



Sen. Willie Preston

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LRB104 06434 SPS 38089 a

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; or

1 (2) an addictive social media platform.

2 "Covered user" means a user of a covered platform who is a  
3 resident of this State.

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

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

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

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

19 "Operating system" means the system software that manages  
20 the hardware of an Internet-enabled device and allows programs  
21 and applications to run on the device.

22 "Operating system provider" means a commercial or  
23 non-profit entity that controls the Internet-enabled device's  
24 operating system, including the design, programming, or supply  
25 of operating systems for the Internet-enabled devices.

26 "Parent" means a parent or legal guardian.

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

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

9 "Publish" means to communicate or make information  
10 available to another person or entity on a publicly available  
11 website, online service, online application, or mobile  
12 application.

13 Section 10. Age assurance requirements.

14 (a) An Internet-enabled device provider that offers an  
15 account setup feature for an Internet-enabled device shall:

16 (1) provide an accessible interface at account setup  
17 that requires an account holder to indicate the birth  
18 date, age, or both, of the primary user of that device for  
19 purposes of providing a signal regarding the primary  
20 user's age bracket to covered operators;

21 (2) provide a covered operator who has requested a  
22 signal with respect to a particular user with the  
23 technical ability to call a digital signal by a reasonably  
24 consistent application programming interface, where the  
25 user or account holder has agreed to share the user's age

1 bracket data, that contains the user's age bracket data;  
2 and

3 (3) send only the minimum amount of information  
4 necessary to comply with this Act and not share the  
5 digital signal information, or any information that  
6 conveys the user's age bracket data, with a third party  
7 for a purpose not required by this Act, except where  
8 legally required.

9 (b) For all users that the covered operator under this  
10 Section has actual knowledge to be a covered minor or has  
11 received a signal indicating that the user is a covered minor,  
12 the covered operator shall use the following settings by  
13 default:

14 (1) The covered operator shall not display the  
15 existence of the covered minor's account on a covered  
16 platform to any known adult user unless the covered minor  
17 has expressly and unambiguously allowed a specific known  
18 adult user to view the covered minor's account or has  
19 expressly and unambiguously chosen to make the covered  
20 minor's account's existence public.

21 (2) The covered operator shall not display media  
22 created or posted by the covered minor 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 media or has  
26 expressly and unambiguously chosen to make the covered

1 minor's media publicly available.

2 (3) The covered operator shall not permit any known  
3 adult user to like, comment on, or otherwise provide  
4 feedback on the covered minor's media on a covered  
5 platform unless the covered minor has expressly and  
6 unambiguously allowed a specific known adult user to do  
7 so.

8 (4) The covered operator shall not permit direct  
9 messaging on a covered platform between the covered minor  
10 and any known adult user unless the covered minor has  
11 expressly and unambiguously decided to allow direct  
12 messaging with a specific known adult user.

13 (5) The precise geolocation information of the minor  
14 shall not be shared with any user unless the minor has  
15 expressly and unambiguously chosen to share the covered  
16 minor's location with the specific user.

17 (6) No user may receive or send gifted currency to the  
18 minor unless the user is already connected to the covered  
19 minor.

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

22 (c) A parent of a covered minor or a covered minor  
23 determined by a covered operator to be over the age of 16 may  
24 override the default privacy settings described in subsection  
25 (b). A parent of a covered minor may override the default  
26 privacy settings described in subsection (b) for a covered

1 minor under the age of 16. A covered operator shall not provide  
2 a covered minor with a single setting that makes all the  
3 default privacy settings less protective at once. A covered  
4 operator shall not request or prompt a covered minor to make  
5 the covered minor's privacy settings less protective, unless  
6 the change is strictly necessary for the covered minor to  
7 access a service or feature that they expressly and  
8 unambiguously requested.

9 (d) For all users determined by a covered operator to be a  
10 covered minor, the covered operator shall provide a mechanism  
11 that enables a parent to set a monthly limit on all gifted  
12 currency related to the covered minor's account. The covered  
13 operator shall establish a mechanism by which a parent of a  
14 covered minor may easily view a history of all gifted currency  
15 related to the covered minor's account at any time.

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

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

21 (2) the covered operator has obtained verifiable  
22 parental consent to send notifications during the time  
23 restricted under this subsection; or

24 (3) the notification contemporaneously notifies the  
25 covered user of a direct message received from another  
26 user of the covered platform.

1 (f) It shall be unlawful for a covered operator of an  
2 addictive social media platform to provide an addictive feed  
3 to a covered user unless:

4 (1) the covered operator of the addictive social media  
5 platform has actual knowledge that the covered user is not  
6 a covered minor; or

7 (2) the covered operator of the addictive social media  
8 platform has obtained verifiable parental consent to  
9 provide an addictive feed to a covered minor.

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

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

22 (i) All information collected from a minor for the purpose  
23 of obtaining the verifiable parental consent required under  
24 this Section shall not be used for any purpose other than  
25 obtaining verifiable parental consent and shall be deleted  
26 within a reasonable period after an attempt to obtain

1 verifiable parental consent, except where it is necessary for  
2 compliance with any applicable provisions of State or federal  
3 law.

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

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

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

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

20 Section 15. Privacy protections for age assurance data.

21 (a) During the process of conducting age assurance,  
22 covered operators shall:

23 (1) only collect personal data of a covered user that  
24 is strictly necessary for determining a covered user's  
25 age;

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

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

7           (4) not combine personal data of a covered user  
8 collected for age assurance, except the determination of a  
9 covered user's age, with any other personal data of the  
10 user;

11           (5) not disclose personal data of a covered user  
12 collected for age assurance to a third party that is not a  
13 processor; and

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

16           (b) No information collected or transmitted for purposes  
17 of age assurance under this Act may be used for any purpose  
18 other than compliance with this Act.

19           Section 20. Application.

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

23           (b) A covered operator that receives a digital age signal  
24 pursuant to this Act may rely upon that signal for purposes of  
25 compliance with this Act and shall not be required to

1 independently verify the age of the user.

2 (c) A covered operator that reasonably relies on a digital  
3 age signal provided by an Internet-enabled device provider  
4 shall not be liable for an inaccurate age determination  
5 resulting from an erroneous signal.

6 (d) Nothing in this Act shall be construed to prohibit a  
7 covered operator the ability to prevent, detect, protect  
8 against or respond to security incidents, identify theft,  
9 fraud, harassment, malicious or deceptive activities or any  
10 illegal activity targeted at or involving the developer or its  
11 services, preserve the integrity or security of systems or  
12 investigate, report or prosecute those responsible for any  
13 such action.

14 (e) This Act does not apply to any bona fide news or public  
15 interest broadcast, website, video, report, or event and shall  
16 not be construed to affect the rights of any news-gathering  
17 organization.

18 (f) This Act does not apply to a broadband Internet access  
19 service provider, including any affiliate or subsidiary of the  
20 provider. This Act does not create a private right of action or  
21 cause of action to enforce any violation or alleged violation  
22 of its provisions against a broadband Internet access service  
23 provider, including any affiliate or subsidiary of the  
24 provider, when the violation is alleged to be committed by  
25 another entity using the provider's service. As used in this  
26 subsection, "broadband Internet access service provider" has

1 the meaning set forth in 47 CFR 8.1.

2 Section 25. Enforcement.

3 (a) The Attorney General or the State's Attorney of any  
4 county in this State may bring an action in the name of the  
5 People of this State against any person to restrain and  
6 prevent any pattern or practice in violation of this Act.

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

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

23 (d) Nothing in this Act shall be construed to establish a  
24 private right of action associated with violations of this  
25 Act.

1           Section 30. The Consumer Fraud and Deceptive Business  
2 Practices Act is amended by adding Section 2MMMM as follows:

3           (815 ILCS 505/2MMMM new)

4           Sec. 2MMMM. Violations of the Children's Online Safety  
5 Act. Any person that violates the Children's Online Safety Act  
6 commits an unlawful practice within the meaning of this Act.

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

9           Section 99. Effective date. This Act takes effect January  
10 1, 2027."