

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Children's Online Social Media Safety Act.

Section 5. Definitions. As used in this Act:

"Account holder" means an individual who is at least 18 years of age or a parent or legal guardian of a user who is under 18 years of age in this State. "Account holder" does not include a parent or legal guardian of an emancipated minor or a parent or legal guardian who is not associated with a user's device.

"Addictive feed" means a website, online service, online application, or mobile application, or a portion thereof, in which multiple pieces of media generated or shared by users of a website, online service, online application, or mobile application, either concurrently or sequentially, are recommended, selected, or prioritized for display to a user based, in whole or in part, on information associated with the user or the user's device, unless any of the following conditions are met:

- (1) the recommendation, prioritization, or selection is based on information that is not persistently

associated with the user's device and does not concern the user's previous interactions with media generated or shared by other users;

(2) the recommendation, prioritization, or selection is based on data controlled by user-selected privacy or accessibility settings or technical information concerning the user's device;

(3) the user expressly and unambiguously requested the specific media, media by the author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information that is not permissible under this definition;

(4) the user expressly and unambiguously requested the specific media by a specific author, creator, or poster of media the user has subscribed to, or media shared by users to a page or group the user has subscribed to as described by paragraph (3), be blocked, prioritized, or deprioritized for display, provided that the media is not recommended, selected, or prioritized based, in whole or in part, on other information associated with the user or the user's device that is not permissible under this definition;

(5) the media is direct and private communication

between users;

(6) the media is recommended, selected, or prioritized only in response to a specific search inquiry by the user;

(7) the media that is recommended, selected, or prioritized for display is exclusively next in a preexisting sequence from the same author, creator, poster, or source; or

(8) the recommendation, prioritization, or selection is necessary to comply with the provisions of this Act.

"Addictive social media platform" means a covered platform that offers users or provides users with an addictive feed as a part of the service provided by that website, online service, online application, or mobile application.

"Age bracket" means a user's age range, including, but not limited to, the following:

(1) whether a user is under 13 years of age;

(2) whether the user is at least 13 years of age and under 16 years of age;

(3) whether the user is at least 16 years of age and under 18 years of age; or

(4) whether the user is at least 18 years of age.

"Age bracket data" means non-personally identifiable data derived from a user's birth date or age for the purpose of sharing with covered operators that indicates the user's age bracket. "Age bracket data" includes a range of ages but does not indicate the exact age of the user.

"Application" means a software application that may be run or directed by a user on an Internet-enabled device.

"Application programming interface" means a system that allows 2 or more software systems to communicate and exchange information, features, and functionality.

"Application store" means a publicly available website, software application, online service, or platform that distributes and facilitates the download of applications from third-party developers to users of an Internet-enabled device.

"Content" means user-to-user text, audio, or an image or video upload.

"Covered manufacturer" means a manufacturer of an Internet-enabled device, an operating system provider, or an application store.

"Covered minor" means any user that a covered platform has actual knowledge, or should have known, based on knowledge fairly implied under objective circumstances, is under 18 years of age.

"Covered operator" means any person, business, or other legal entity that owns, maintains, or controls:

- (1) a covered platform; or
- (2) an addictive social media platform.

"Covered platform" means a public or semipublic website, online service, online application, or mobile application that:

- (1) is used by a covered minor in this State; and

(2) is intended to connect and allow a user to socially interact within the website, service, or application and enables a user to:

(A) construct a public or semipublic profile for the purposes of signing into and using the service or application;

(B) populate a public list of other users with whom the user shares a social connection within the service or application; or

(C) create or post content that is viewable by other users, including content on message boards and in chat rooms, and that presents the user with content generated by other users.

"Covered platform" does not include a public or semipublic Internet-based service or application that:

(1) exclusively provides email or direct messaging services; and

(2) is used by and under the direction of an educational entity, including a learning management system or a student engagement program.

"Covered user" means a user of a covered platform who is a resident of this State.

"Direct messaging" means sending private one-on-one or group messages to other users that are separate from public posts.

"Distribute" means to issue, sell, give, provide, deliver,

transfer, transmit, circulate, or disseminate by any means.

"Gifted currency" means a currency transfer between users involving fiat currency or digital currency purchased with fiat currency and used within a covered platform whether or not it can be converted to money.

"Internet-enabled device" means a smartphone, tablet, or personal laptop or desktop computer that provides cellular or wireless connectivity, is capable of connecting to the Internet, runs an operating system, and is capable of downloading and running applications.

"Known adult" means any user that a covered platform has actual knowledge, or should have known, based on knowledge fairly implied under objective circumstances, is at least 18 years of age.

"News media" means personnel of a newspaper or other periodical issued at regular intervals, whether in print or electronic format, a news service, whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

"Operating system" means the system software that manages the hardware of an Internet-enabled device and allows programs and applications to run on the device.

"Operating system provider" means a commercial or non-profit entity that controls the Internet-enabled device's

operating system, including the design, programming, or supply of operating systems for the Internet-enabled devices.

"Parent" means a parent or legal guardian.

"Precise geolocation information" means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location within a radius of 1,750 feet.

"Precise geolocation information" does not include the content of communications.

"Processor" means a person that processes personal data on behalf of a covered operator or another processor.

"Publish" means to communicate or make information available to another person or entity on a publicly available website, online service, online application, or mobile application.

"Verifiable parental consent" has the meaning set forth in the Children's Online Privacy Protection Act, 15 U.S.C. 6501(9), and its implementing regulations under 16 CFR 312.5.

Section 10. Age assurance requirements.

(a) No later than January 1, 2028, a covered manufacturer that offers an account setup feature for an Internet-enabled device shall:

(1) provide an accessible interface at account setup that requires an account holder to indicate the birth

date, age, or both, of the primary user of that device for purposes of providing a signal regarding the primary user's age bracket to covered operators;

(2) upon receiving separate prior consent of the user to share the user's age bracket data with a specific covered operator, provide the covered operator with the technical ability to call a digital signal that contains the user's age bracket data by a reasonably consistent application programming interface; and

(3) send only the minimum amount of information necessary to comply with this Act and not share the digital signal information, or any information that conveys the user's age bracket data, with a third party for a purpose not required by this Act, except where legally required.

For a device on which account setup was completed before January 1, 2028, a covered manufacturer shall, before July 1, 2028, provide an accessible interface that allows an account holder to indicate the birth date, age, or both, of the primary user of that device for the purpose of providing a signal regarding the primary user's age bracket to covered operators.

(b) By July 1, 2028, a covered operator shall request from a covered manufacturer an age bracket signal for the primary user of an Internet-enabled device when the user downloads or launches a covered platform. If the signal indicates that a user is under 18, then the covered operator shall treat the

signal as an authoritative indicator of the user's age bracket and the covered operator shall be deemed to have actual knowledge that a user is a covered minor only with respect to that specific device; provided, however, that a covered operator shall not willfully disregard clear and convincing information otherwise available to the covered operator that indicates a user's age is different than that indicated by the age bracket signal provided by a covered manufacturer.

(c) A covered operator that receives a signal in accordance with this Section shall not:

(1) request more information from a covered manufacturer than the minimum amount of information necessary to determine the user's age bracket;

(2) request a signal from a covered manufacturer more than once each year, unless in response to a request by the user to update the person's age bracket;

(3) use any personal data of a user collected for age assurance for any purpose except to comply with this Act or to provide age-based settings and features; or

(4) disclose the age bracket data of a user to a third party for a purpose not required by this Section.

(d) All digital signals transmitted in accordance with this Section shall be encrypted to ensure data integrity and security.

(e) A covered manufacturer that makes a good faith effort to comply with this Section, taking into consideration

available technology and reasonable technical limitations or outages, shall not be liable for an erroneous signal indicating a user's age bracket data or any conduct by a covered operator that receives a signal indicating a user's age bracket data.

(f) A covered manufacturer shall comply with this Act in a nondiscriminatory manner, including, but not limited to, by complying with the following:

(1) A covered manufacturer shall impose at least the same restrictions and obligations on its own websites, applications, and online services as it does on third-party websites, applications, and online services.

(2) A covered manufacturer shall not use non-publicly available data collected from a third party in the course of compliance with this Act to compete against that third party, give the covered manufacturer's services preference relative to those of a third party, or to otherwise use this non-publicly available data in a manner unavailable to that third party.

(g) This Section does not impose liability on a covered manufacturer or covered operator that arises from the use of a device or application by a person who is not the user to whom a signal pertains.

Section 15. Protections for covered minors.

(a) For all users that the covered operator has determined

to be a covered minor, the covered operator shall use the following settings by default:

(1) The covered operator shall not display the existence of the covered minor's account on a covered platform to any known adult user unless the covered minor has expressly and unambiguously allowed a specific known adult user to view the covered minor's account or has expressly and unambiguously chosen to make the covered minor's account's existence public.

(2) The covered operator shall not display media created or posted by the covered minor on a covered platform to any known adult user unless the covered minor has expressly and unambiguously allowed a specific known adult user to view the covered minor's media or has expressly and unambiguously chosen to make the covered minor's media publicly available.

(3) The covered operator shall not permit any known adult user to like, comment on, or otherwise provide feedback on the covered minor's media on a covered platform unless the covered minor has expressly and unambiguously allowed a specific known adult user to do so.

(4) The covered operator shall not permit direct messaging on a covered platform between the covered minor and any known adult user unless the covered minor has expressly and unambiguously decided to allow direct

messaging with a specific known adult user.

(5) The precise geolocation information of the minor shall not be shared with any user unless the minor has expressly and unambiguously chosen to share the covered minor's location with the specific user.

(6) No user may receive or send gifted currency to the minor unless the user is already connected to the covered minor.

(7) The covered operator shall disable search engine indexing of the covered minor's account profile.

(b) A parent of a covered minor or a covered minor determined by a covered operator to be over the age of 16 may override the default privacy settings described in subsection (a). A parent of a covered minor may override the default privacy settings described in subsection (a) for a covered minor under the age of 16. A covered operator shall not provide a covered minor with a single setting that makes all the default privacy settings less protective at once. A covered operator shall not request or prompt a covered minor to make the covered minor's privacy settings less protective unless the change is strictly necessary for the covered minor to access a service or feature that they expressly and unambiguously requested.

(c) For all users that the covered operator has determined to be a covered minor, the covered operator shall provide a mechanism that enables a parent to set a monthly limit on all

gifted currency related to the covered minor's account. The covered operator shall establish a mechanism by which a parent of a covered minor may easily view a history of all gifted currency related to the covered minor's account at any time.

(d) It shall be unlawful for a covered operator under this Section to, between the hours of 10 p.m. and 7 a.m., send notifications to a covered minor unless:

(1) the covered operator has obtained verifiable parental consent to send notifications during the time restricted under this subsection; or

(2) the notification contemporaneously notifies the covered user of a direct message received from another user of the covered platform.

(e) It shall be unlawful for a covered operator of an addictive social media platform to provide an addictive feed to a covered minor unless the covered operator of the addictive social media platform has obtained verifiable parental consent to provide an addictive feed to a covered minor.

(f) It shall be unlawful for a covered operator of an addictive social media platform to enable the automatic playing of media to a covered minor by default.

(g) A covered operator of an addictive social media platform may choose not to provide services to minors. A covered operator of an addictive social media platform shall not withhold, degrade, lower the quality, or increase the

price of any product, service, or feature, other than as necessary for compliance with the provisions of this Act, to a covered user solely because the covered operator of the addictive social media platform is not permitted to provide an addictive feed to the covered user under this Act.

(h) All information collected for the purpose of obtaining verifiable parental consent required under this Section shall not be used for any purpose other than obtaining verifiable parental consent and shall be deleted within a reasonable period after an attempt to obtain verifiable parental consent, except where it is necessary for the compliance with any applicable provisions of State or federal law.

(i) Nothing in this Section shall be construed as requiring a covered operator to give a parent who grants verifiable parental consent any additional or special access to or control over the data or accounts of the parent's child.

(j) Nothing in this Section shall be construed to prohibit a covered operator from instituting a privacy setting for covered minors or other users that is more protective than that required by this Section.

(k) Nothing in this Section shall be construed as requiring a covered operator to remove any user-generated content or preventing access to information regarding sex, sexuality, gender, and reproductive health that is not already prohibited by existing law.

(l) Nothing in this Section shall be construed as

preventing any actions taken in good faith to restrict access to or availability of any media.

Section 20. Application.

(a) A covered operator that complies with the provisions of this Act shall not be held liable for any inaccuracies in the covered user's age bracket data.

(b) A covered operator that receives a digital signal in accordance with this Act may rely on that signal for purposes of compliance with this Act and shall not be required to independently verify the age of the user.

(c) A covered operator that reasonably relies on a digital signal provided by a covered manufacturer shall not be liable for an inaccurate age determination resulting from an erroneous signal.

(d) Nothing in this Act shall be construed to prohibit a covered operator from the ability to prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity targeted at or involving the developer or its services, preserve the integrity or security of systems, or investigate, report, or prosecute those responsible for any such action.

(e) This Act does not apply to any entity whose primary purpose is news media and that has a majority of its workforce consisting of individuals engaging in news media.

(f) This Act does not apply to a broadband Internet access service provider, including any affiliate or subsidiary of the provider. This Act does not create a private right of action or cause of action to enforce any violation or alleged violation of its provisions against a broadband Internet access service provider, including any affiliate or subsidiary of the provider, when the violation is alleged to be committed by another entity using the provider's service. As used in this subsection, "broadband Internet access service provider" has the meaning set forth in 47 CFR 8.1.

Section 25. Enforcement by the Attorney General.

(a) When it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in any act declared to be unlawful by this Act, or when the Attorney General believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any practice declared to be unlawful under this Act, the Attorney General may:

(1) require that person to file, on the terms the Attorney General prescribes, a statement or report in writing, under oath or otherwise, as to all information as the Attorney General may consider necessary;

(2) examine under oath any person in connection with the conduct;

(3) examine any merchandise or sample thereof, record, book, document, account, or paper as the Attorney General may consider necessary; and

(4) pursuant to an order of a circuit court, impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this Act and retain it in the Attorney General's possession until the completion of all proceedings in connection with which it is produced.

(b) To accomplish the objectives and to carry out the duties prescribed by this Act, the Attorney General, in addition to other powers conferred upon the Attorney General by this Act, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, prescribe forms, and adopt rules as may be necessary.

(c) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally by delivery of a duly executed copy of the subpoena to the person to be served, or if a person is not a natural person, in the manner provided in the Code of Civil Procedure when a complaint is filed, or

(2) by mailing by certified mail a duly executed copy of the subpoena to the person to be served at the person's last known abode or principal place of business within

this State.

(d) If any person fails or refuses to file any statement or report or obey any subpoena issued by the Attorney General, the Attorney General may file a complaint in the circuit court for the following, until the person files the statement or report or obeys the subpoena:

(1) the granting of injunctive relief or the restraining of the sale or advertisement of any merchandise by the person or the conduct that is involved;

(2) the vacating, annulling, or suspending of the corporate charter of a corporation created by or under the laws of this State, the revoking or suspending of the certificate of authority to do business in this State of a foreign corporation, or the revoking or suspending of any other licenses, permits, or certificates issued under the laws of this State to the person that are used to further the allegedly unlawful practice; and

(3) the granting of other relief as may be required.

(e) In the administration of this Act, the Attorney General may accept an Assurance of Voluntary Compliance with respect to any act deemed to be violative of this Act from any person who has engaged in, is engaging in, or was about to engage in the act. Evidence of a violation of an Assurance of Voluntary Compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator.

(f) Whenever the Attorney General has reason to believe that any person is using, has used, or is about to use any act declared by this Act to be unlawful, and that proceedings would be in the public interest, the Attorney General may bring an action in the name of the People of the State against the person to restrain by preliminary or permanent injunction the use of the act. The court, in its discretion, may exercise all powers necessary, including, but not limited to: (i) injunction; (ii) revocation, forfeiture, or suspension of any license, charter, franchise, certificate, or other evidence of authority of any person to do business in this State; (iii) appointment of a receiver; (iv) dissolution of domestic corporations or associations; (v) suspension or termination of the right of foreign corporations or associations to do business in this State; and (vi) restitution.

(g) In addition to the remedies provided in this Section, the Attorney General exclusively may request, and a court may award, a civil penalty of \$50,000 for each violation against a covered manufacturer or a covered operator found by the court to have engaged in any act declared unlawful under this Act. Any moneys paid under this Act shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General, including, but not limited to, enforcement of any law

of this State; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.

(h) When a receiver is appointed by the court under this Act, the receiver shall have the power to sue for, collect, receive and take into the receiver's possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes, and property of every description, derived by means of any practice declared to be illegal and prohibited by this Act, including property with which the property has been mingled if it cannot be identified in kind because of the commingling, and to sell, convey, and assign the same and hold and dispose of the proceeds thereof under the direction of the court. Any person who has suffered damages as a result of the use or employment of any unlawful practices and submits proof to the satisfaction of the court that the person has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent the person has sustained out-of-pocket losses. In the case of a partnership or business entity, the receiver shall settle the estate and distribute the assets under the direction of the court. The court shall have jurisdiction of all questions arising in the proceedings and may make such orders and judgments as may be required.

(i) Subject to an order of the court terminating the

business affairs of any person after receivership proceedings held under this Act, the provisions of this Act shall not bar any claims against any person who has acquired any moneys or property, real or personal, by means of any act declared to be unlawful under this Act.

(j) Nothing in this Act is intended to limit the remedies available under any other law, including the Consumer Fraud and Deceptive Business Practices Act.

(k) Except as otherwise expressly provided for in this Act, nothing in this Act shall be construed to grant any person a private right of action for damages or to enforce the provisions of this Act.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2028.