is provided online.
85 "Online service, product, or feature" does not include telecommunications service, as defined in 47 U.S.C. §
86 153, broadband Internet access service, as defined in 47 C.F.R. § 54.400, or delivery or use of a physical
87 product.

88 "Parent" means a parent or legal guardian of a child or minor.

89 "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable
90 natural person. "Personal data" does not include de-identified data or publicly available information.

91 "Political organization" means a party, committee, association, fund, or other organization, whether or not
92 incorporated, organized and operated primarily for the purpose of influencing or attempting to influence the
93 selection, nomination, election, or appointment of any individual to any federal, state, or local public office or
94 office in a political organization or the election of a presidential/vice-presidential elector, whether or not such
95 individual or elector is selected, nominated, elected, or appointed.

96 "Precise geolocation data" means information derived from technology, including ~~but not limited to~~ global
97 positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the
98 specific location of a natural person with precision and accuracy within a radius of 1,750 feet. "Precise
99 geolocation data" does not include the content of communications or any data generated by or connected to
100 advanced utility metering infrastructure systems or equipment for use by a utility.

101 "Process" or "processing" means any operation or set of operations performed, whether by manual or
102 automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure,
103 analysis, deletion, or modification of personal data.

104 "Processor" means a natural or legal entity that processes personal data on behalf of a controller.

105 "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or
106 predict personal aspects related to an identified or identifiable natural person's economic situation, health,
107 personal preferences, interests, reliability, behavior, location, or movements.

108 "Protected health information" means the same as the term is established by HIPAA.

109 "Pseudonymous data" means personal data that cannot be attributed to a specific natural person without
110 the use of additional information, provided that such additional information is kept separately and is subject
111 to appropriate technical and organizational measures to ensure that the personal data is not attributed to an
112 identified or identifiable natural person.

113 "Publicly available information" means information that is lawfully made available through federal, state,
114 or local government records, or information that a business has a reasonable basis to believe is lawfully made
115 available to the general public through widely distributed media, by the consumer, or by a person to whom
116 the consumer has disclosed the information, unless the consumer has restricted the information to a specific
117 audience.

118 "Sale of personal data" means the exchange of personal data for monetary consideration by the controller
119 to a third party. "Sale of personal data" does not include:

120 1. The disclosure of personal data to a processor that processes the personal data on behalf of the

controller;

2. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;

3. The disclosure or transfer of personal data to an affiliate of the controller;

4. The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience; or

5. The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

"Sensitive data" means a category of personal data that includes:

1. Personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

2. The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

3. The personal data collected from a known child; or

4. Precise geolocation data.

"Social media platform" means a public or semipublic Internet-based service or application that has users in the Commonwealth and that meets the following criteria:

1. Connects users in order to allow users to interact socially with each other within such service or application. No service or application that exclusively provides email or direct messaging services shall be considered to meet this criterion on the basis of that function alone; and

2. Allows users to do all of the following:

a. Construct a public or semipublic profile for purposes of signing into and using such service or application;

b. Populate a public list of other users with whom such user shares a social connection within such service or application; and

c. Create or post content viewable by other users, including content on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. No service or application that consists primarily of news, sports, entertainment, ecommerce, or content preselected by the provider and not generated by users, and for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on the provision of such content, or that is for interactive gaming, shall be considered to meet this criterion on the basis of that function alone.

"State agency" means the same as that term is defined in § 2.2-307.

"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. "Targeted advertising" does not include:

1. Advertisements based on activities within a controller's own websites or online applications;

2. Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

3. Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

4. Processing personal data processed solely for measuring or reporting advertising performance, reach, or frequency.

"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

"User" means a person not acting as an agent of a controller or processor.

§ 59.1-577.1. Social media platforms; responsibilities and prohibitions related to minors.

A. For purposes of this section, ~~"minor"~~:

"Heightened risk of harm to a minor" means processing the personal data of a minor in a manner that presents a reasonably foreseeable risk of (i) unfair or deceptive treatment of, or unlawful disparate impact on, a minor; (ii) financial, physical, or reputational injury to a minor; (iii) unintended disclosure of the personal data of a minor; or (iv) any physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of a minor if the intrusion would be offensive to a reasonable person.

"Minor" means any natural person younger than 16 years of age.

B. Any controller or processor that operates a social media platform shall ~~(i)~~ use commercially reasonable methods, such as a neutral age screen mechanism, to determine whether a user is a minor and ~~(ii) limit~~:

1. *Limit* a minor's use of such social media platform to one hour per day, per service or application, and allow a parent to give verifiable parental consent to increase or decrease the daily time limit;

2. *Not use any design feature on a social media platform that the controller or processor knows, or by the exercise of reasonable care should know, is harmful to minors, including the encouragement of excessive or compulsive use of a social media platform by a minor;*

3. *Configure all default privacy settings for minors to a high level of privacy;*

183 4. Not permit, by default, an unknown adult to contact a minor on its platform without the minor first
184 initiating that contact;

185 5. Not, in its operation, discriminate against a minor based on the minor's race, ethnicity, sex, disability,
186 sexual orientation, gender identity, gender expression, or national origin;

187 6. Not use dark patterns; and

188 7. Use reasonable care to avoid any heightened risk of harm to a minor caused by the processing of
189 personal data in the course of providing the social media platform to minors.

190 C. Information collected for the purpose of determining a user's age shall not be used for any purpose
191 other than age determination and provision of age-appropriate experiences. For purposes of this section, any
192 controller or processor that operates a social media platform shall treat a user as a minor if the user's device
193 communicates or signals that the user is or shall be treated as a minor, including through a browser plug-in or
194 privacy setting, device setting, or other mechanism.

195 D. Nothing in this section shall be construed as requiring any controller or processor that operates a social
196 media platform to give a parent who grants verifiable parental consent pursuant to subsection B any
197 additional or special access to or control over the data or accounts of the minor.

198 E. No controller or processor that operates a social media platform shall withhold, degrade, lower the
199 quality of, or increase the price of any online service, product, or feature to a user due to the controller or
200 processor not being permitted to provide use of such social media platform beyond the one hour per day, per
201 service or application, daily time limit under subsection B. However, nothing in this section shall be
202 construed as (i) requiring a social media platform to provide an online service, product, or feature that
203 requires the personal information of a known minor or (ii) prohibiting a social media platform from offering a
204 different price, rate, level, quality, or selection of goods or services to a known minor, including offering
205 goods or services for no fee, if such behavior is reasonably related to the exercise of rights pursuant to or
206 compliance with the requirements of this chapter.

207 **§ 59.1-577.2. Duties; artificial intelligence systems.**

208 A controller or processor that operates an artificial intelligence system shall:

209 1. Exercise reasonable care to protect consumers from any known or foreseeable risks of algorithmic
210 discrimination arising from the intended and contracted uses of such system;

211 2. Clearly and conspicuously disclose to a consumer using such system that the consumer is interacting
212 with an artificial intelligence system;

213 3. Obtain consent from a consumer before collecting or using a consumer's data;

214 4. Obtain, separate from the consent set forth in subdivision 3, consent from a consumer before sharing or
215 selling the consumer's data; and

216 5. Implement reasonable security measures to protect the data of a consumer used to train such system.

217 **§ 59.1-577.3. Registration; social media platforms and artificial intelligence systems; civil penalties.**

218 A. Beginning on January 1, 2027, and annually thereafter, a controller or processor that operates a social
219 media platform or an artificial intelligence system shall register with the Secretary of the Commonwealth.
220 Such registration shall include (i) the name and primary physical, email, and internet addresses of the
221 controller or processor; (ii) the most recent version of the privacy policy and terms and conditions in use by
222 the social media platform or artificial intelligence system; and (iii) a fee of \$100 to be paid to the Secretary
223 of the Commonwealth. For a controller or processor that operates an artificial intelligence system, such
224 registration shall also include (a) the data collection, storage, and security practices of the system and (b) a
225 description of the artificial intelligence model, including its capacity, training data, intended use, design
226 process, and methodologies.

227 B. In addition to the investigative and enforcement provisions described in this chapter, the Attorney
228 General may:

229 1. Impose a civil penalty of \$50 for each day, not to exceed a total of \$10,000 for each year, that the
230 controller or processor that operates a social media platform or an artificial intelligence system fails to
231 register pursuant to this section;

232 2. Collect an amount equal to the fees due under this section during the period that such controller or
233 processor fails to register pursuant to this section and other penalties and fees imposed by the law; and

234 3. Maintain an action to collect the penalties and fees imposed in this section and to seek appropriate
235 injunctive relief.

236 The failure of a controller or processor to register and provide all required information pursuant to this
237 section does not otherwise limit the controller's or processor's responsibility to comply with the provisions of
238 this chapter.