

HB3391



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3391

by Rep. Diane Pappas

SYNOPSIS AS INTRODUCED:

New Act

Creates the Security of Connected Devices Act. Requires manufacturers of connected devices to equip the device with security features that are designed to protect the device and any information the device contains from unauthorized access, destruction, use, modification, or disclosure.

LRB101 09162 JLS 54256 b

A BILL FOR

1 AN ACT concerning regulation.

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 Security of Connected Devices Act.

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

7 "Authentication" means a method of verifying the authority
8 of a user, process, or device to access resources in an
9 information system.

10 "Connected device" means any device, or other physical
11 object that is capable of connecting to the Internet and that
12 is assigned an Internet Protocol address or Bluetooth address.

13 "Manufacturer" means the person who manufactures, or
14 contracts with another person to manufacture on that person's
15 behalf, connected devices that are sold or offered for sale in
16 Illinois. A contract with another person to manufacture on the
17 person's behalf does not, however, include a contract only to
18 purchase a connected device, or only to purchase and brand a
19 connected device.

20 "Security feature" means a feature of a device designed to
21 provide security for that device.

22 "Unauthorized access, destruction, use, modification, or
23 disclosure" means access, destruction, use, modification, or

1 disclosure that is not authorized by the consumer.

2 Section 10. Device requirements.

3 (a) A manufacturer of a connected device shall equip the
4 device with a reasonable security feature or features that are
5 all of the following:

6 (1) Appropriate to the nature and function of the
7 device.

8 (2) Appropriate to the information it may collect,
9 contain, or transmit.

10 (3) Designed to protect the device and any information
11 contained in the device from unauthorized access,
12 destruction, use, modification, or disclosure.

13 (b) Subject to all of the requirements of subsection (a),
14 if a connected device is equipped with a means for
15 authentication outside a local area network, it shall be deemed
16 a reasonable security feature under subsection (a) if either of
17 the following requirements are met:

18 (1) The preprogrammed password is unique to each device
19 manufactured.

20 (2) The device contains a security feature that
21 requires a user to generate a new means of authentication
22 before access is granted to the device for the first time.

23 Section 15. Exceptions.

24 (a) This Act shall not be construed to impose any duty upon

1 the manufacturer of a connected device related to unaffiliated
2 third-party software or applications that a user chooses to add
3 to a connected device.

4 (b) This Act shall not be construed to impose any duty upon
5 a provider of an electronic store, gateway, marketplace, or
6 other means of purchasing or downloading software or
7 applications, to review or enforce compliance with this title.

8 (c) This Act shall not be construed to impose any duty upon
9 the manufacturer of a connected device to prevent a user from
10 having full control over a connected device, including the
11 ability to modify the software or firmware running on the
12 device at the user's discretion.

13 (d) This Act does not apply to any connected device the
14 functionality of which is subject to security requirements
15 under federal law, regulations, or guidance promulgated by a
16 federal agency pursuant to its regulatory enforcement
17 authority.

18 (e) This Act shall not be construed to provide a basis for
19 a private right of action. The Attorney General shall have the
20 exclusive authority to enforce this Act as an unlawful practice
21 under the Consumer Fraud and Deceptive Business Practices Act.

22 (f) The duties and obligations imposed by this Act are
23 cumulative with any other duties or obligations imposed under
24 other law, and shall not be construed to relieve any party from
25 any duties or obligations imposed under other law.

26 (g) This Act shall not be construed to limit the authority

1 of a law enforcement agency to obtain connected device
2 information from a manufacturer as authorized by law or
3 pursuant to an order of a court.

4 (h) A covered entity, provider of health care, business
5 associate, health care service plan, contractor, employer, or
6 any other person subject to the federal Health Insurance
7 Portability and Accountability Act of 1996 (Public Law 104-191)
8 is not subject to this Act with respect to any activity
9 regulated by that Act.