



Sen. Willie Preston

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1 AMENDMENT TO SENATE BILL 319

2 AMENDMENT NO. _____. Amend Senate Bill 319 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Children's Online Safety Act.

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

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

16 (1) the recommendation, prioritization, or selection

1 is based on information that is not persistently
2 associated with the user's device and does not concern the
3 user's previous interactions with media generated or
4 shared by other users;

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

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

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

1 (5) the media is direct and private communication
2 between users;

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

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

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

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

15 "Age assurance" encompasses a range of methods used to
16 determine, estimate, or communicate the age or age bracket of
17 a user.

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

20 "Content" means user-to-user text or an image or video
21 upload.

22 "Covered minor" means a user of an Internet-enabled device
23 who an account holder has indicated to be under the age of 18.

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

26 (1) a covered platform;

1 (2) an addictive social media platform; or

2 (3) a website, service, or application where a
3 substantial portion of the material on the website
4 constitutes material harmful to minors.

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

7 "Distribute" means to issue, sell, give, provide, deliver,
8 transfer, transmute, circulate, or disseminate by any means.

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

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

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

22 "Material harmful to minors" means material that satisfies
23 the following:

24 (1) material that the average person, applying
25 contemporary community standards, would find, taking the
26 material as a whole and with respect to minors, is

1 designed to appeal to, or is designed to pander to, the
2 prurient interest;

3 (2) any of the following material that exploits, is
4 devoted to, or principally consists of descriptions of
5 actual, simulated, or animated displays or depictions of
6 any of the following, in a manner patently offensive with
7 respect to minors:

8 (A) pubic hair, anus, vulva, genitals, or a
9 nipple;

10 (B) touching, caressing, or fondling of nipples or
11 breasts, buttocks, anuses, or genitals; or

12 (C) sexual intercourse, masturbation, sodomy,
13 bestiality, oral copulation, flagellation, excretory
14 functions, exhibitions, or any other sexual act; and

15 (3) material, taken as a whole, that lacks serious
16 literary, artistic, political, or scientific value for
17 minors.

18 "Material harmful to minors" is material that is
19 pornographic in nature. "Material harmful to minors" does not
20 include material that provides sexual health education or
21 information regarding sexuality, gender, or reproductive
22 healthcare as that material has serious literary, artistic,
23 political, or scientific value for minors.

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

1 "Operating system provider" means a commercial or
2 non-profit entity that controls the Internet-enabled device's
3 operating system, including the design, programming, or supply
4 of operating systems for the Internet-enabled devices.

5 "Parent" means a parent or legal guardian.

6 "Precise geolocation information" means information
7 derived from technology, including, but not limited to, global
8 positioning system level latitude and longitude coordinates or
9 other mechanisms, that directly identifies the specific within
10 a radius of 1,750 feet. "Precise geolocation information" does
11 not include the content of communications.

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

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

18 "Substantial portion" means more than 33 1/3% of total
19 material on a website, online service, online application, or
20 mobile application is material harmful to minors.

21 Section 10. Age assurance requirements for material
22 harmful to minors.

23 (a) A covered operator of a website, service, or
24 application where a substantial portion of the material on the
25 website constitutes material harmful to minors shall employ

1 age assurance methods from which it obtains actual knowledge
2 of whether each user who accesses the website, service, or
3 application is a covered minor.

4 (b) It shall be unlawful for a covered operator under this
5 Section to provide access to a website, service, or
6 application where a substantial portion of the material on the
7 website constitutes material harmful to minors unless the
8 covered operator has actual knowledge that the covered user is
9 not a covered minor.

10 Section 15. Age assurance requirements for covered
11 platforms or addictive social media platforms.

12 (a) A covered operator of a covered platform or addictive
13 social media platform shall not offer a website, online
14 service, online application, or mobile application in this
15 State unless it employs age assurance methods from which it
16 obtains actual knowledge of whether each user who accesses the
17 website, service, or application is a covered minor.

18 (b) For all users that the covered operator under this
19 Section has actual knowledge to be a covered minor, the
20 covered operator shall use the following settings by default:

21 (1) The covered operator shall not display the
22 existence of the covered minor's account on a covered
23 platform to any known adult user unless the covered minor
24 has expressly and unambiguously allowed a specific known
25 adult user to view the covered minor's account or has

1 expressly and unambiguously chosen to make the covered
2 minor's account's existence public.

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

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

16 (4) The covered operator shall not permit direct
17 messaging on a covered platform between the covered minor
18 and any known adult user unless the covered minor has
19 expressly and unambiguously decided to allow direct
20 messaging with a specific known adult user.

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

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

1 minor.

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

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

17 (d) For all users determined by a covered operator to be a
18 covered minor, the covered operator shall provide a mechanism
19 that enables a parent to set a monthly limit on all gifted
20 currency related to the covered minor's account. The covered
21 operator shall establish a mechanism by which a parent of a
22 covered minor may easily view a history of all gifted currency
23 related to the covered minor's account at any time.

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

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

3 (2) the covered operator has obtained verifiable
4 parental consent to send notifications during the time
5 restricted under this subsection.

6 (f) It shall be unlawful for a covered operator of an
7 addictive social media platform to provide an addictive feed
8 to a covered user unless:

9 (1) the covered operator of the addictive social media
10 platform has actual knowledge that the covered user is not
11 a covered minor; or

12 (2) the covered operator of the addictive social media
13 platform has obtained verifiable parental consent to
14 provide an addictive feed to a covered minor.

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

18 (h) A covered operator of an addictive social media
19 platform may choose not to provide services to minors. A
20 covered operator of an addictive social media platform shall
21 not withhold, degrade, lower the quality, or increase the
22 price of any product, service, or feature, other than as
23 necessary for compliance with the provisions of this Act, to a
24 covered user solely because the covered operator of the
25 addictive social media platform is not permitted to provide an
26 addictive feed to the covered user under this Act.

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

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

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

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

22 (m) Nothing in this Section shall be construed as
23 preventing any actions taken in good faith to restrict access
24 to or availability of any media.

25 Section 20. Privacy protections for age assurance data.

1 During the process of conducting age assurance, covered
2 operators shall:

3 (1) only collect personal data of a covered user that
4 is strictly necessary for determining a covered user's
5 age;

6 (2) immediately upon determining whether a covered
7 user is a covered minor, delete any personal data
8 collected of that covered user for age assurance, except
9 the determination of the covered user's age;

10 (3) not use any personal data of a covered user
11 collected for age assurance for any other purpose;

12 (4) not combine personal data of a covered user
13 collected for age assurance, except the determination of a
14 covered user's age, with any other personal data of the
15 user;

16 (5) not disclose personal data of a covered user
17 collected for age assurance to a third party that is not a
18 processor; and

19 (6) implement a review process to allow covered users
20 to appeal the age determination.

21 Section 25. Application.

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

25 (b) Nothing in this Act shall be construed to prohibit a

1 covered operator the ability to prevent, detect, protect
2 against or respond to security incidents, identify theft,
3 fraud, harassment, malicious or deceptive activities or any
4 illegal activity targeted at or involving the developer or its
5 services, preserve the integrity or security of systems or
6 investigate, report or prosecute those responsible for any
7 such action.

8 (c) This Act does not apply to any bona fide news or public
9 interest broadcast, website, video, report, or event and shall
10 not be construed to affect the rights of any news-gathering
11 organization.

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

22 Section 30. Enforcement.

23 (a) The Attorney General or the State's Attorney of any
24 county in this State may bring an action in the name of the
25 People of this State against any person to restrain and

1 prevent any pattern or practice in violation of this Act.

2 (b) A violation of this Act constitutes an unlawful
3 practice under the Consumer Fraud and Deceptive Business
4 Practices Act. All remedies, penalties, and authority granted
5 to the Attorney General or the State's Attorney by the
6 Consumer Fraud and Deceptive Business Practices Act shall be
7 available to the Attorney General or the State's Attorney for
8 the enforcement of this Act.

9 (c) Any civil penalties collected from the enforcement of
10 this Act shall be deposited as follows: (1) if the Attorney
11 General commenced the action, any penalty shall be deposited
12 into the Attorney General Court Ordered and Voluntary
13 Compliance Payment Projects Fund; and (2) if a State's
14 Attorney commenced the action, any penalty shall be
15 distributed to the county and deposited into a special fund in
16 the county treasury and appropriated to the State's Attorney
17 for use in accordance with law.

18 (d) Nothing in this Act shall be construed to establish a
19 private right of action associated with violations of this
20 Act.

21 Section 35. The Consumer Fraud and Deceptive Business
22 Practices Act is amended by adding Section 2MMMM as follows:

23 (815 ILCS 505/2MMMM new)

24 Sec. 2MMMM. Violations of the Children's Online Safety

1 Act. Any person that violates the Children's Online Safety Act
2 commits an unlawful practice within the meaning of this Act.

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

5 Section 99. Effective date. This Act takes effect January
6 1, 2027."