

SB3977



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3977

Introduced 2/6/2026, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2MMMM new

Creates the Children's Social Media Safety Act. Provides that, no later than January 1, 2028, an operating system provider shall: (1) provide an accessible interface at account setup that requires an account holder to indicate the birth date, age, or both; (2) provide an operator who has requested a signal with respect to a particular user a signal that identifies the user's age by category; and (3) send only the minimum amount of information necessary to comply with the provision. Provides that an operator shall not offer a platform in the State without conducting age verification as required under the Act to determine whether a user is a minor. Provides that, for all users that the operator has actual knowledge to be a minor, the operator shall use specified default settings for the minor. Provides that a violation of the Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Amends the Consumer Fraud and Deceptive Business Practices Act to make a conforming change. Effective January 1, 2027.

LRB104 20729 SPS 34232 b

A BILL FOR

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 Children's Social Media Safety Act.

6 Section 5. Definitions. As used in this Act:

7 "Account holder" means an individual who is at least 18
8 years of age or a parent or legal guardian of a user who is
9 under 18 years of age in the State. "Account holder" does not
10 include a parent or legal guardian who is not associated with a
11 user's device.

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

21 (1) the recommendation, prioritization, or selection
22 is based on information that is not persistently
23 associated with the user's device, and does not concern

1 the user's previous interactions with media generated or
2 shared by other users;

3 (2) the recommendation, prioritization, or selection
4 is based on user-selected privacy or accessibility
5 settings or technical information concerning the user's
6 device;

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

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

25 (5) the media is a direct and private communication;

26 (6) the media that is recommended, selected, or

1 prioritized for display is exclusively next in a
2 pre-existing sequence from the same author, creator,
3 poster, or source; or

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

6 "Age bracket data" means non-personally identifiable data
7 derived from a user's birth date or age for the purpose of
8 sharing with developers of applications that indicates the
9 user's age range, including, at a minimum, the following:

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

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

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

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

16 "Application" means a software application that may be run
17 or directed by a user on a computer, a mobile device, or any
18 other general purpose computing device that can access a
19 covered application store or download applications.

20 "Covered application store" means a publicly available
21 website, software application, online service, or platform
22 that distributes and facilitates the download of applications
23 from third-party developers to users of a computer, a mobile
24 device, or any other general purpose computing device that can
25 access a covered application store or can download an
26 application. "Covered application store" does not include an

1 online service that distributes extensions, plug-ins, add-ons,
2 or other software applications that run exclusively within a
3 separate host application.

4 "Covered minor" means a user of a website, online service,
5 online application, or mobile application in this State and
6 the operator has actual knowledge that the user is under 18
7 years of age.

8 "Covered operator" means any person, business, or other
9 legal entity, that owns, maintains, or controls a covered
10 platform.

11 "Covered platform" means a public or semi-public website,
12 online service, online application, or mobile application
13 that:

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

15 (2) allows users to construct a public or semi-public
16 profile for the purposes of using the website, service or
17 application;

18 (3) allows users to create or post content that is
19 viewable by other users, including, but not limited to, on
20 message boards, in chat rooms, or through a landing page
21 or main feed that presents the user with content generated
22 by other users; and

23 (4) allows users to privately message each other as a
24 part of the provision of the website, service, or
25 application.

26 "Covered user" means a user of a website, online service,

1 online application, or mobile application in this State, not
2 acting as an operator, or agent or affiliate of the operator,
3 or the website, online service, online application, or mobile
4 application, or any portion thereof.

5 "Operating system provider" means a person or entity that
6 develops, licenses, or controls the operating system software
7 on a computer, mobile device, or any other general purpose
8 computing device.

9 "Operator" means any person, business, or other legal
10 entity that owns, maintains, or controls an application.

11 "Parent" means parent or legal guardian.

12 "Signal" means age bracket data sent by a real-time secure
13 application programming interface or operating system to an
14 application.

15 Section 10. Digital age assurance.

16 (a) No later than January 1, 2028, an operating system
17 provider shall:

18 (1) provide an accessible interface at account setup
19 that requires an account holder to indicate the birth
20 date, age, or both, of the user of that device for purposes
21 of providing a signal regarding the user's age bracket to
22 applications available in a covered application store;

23 (2) provide an operator who has requested a signal
24 with respect to a particular user with a digital signal by
25 a reasonably consistent real-time application programming

1 interface that identifies, at a minimum, which of the
2 following categories pertains to the user:

3 (A) under 13 years of age;

4 (B) at least 13 years of age and under 16 years of
5 age;

6 (C) at least 16 years of age and under 18 years of
7 age; or

8 (D) at least 18 years of age; and

9 (3) send only the minimum amount of information
10 necessary to comply with this Section and not share the
11 digital signal information with a third party for a
12 purpose not required by this Section.

13 For a device on which account setup was completed before
14 January 1, 2028, an operating system provider shall, before
15 July 1, 2028, provide an accessible interface that allows an
16 account holder to indicate the birth date, age, or both, of the
17 user of that device for the purpose of providing a signal
18 regarding the user's age bracket to applications available in
19 a covered application store.

20 (b) An operator shall request a signal with respect to a
21 particular user from an operating system provider or a covered
22 application store when the application is downloaded and
23 launched.

24 An operator that receives a signal in accordance with this
25 Section shall be deemed to have actual knowledge of the age
26 range of the user to whom that signal pertains across all

1 platforms of the application and points of access of the
2 application even if the operator willfully disregards the
3 signal.

4 If an application last updated with updates on or after
5 January 1, 2027 was downloaded to a device before January 1,
6 2028, and the operator has not requested a signal with respect
7 to the user of the device on which the application was
8 downloaded, the operator shall request a signal from a covered
9 application store with respect to that user before July 1,
10 2028.

11 (c) An operator shall treat a signal received in
12 accordance with this Section as the primary indicator of a
13 user's age range for purposes of determining the user's age.

14 If an operator has internal clear and convincing
15 information that a user's age is different than the age
16 indicated by a signal received in accordance with this
17 Section, the operator shall use that information as the
18 primary indicator of the user's age.

19 (d) An operator that receives a signal in accordance with
20 this Section shall use that signal to comply with this Section
21 but shall not:

22 (1) request more information from an operating system
23 provider or a covered application store than the minimum
24 amount of information necessary to comply with this
25 Section; or

26 (2) share the signal with a third party for a purpose

1 not required by this Section.

2 Section 15. Protections for covered minors.

3 (a) An operator shall not offer a covered platform in this
4 State without conducting age verification as required under
5 this Act to determine whether a user is a covered minor.

6 (b) For all users that the covered operator has actual
7 knowledge to be a covered minor, the operator shall use the
8 following settings by default for covered minors, which shall
9 ensure that no user who is not already connected to a covered
10 minor may:

11 (1) view the geographic location of the minor if a
12 covered platform provides a mechanism by which users share
13 their location on the platform; or

14 (2) engage in a financial transaction with the minor.

15 (c) A parent of a covered minor or a covered minor
16 determined by a covered operator to be over the age of 16 may
17 override the default privacy settings described in subsection
18 (b). A parent of a covered minor may override the default
19 privacy settings described in subsection (b) for a covered
20 minor under the age of 16.

21 (d) For all covered minors determined by a covered
22 operator to be under the age of 13, the covered operator shall
23 require the parent of the covered minor to approve all new
24 connections with the covered minor before the covered minor's
25 and the other user's accounts may be connected. For covered

1 minors under the age of 13, a covered operator shall also
2 establish a mechanism by which a parent of the minor may easily
3 view the list of all users currently connected with the
4 account of the minor.

5 (e) For all users determined by a covered operator to be a
6 covered minor, the covered operator shall require a parent to
7 approve all financial transactions related to the covered
8 minor's account. The covered operator shall establish a
9 mechanism by which a parent of a covered minor may easily view
10 a history of all financial transactions related to the covered
11 minor's account at any time.

12 (f) It shall be unlawful for a covered operator to provide
13 an addictive feed to a covered user unless:

14 (1) the covered operator has actual knowledge that the
15 covered user is not a covered minor; or

16 (2) the covered operator has obtained verifiable
17 parental consent to provide an addictive feed to a covered
18 minor.

19 (g) It shall be unlawful for a covered operator of a
20 covered platform that provides an addictive feed to, between
21 the hours of 12 a.m. and 6 a.m., send notifications concerning
22 an addictive feed to a covered user unless:

23 (1) the covered operator has actual knowledge that the
24 covered user is not a covered minor; or

25 (2) the covered operator has obtained verifiable
26 parental consent to send notifications during the time

1 restricted under this subsection.

2 (h) All information collected for the purpose of obtaining
3 the verifiable parental consent required under this Section
4 shall not be used for any purpose other than obtaining
5 verifiable parental consent and shall be deleted immediately
6 after an attempt to obtain verifiable parental consent, except
7 where it is necessary for compliance with any applicable
8 provisions of State or federal law.

9 (i) A covered operator shall not withhold, degrade, lower
10 the quality, or increase the price of any product, service, or
11 feature, other than as necessary for compliance with the
12 provisions of this Act to a covered user solely because the
13 covered operator is not permitted to provide an addictive feed
14 to the covered user under this Act.

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

19 (k) Nothing in this Section shall be construed as
20 requiring a developer to give a parent who grants verifiable
21 parental consent any additional or special access to or
22 control over the data or accounts of the parent's child.

23 (l) Nothing in this Section shall be construed as
24 preventing any actions taken in good faith to restrict access
25 to or availability of media that the covered operator
26 considers obscene, lewd, lascivious, filthy, excessively

1 violent, harassing, or otherwise objectionable, whether or not
2 the material is constitutionally protected.

3 Section 20. Enforcement. A violation of this Act
4 constitutes an unlawful practice under the Consumer Fraud and
5 Deceptive Business Practices Act. All remedies, penalties, and
6 authority granted to the Attorney General by the Consumer
7 Fraud and Deceptive Business Practices Act shall be available
8 to the Attorney General for the enforcement of this Act.

9 Section 90. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by adding Section 2MMMM as follows:

11 (815 ILCS 505/2MMMM new)

12 Sec. 2MMMM. Violations of the Children's Social Media
13 Safety Act. Any person who violates the Children's Social
14 Media Safety Act commits an unlawful practice within the
15 meaning of this Act.

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

18 Section 99. Effective date. This Act takes effect January
19 1, 2027.