

Cruz 1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the definition of the term "social media platform".

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3618

To require the Federal Trade Commission to submit to Congress a report on the ability of minors to access fentanyl through social media platforms, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike section 2(d)(6) and insert the following:

2 (6) SOCIAL MEDIA PLATFORM.—

3 (A) IN GENERAL.—The term "social media
4 platform" means a website, online service, on-
5 line application, or mobile application that—

6 (i) serves the public; and

7 (ii) primarily provides a forum for
8 user-generated content, including mes-
9 sages, videos, images, games, and audio
10 files.

1 (B) EXCLUSIONS.—The term “social
2 media platform” shall not include the following:

3 (i) A provider of broadband internet
4 access service (as described in section
5 8.1(b) of title 47, Code of Federal Regula-
6 tions, or any successor regulation).

7 (ii) Electronic mail.

8 (iii) A website, online service, online
9 application, or mobile application—

10 (I) that consists primarily of con-
11 tent that is not user generated but is
12 preselected by the provider of such
13 website, online service, online applica-
14 tion, or mobile application; and

15 (II) for which any chat, com-
16 ment, or interactive functionality is
17 incidental to, directly related to, or
18 dependent on the provision of the con-
19 tent described in subclause (I).