



NATIONAL ASSEMBLY OF QUÉBEC

THIRD SESSION

FORTY-THIRD LEGISLATURE

Bill 796

**An Act to protect young people
from the harmful effects of screens,
in particular by regulating the use
of social media and video games**

Introduction

**Introduced by
Madam Christine Labrie
Member for Sherbrooke**

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EXPLANATORY NOTES

The main purpose of this bill is to protect young people from the harmful effects of screens. To that end, the bill amends the Consumer Protection Act, in particular to include two new titles pertaining to social media and video games, respectively.

The bill prohibits a merchant who operates a social media platform from signing up consumers under 16 years of age and requires that the merchant verify the users' age.

The bill also prohibits, in video games aimed at consumers under 13 years of age, engagement mechanisms determined by regulation and, in video games aimed at consumers under 18 years of age, paid loot boxes and microtransactions.

The bill introduces certain obligations with respect to consumers, in particular that of providing consumers with tools that allow them to track and limit their social media screen time and that of informing them of the risks associated with screen use.

Lastly, the bill contains transitional provisions that require a merchant operating a social media platform to verify the age of the consumers who have already signed up for it.

LEGISLATION AMENDED BY THIS BILL:

– Consumer Protection Act (chapter P-40.1).

Bill 796

AN ACT TO PROTECT YOUNG PEOPLE FROM THE HARMFUL EFFECTS OF SCREENS, IN PARTICULAR BY REGULATING THE USE OF SOCIAL MEDIA AND VIDEO GAMES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CONSUMER PROTECTION ACT

1. Section 2 of the Consumer Protection Act (chapter P-40.1) is amended by adding the following paragraph at the end:

“A contract may be subject to this Act even though the goods or services are provided without any immediate monetary compensation if the merchant derives a direct or indirect economic benefit from it, in particular through the use of the consumer’s personal information.”

2. The Act is amended by inserting the following titles after section 260.32:

“TITLE III.4

“SPECIAL PROVISIONS RESPECTING SOCIAL MEDIA

“**260.33.** This Title applies to merchants who operate a social media platform.

For the purposes of this Title, “social media platform” means a digital platform that facilitates the creation and sharing of user-generated content, collaboration and social interaction.

However, a platform whose main object is one of the following is not a social media platform within the meaning of this Title:

- (1) allowing consumers to communicate through direct messaging, emails or through voice or video calls;
- (2) allowing consumers to share information about goods or services, including reviews, advice or technical support;
- (3) allowing professional networking or development;

(4) supporting education or communication between educational institutions, students and the students' families; or

(5) supporting the provision of health care or communication between health professionals and their patients.

The Government may, by regulation, exempt any other platform from the application of this Title.

“260.34. No merchant operating a social media platform may sign up a consumer under 16 years of age.

For the purposes of the first paragraph, the merchant must, before signing up a consumer, verify their age using the government's age verification mechanism determined by regulation.

“260.35. When a consumer subscribes to a merchant's social media platform, the merchant must, according to the terms prescribed by regulation, inform the consumer of

(1) the risks associated with screen use and, in particular, with the use of social media; and

(2) the mechanisms used to capture and maintain their attention.

“260.36. A merchant operating a social media platform must provide the consumer with tools allowing them to track and limit the time spent on the platform, in particular through notifications.

“TITLE III.5

“SPECIAL PROVISIONS RESPECTING VIDEO GAMES

“260.37. For the purposes of this Title,

(a) “paid loot box” means a virtual product that a player can acquire in exchange for money or virtual currency and that contains a random selection of virtual goods whose nature is revealed only after purchase;

(b) “engagement mechanism” means any mechanism integrated into a digital platform and intended to increase the duration and frequency of use of that platform through reward systems, incentives for repeat login or limited availability tactics;

(c) “microtransaction” means any purchase of virtual content made in a video game by means of a sum of money or other currency.

“260.38. Any engagement mechanism determined by regulation is prohibited in video games aimed at consumers under 13 years of age.

“260.39. Paid loot boxes and microtransactions are prohibited in video games aimed at consumers under 18 years of age.

“260.40. The Government may, by regulation, determine the criteria for establishing whether a video game is aimed at consumers under 13 years of age or under 18 years of age.

“260.41. A video game maker or merchant must, according to the terms prescribed by regulation, inform the consumer of

(1) the risks associated with screen use and, in particular, with video games; and

(2) the engagement mechanisms used.”

3. Section 278 of the Act is amended by replacing “and 260.29.1” in the introductory clause by “, 260.29.1, 260.34 to 260.36, 260.38, 260.39 and 260.41”.

TRANSITIONAL AND FINAL PROVISIONS

4. A merchant operating a social media platform on (*insert the date that is 18 months after the date of assent to this Act*) must, within 12 months and as provided for in section 260.34 of the Consumer Protection Act (chapter P-40.1), enacted by section 2 of this Act, verify the age of the consumers who have already signed up for the platform.

At the expiry of that time limit, the merchant must cancel the account of any consumer under 16 years of age. The merchant must also cancel the account of any consumer whose age has not been verified or suspend it until the age has been verified.

5. This Act comes into force on (*insert the date that is 18 months after the date of assent to this Act*).

