SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4100

(SENATE AUTHORS: MAYE QUADE)

DATE	D-PG	OFFICIAL STATUS
03/04/2026	6478	Introduction and first reading Referred to Commerce and Consumer Protection

A bill for an act

relating to consumer protection; establishing the Minnesota Digital Choice Act; establishing civil penalties; authorizing administrative rulemaking; proposing coding for new law in Minnesota Statutes, chapter 325M.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325M.35] SOCIAL MEDIA DIGITAL CHOICE.**

Subdivision 1. **Citation.** This section may be cited as the "Minnesota Digital Choice Act."

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Open protocol" means a publicly available set of rules that:

(1) enables interoperability and data exchange between social media platforms through a shared data layer;

(2) is not subject to licensing fees or patent restrictions; and

(3) governs how a social media platform communicates and exchanges data with other social media platforms.

(c) "Personal data" means information that is linked or reasonably linkable to an identified or identifiable natural person, including the natural person's social graph.

(d) "Social graph" means data that represents a person's connections and interactions within a social media platform. Social graph includes:

(1) content the person generates;

(2) the person's social connections with other users and entities;

(3) the person's responses to other users' and entities' content, including comments, reactions, mentions, reposts, shares, and other engagement;

(4) the person's public profile;

(5) metadata associated with an item identified in clauses (1) to (4); and

(6) relational references sufficient to maintain the associations among data elements described in clauses (1) to (4).

Social graph does not include other users' and entities' content and responses, including private messages, that the other users and entities have designated as private.

(e) "Social media company" means an entity that owns or operates a social media platform.

(f) "Social media platform" has the meaning given in section 325M.31.

(g) "User" has the meaning given in section 325M.31.

Subd. 3. **Data rights.** (a) A user has a right to:

(1) delete personal data that the social media company holds that was provided by or obtained about the user; and

(2) obtain from the social media company a copy of the user's personal data that the social media company has processed. The user's personal data must be provided in a portable and, to the extent technically feasible, readily usable format that allows the user to transmit the data to another user without interference, where the processing is carried out by automated means, provided the user is not required to reveal a trade secret.

(b) A user may exercise the rights under this subdivision by submitting at any time a request to a social media company specifying the rights the user elects to exercise.

(c) A social media company must fulfill a user request to exercise the user's data rights under this subdivision within five business days of the date the request is received.

Subd. 4. **Data interoperability requirements.** (a) A social media company must implement a transparent, third-party-accessible interoperability interface or interfaces that allow a user to choose to:

(1) share a common set of the user's current social graph or user-selected parts of the user's social graph between the social media platforms the user designates; and

(2) with the user's permission, enable third parties to access social graph data a user creates and receive a notification when new or updated social graph data is available.

(b) A social media company that receives personal data must reasonably secure any personal data the social media company acquires.

(c) In order to achieve interoperability under paragraph (a), clause (1), a social media company must:

(1) use an open protocol;

(2) facilitate and maintain interoperability and continuous, real-time data sharing with other social media platforms through an interoperability interface, based on reasonable terms that do not discriminate between social media platforms;

(3) establish reasonable and proportionate thresholds related to the frequency, nature, and volume of requests. The social media company may assess a reasonable access fee for requests that are beyond the reasonable and proportionate thresholds established under this clause; and

(4) disclose to other social media companies complete, accurate, and regularly updated documentation describing access to the interoperability interface required under this section.

(d) A social media company or third party is prohibited from collecting, using, or sharing personal data obtained from other social media platforms through the interoperability interface, except to protect the privacy and security of the information or maintain the interoperability of services.

(e) A social media company or third party is prohibited from sharing or receiving personal data through the interoperability interface without the user's consent.

(f) A social media company must adopt an accessible, prominent, and persistent method for users to provide consent for data sharing with other social media platforms or third parties through the interoperability interface. A social media company must implement the user's instructions under this paragraph within five business days of the date the instructions are received.

(g) A social media company is not required to:

(1) provide access to:

(i) inferences, analyses, or derived data that the social media company has generated internally about a user; or

(ii) trade secrets, proprietary algorithms, ranking systems, or other internal operating mechanisms; or

(2) transmit data that:

(i) is stored or structured in a proprietary format;

(ii) does not have a reasonably available open, industry-standard format; and

(iii) if transmitted, would disclose information described in paragraph (a).

Subd. 5. **Rulemaking; rebuttable presumption.** (a) After completing an assessment, the attorney general may adopt rules that identify open protocols the attorney general has determined meet the requirements under subdivision 4.

(b) A social media company that uses an open protocol identified in administrative rules adopted by the attorney general under paragraph (a) is entitled to a rebuttable presumption that the social media company provides access on reasonable terms that do not discriminate between social media platforms.

Subd. 6. **Enforcement; penalties.** (a) A social media company that violates this section is subject to an injunction and liable for a civil penalty not to exceed $2,500 per affected user. The civil penalty under this paragraph may be assessed and recovered only in a civil action brought by the attorney general under section 8.31. If the state prevails in an action to enforce this chapter, the court may, in addition to the penalties provided by this paragraph or other remedies provided by law, determine and award to the state an amount that represents the reasonable value of all or part of the state's litigation expenses incurred.

(b) A penalty, fee, or expense recovered in an action brought under this section must be deposited in an account in the special revenue fund and is appropriated to the attorney general to offset costs incurred by the attorney general to enforce this section.

(c) This section does not provide a private right of action under this section, section 8.31, or other law.