



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4247

Introduced 1/16/2024, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

New Act

Creates the Online Age Verification for Material Harmful to Minors Act. Requires any commercial entity that knowingly or intentionally publishes or distributes material harmful to minors on the Internet from a website that contains a substantial portion of such material to verify that any person attempting to access such material is 18 years of age or older. Provides that verification must be done through the use of (i) a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification or (ii) another commercially reasonable method of age and identity verification. Provides that any commercial entity that violates the Act shall be subject to civil liability for damages resulting from a minor's access to such material harmful to a minor and reasonable attorney's fees and costs. Exempts from liability providers or users of an interactive computer service on the Internet, as defined.

LRB103 33304 KTG 63114 b

1 AN ACT concerning civil law.

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 Online
5 Age Verification for Material Harmful to Minors Act.

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

7 "Interactive computer service" means an information
8 service, system, or access software provider that provides or
9 enables computer access by multiple users to a computer
10 service. "Interactive computer service" includes a service or
11 system that provides access to the Internet and systems
12 operated or services offered by a library or educational
13 institution.

14 "Material harmful to minors" means any description or
15 representation of nudity, sexual conduct, sexual excitement,
16 or sadomasochistic abuse when it (i) appeals to the prurient,
17 shameful, or morbid interest of minors; (ii) is patently
18 offensive to prevailing standards in the adult community as a
19 whole with respect to what is suitable material for minors;
20 and (iii) is, when taken as a whole, lacking in serious
21 literary, artistic, political, or scientific value for minors.

22 "Minor" means an individual under the age of 18 years.

23 "Sexual conduct" means actual or explicitly simulated acts

1 of masturbation, sexual intercourse, or physical contact in an
2 act of apparent sexual stimulation or gratification with a
3 person's clothed or unclothed genitals, pubic area, buttocks,
4 or, if such be female, breast.

5 "Substantial portion" means more than 33 1/3% of total
6 material on a website that meets the definition of material
7 harmful to minors.

8 Section 10. Age verification for material harmful to
9 minors on the Internet. Any commercial entity that knowingly
10 or intentionally publishes or distributes material harmful to
11 minors on the Internet from a website that contains a
12 substantial portion of such material shall, through the use of
13 (i) a commercially available database that is regularly used
14 by businesses or governmental entities for the purpose of age
15 and identity verification or (ii) another commercially
16 reasonable method of age and identity verification, verify
17 that any person attempting to access such material harmful to
18 minors is 18 years of age or older.

19 Section 15. Civil liability. Any commercial entity that
20 violates the provisions of this Act shall be subject to civil
21 liability for damages resulting from a minor's access to such
22 material harmful to a minor and reasonable attorney's fees and
23 costs.

1 Section 20. Exemption. Nothing in this Act shall be
2 construed to impose an obligation or liability on a provider
3 or user of an interactive computer service on the Internet.