



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2037

Introduced 2/6/2025, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

New Act

Creates the Digital Age Assurance Act. Provides that specified manufacturers shall take commercially reasonable and technically feasible steps to, upon activation of a device, determine or estimate the age of the device's primary user and provide websites, applications, application stores, and online services with a digital signal regarding the user's age. Sets forth requirements for any website, application, or online service that makes available mature content. Provides that a website, application, or online service with actual knowledge that a user is under 18 years of age shall, to the extent commercially reasonable and technically feasible, provide readily available features for parents or guardians to support a minor with respect to the minor's use of the website, application, or online service. Provides that specified manufacturers shall comply with the Act in a nondiscriminatory manner. Provides that the Attorney General may commence a civil action to enforce the provisions of the Act. Sets forth provisions concerning civil actions. Limits home rule. Effective January 1, 2026.

LRB104 03437 SPS 13460 b

1 AN ACT concerning business.

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

4 Section 1. Short title. This Act may be cited as the
5 Digital Age Assurance Act.

6 Section 5. Findings and purposes.

7 (1) Creating a barrier between minors and mature
8 content and mature online experiences requires a solution
9 that protects minors while also protecting privacy and
10 safeguarding personal information.

11 (2) Current efforts to make online environments safer
12 for children are ineffective.

13 (3) 95% of teens in the United States have access to
14 smartphones.

15 (4) Teens in the United States with access to digital
16 devices use an average of 40 different applications on
17 those devices.

18 (5) 97% of teens in the United States are daily
19 Internet users, and 46% of teens in the United States
20 respond that they are online almost constantly.

21 (6) Individual application-based or website-based age
22 assurance will not protect minors across this broad online
23 ecosystem.

1 (7) The most effective and privacy-protective way of
2 achieving age assurance is at the point of access, on
3 devices themselves.

4 (8) Parents and guardians want more control over their
5 minor children's device use and online experiences. The
6 best way to empower parents and guardians is to create an
7 industry-wide solution through which all online services
8 are held to the same consistent standard.

9 Section 10. Definitions. As used in this Act:

10 "Application store" means a publicly available website,
11 software application, or online service that distributes
12 third-party platforms' software applications to a computer, a
13 mobile device, or any other general-purpose computing device.

14 "Covered manufacturer" means a manufacturer of a device,
15 an operating system for a device, or an application store.

16 "Device" means a device or a portion of a device that is
17 designed for and capable of communicating across a computer
18 network with other computers or devices for the purpose of
19 transmitting, receiving, or storing data, including, but not
20 limited to, a desktop, laptop, cellular telephone, tablet, or
21 other device designed for and capable of communicating with or
22 across a computer network and that is used for that purpose.

23 "Mature content" has the same meaning given to the term
24 "sexually explicit conduct" as defined in 18 U.S.C.
25 2256(2) (A).

1 "Minor" means an individual under the age of 18.

2 "Operating system provider" means an entity that develops,
3 distributes, or maintains, a device's operating system, and
4 provides common services. "Operating system provider"
5 includes, but is not limited to, the design, programming, and
6 supply of operating systems for various devices, such as
7 smartphones, tablets, and other digital equipment.

8 "Substantial portion" means more than one-third of the
9 total material on a website, application, or online service.

10 Section 15. Age assurance required.

11 (a) A covered manufacturer shall take commercially
12 reasonable and technically feasible steps to:

13 (1) upon the device's activation determine or estimate
14 the age of the device's primary user;

15 (2) provide websites, applications, application
16 stores, and online services with a digital signal
17 regarding whether an individual is under the age of 13, at
18 least 13 years of age and under 16 years of age, at least
19 16 years of age and under 18 years of age, or at least 18
20 years of age through a real-time application programming
21 interface; and

22 (3) in the case of a covered manufacturer that is an
23 application store, obtain parental or guardian consent
24 before permitting an individual under 16 years of age to
25 download an application from the application store and

1 provide the parent or guardian with the option to connect
2 the developer of the application with the approving parent
3 or guardian for the purpose of facilitating parental
4 supervision tools.

5 (b) For devices sold before the effective date of this
6 Act, covered manufacturers shall ensure that the requirements
7 under subsection (a) are included in its operating system and
8 application store versions and updates by default after the
9 effective date of this Act.

10 (c) Any website, application, or online service that makes
11 available mature content shall:

12 (1) recognize and allow for the receipt of digital age
13 signals as described in this Act;

14 (2) if a substantial portion of the total material on
15 the website, application, or online service is mature
16 content, it shall:

17 (A) block access to the website, application, or
18 online service when a digital age signal is received
19 indicating a user is under 18 years of age;

20 (B) provide a disclaimer to users or visitors that
21 the website, application, or online service contains
22 mature content; and

23 (C) label itself as restricted to adults; and

24 (3) if less than a substantial portion of the total
25 material on the website, application, or online is mature
26 content:

1 (A) block access to known mature content when a
2 digital age signal is received indicating a user is
3 under 18 years of age; and

4 (B) provide a disclaimer to users or visitors
5 before displaying known mature content.

6 (d) A website, application, or online service that,
7 through receipt of a digital age signal or otherwise attains
8 actual knowledge that a user is under 18 years of age shall, to
9 the extent commercially reasonable and technically feasible,
10 provide readily available features for parents or guardians to
11 support a minor with respect to the minor's use of the website,
12 application, or online service, including features to help
13 manage which individuals or accounts are affirmatively linked
14 to the minor, to help manage the delivery of age-appropriate
15 content, and to limit the amount of time that the minor spends
16 daily on the website, application, or online service.

17 (e) A covered manufacturer shall comply with this Act in a
18 nondiscriminatory manner by, among other things:

19 (1) imposing at least the same restrictions and
20 obligations on its own websites, applications, and online
21 services as it does on those from third parties; and

22 (2) not using data collected from third parties, or
23 consent mechanisms deployed for third parties, in the
24 course of compliance with this Act, to compete against
25 those third parties, to give the covered manufacturer's
26 services preference relative to those of third parties, or

1 to otherwise use the data or consent mechanism in an
2 anti-competitive manner.

3 (f) The Attorney General may adopt rules as may be
4 necessary to establish the processes by which entities are to
5 comply with the provisions of this Section.

6 Section 20. Enforcement.

7 (a) The Attorney General may commence a civil action to
8 enforce the provisions of this Act.

9 (b) Before initiating an action under this Act, the
10 Attorney General shall provide an entity with written notice
11 identifying the specific provisions of this Act the Attorney
12 General alleges the entity has violated. If the entity cures
13 those violations within 45 days of receipt of the written
14 notice and provides the Attorney General with a written
15 statement that the alleged violations have been cured, no
16 further action shall be initiated against the entity.

17 (c) If an entity continues to violate this Act after
18 receiving the written notice from the Attorney General or
19 fails to respond to the written statement as described in
20 subsection (b), the Attorney General may initiate a civil
21 action and seek damages for up to \$10,000 per violation of this
22 Act. The damages shall begin accruing 45 days after the
23 receipt of the written notice from the Attorney General.

24 (d) Nothing in this Act shall be construed as providing
25 the basis for, or be subject to, a private right of action.

1 (e) A covered manufacturer shall not be subject to
2 liability for failure to comply with this Act if that covered
3 manufacturer has taken commercially reasonable and technically
4 feasible steps to determine or estimate the age of the
5 device's user as required in paragraph (1) of subsection (a)
6 of Section 15.

7 Section 25. Uniformity of interpretation. This Act shall
8 be construed and interpreted to effectuate its general purpose
9 and to make uniform the law in those states that enact similar
10 statutes.

11 Section 30. Conflict of law. The provisions of this Act
12 shall be construed to take precedence over any conflict of law
13 in accordance with the Statute on Statutes

14 Section 35. Home rule. A home rule unit may not regulate
15 the activities described in Section 15 in a manner more
16 restrictive than the regulation by the State of those
17 activities under this Act. This Section is a limitation under
18 subsection (i) of Section 6 of Article VII of the Illinois
19 Constitution on the concurrent exercise by home rule units of
20 powers and functions exercised by the State

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2026.