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1 AMENDMENT TO SENATE BILL 3977

2 AMENDMENT NO. _____. Amend Senate Bill 3977 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 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 this State. "Account holder" does not
10 include a parent or legal guardian of an emancipated minor or a
11 parent or legal guardian who is not associated with a user's
12 device.

13 "Age bracket data" means non-personally identifiable data
14 derived from a user's birth date or age for the purpose of
15 sharing with covered developers that indicates the user's age
16 range, including, but not limited to, the following:

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

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

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

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

7 "Age bracket data" includes a range of ages but does not
8 indicate the exact age of the user.

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

11 "Application programming interface" means a system that
12 allows 2 or more software systems to communicate and exchange
13 information, features, and functionality.

14 "Application store" means a publicly available website,
15 software application, online service, or platform that
16 distributes and facilitates the download of applications from
17 third-party developers to users of an Internet-enabled device.

18 "Covered developer" means a person who owns or controls a
19 website, online service, online application, or mobile
20 application, or portion thereof, that is accessed by a user in
21 this State.

22 "Covered manufacturer" means a manufacturer of an
23 Internet-enabled device, an operating system provider, or an
24 application store.

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

1 "Family account platform" means a platform that:

2 (1) offers subaccounts or profiles within that
3 platform;

4 (2) requires a paid subscription or account creation
5 with payment method verification as the platform's primary
6 business model;

7 (3) does not permit account creation by individuals
8 under 18 years old; and

9 (4) verifies that the primary account holder is an
10 adult using commercially available methods that are
11 reasonably designed to ensure accuracy.

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

17 "Operating system provider" means a commercial or
18 non-profit entity that controls the Internet-enabled device's
19 operating system, including the design, programming, or supply
20 of operating systems for the Internet-enabled devices.

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

24 "Parent" means parent or legal guardian.

25 "Signal" means age bracket data that pertains to the
26 primary user of an Internet-enabled device sent by a real-time

1 secure application programming interface or similar method to
2 a website, online service, online application, or mobile
3 application.

4 Section 10. Digital age assurance.

5 (a) No later than January 1, 2028, a covered manufacturer
6 that has an account setup feature with respect to the use of an
7 Internet-enabled device shall:

8 (1) provide an accessible interface at account setup
9 that requires an account holder to indicate the birth
10 date, age, or both, of the primary user of that device for
11 purposes of providing a signal regarding the primary
12 user's age bracket to covered developers;

13 (2) provide a covered developer who has requested a
14 signal with respect to a particular user with the
15 technical ability to call a digital signal by a reasonably
16 consistent application programming interface, where the
17 user or the account holder has agreed to share the user's
18 age bracket data, that contains the user's age bracket
19 data; and

20 (3) send only the minimum amount of information
21 necessary to comply with this Act and not share the
22 digital signal information with a third party for a
23 purpose not required by this Act, except where legally
24 required.

25 For a device on which account setup was completed before

1 January 1, 2028, a covered manufacturer shall, before July 1,
2 2028, provide an accessible interface that allows an account
3 holder to indicate the birth date, age, or both, of the primary
4 user of that device for the purpose of providing a signal
5 regarding the primary user's age bracket to covered
6 developers.

7 (b) By July 1, 2028, a covered developer shall request a
8 signal with respect to a particular user from a covered
9 manufacturer that has an account setup feature with respect to
10 the use of an Internet-enabled device when the user downloads
11 or launches a developer's website, online service, online
12 application, or mobile application for the first time. A
13 covered developer that receives a signal in accordance with
14 this Section shall be deemed to have actual knowledge of the
15 age range of the user to whom that signal pertains only with
16 respect to that specific device.

17 (c) A covered developer shall treat a signal received in
18 accordance with this Section as the primary indicator of a
19 user's age range for purposes of determining the user's age.
20 If a covered developer has internal clear and convincing
21 information that a user's age is different than the age
22 indicated by a signal received in accordance with this
23 Section, the covered developer may use the clear and
24 convincing information as the primary indicator of the user's
25 age. Notwithstanding subsections (a), (b), and (c), a covered
26 developer of a family account platform may:

1 (1) use the age range of the primary account holder as
2 the age category for purposes of applying age-related
3 safety defaults and access to features with the platform;
4 and

5 (2) permit the primary account holder to attest to the
6 age categories of associated subaccounts.

7 A covered developer of a family account application
8 remains subject to all other requirements of this Section.

9 (d) A covered developer that receives a signal in
10 accordance with this Section shall use that signal to comply
11 with this Act and may use the signal to provide age-based
12 settings and features but shall not:

13 (1) request more information from a covered
14 manufacturer than the minimum amount of information
15 necessary to comply with this Section absent user
16 agreement; or

17 (2) share the signal with a third party for a purpose
18 not required by this Section.

19 (e) All digital signals transmitted pursuant to this
20 Section shall be encrypted to ensure data integrity and
21 security.

22 (f) A person who violates this Section shall be subject to
23 an injunction and liable for a civil penalty of not more than
24 \$2,500 for each affected child for each negligent violation or
25 not more than \$7,500 for each affected child for each
26 intentional violation, which shall be assessed and recovered

1 only in a civil action brought in the name of the people of
2 Illinois by the Attorney General.

3 (g) A covered manufacturer that makes a good faith effort
4 to comply with this Section, taking into consideration
5 available technology and any reasonable technical limitations
6 or outages, shall not be liable for an erroneous signal
7 indicating a user's age range or any conduct by a developer
8 that receives a signal indicating a user's age range.

9 (h) A covered manufacturer shall comply with this Act in a
10 nondiscriminatory manner, including, but not limited to, by
11 complying with the following:

12 (1) A covered manufacturer shall impose at least the
13 same restrictions and obligations on its own websites,
14 applications, and online services as it does on
15 third-party websites, applications, and online services.

16 (2) A covered manufacturer shall not use data
17 collected from a third party in the course of compliance
18 with this Act to compete against that third party, give
19 the covered manufacturer's services preference relative to
20 those of a third party, or to otherwise use this data or
21 consent mechanism in an anticompetitive manner.

22 (i) This Section does not impose liability on a covered
23 manufacturer or covered developer that arises from the use of
24 a device or application by a person who is not the user to whom
25 a signal pertains.

26 (j) A covered developer is not liable under this Act if the

1 covered developer relied on age signal information provided to
2 the covered developer by a covered manufacturer.

3 Section 15. Protections for covered minors.

4 (a) As used in this Section:

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

15 (1) the recommendation, prioritization, or selection
16 is based on information that is not persistently
17 associated with the user's device, and does not concern
18 the user's previous interactions with media generated or
19 shared by other users;

20 (2) the recommendation, prioritization, or selection
21 is based on data controlled by user-selected privacy or
22 accessibility settings or technical information concerning
23 the user's device;

24 (3) the user expressly and unambiguously requested the
25 specific media, media by the author, creator, or poster of

1 media the user has subscribed to, or media shared by users
2 to a page or group the user has subscribed to, provided
3 that the media is not recommended, selected, or
4 prioritized for display based, in whole or in part, on
5 other information that is not permissible under this
6 definition;

7 (4) the user expressly and unambiguously requested
8 that specific media by a specific author, creator, or
9 poster of media the user has subscribed to, or media
10 shared by users to a page or group the user has subscribed
11 to as described by paragraph (3), be blocked, prioritized,
12 or deprioritized for display, provided that the media is
13 not recommended, selected, or prioritized based, in whole
14 or in part, on other information associated with the user
15 or the user's device that is not permissible under this
16 definition;

17 (5) the media is direct and private communication
18 between users;

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

21 (7) the media that is recommended, selected, or
22 prioritized for display is exclusively next in a
23 preexisting sequence from the same author, creator,
24 poster, or source; or

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

1 "Addictive social media platform" means a covered platform
2 that offers users or provides users with an addictive feed as a
3 significant part of the service provided by that website,
4 online service, online application, or mobile application.

5 "Content" means user-to-user text, an image upload, or a
6 video upload. "Content" does not include game design and
7 editorial content, immersive gameplay environments, publicly
8 viewable usernames, publicly viewable avatars, and their
9 components.

10 "Covered operator" means any person, business, or other
11 legal entity that owns, maintains, or controls a covered
12 platform or addictive social media platform.

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

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

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

20 (3) has the primary purpose of allowing users to
21 create or post content that is viewable by other users,
22 including, but not limited to, on message boards, in chat
23 rooms, or through a landing page or main feed that
24 presents the user with content generated by other users.

25 "Gifted currency" means a currency transfer between users
26 involving fiat currency or digital currency purchased with

1 fiat currency and used within a covered platform whether or
2 not it can be converted to money.

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

10 (b) A covered operator shall not offer a website, online
11 service, online application, or mobile application in this
12 State if it is not in compliance with subsection (b) through
13 (d) of Section 10.

14 (c) For all users that the covered operator has actual
15 knowledge to be a covered minor, the covered operator shall
16 use the following settings by default for covered minors,
17 which shall ensure that no user who is not already connected to
18 a covered minor may:

19 (1) view the precise geolocation information of the
20 minor if a covered platform provides a mechanism by which
21 users share their location on the platform; or

22 (2) receive or send gifted currency to the minor.

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

1 privacy settings described in subsection (e) for a covered
2 minor under the age of 16. A covered operator may not design
3 the covered platform in such a way that would encourage an
4 override of these default privacy settings.

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

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

15 (1) the addictive social media platform has actual
16 knowledge that the covered user is not a covered minor; or

17 (2) the addictive social media platform has obtained
18 verifiable parental consent to provide an addictive feed
19 to a covered minor.

20 (g) It shall be unlawful for an addictive social media
21 platform to, between the hours of 10 p.m. and 7 a.m. send
22 notifications concerning an addictive feed to a covered user
23 unless:

24 (1) the addictive social media platform has actual
25 knowledge that the covered user is not a covered minor; or

26 (2) the addictive social media platform has obtained

1 verifiable parental consent to send notifications during
2 the time restricted under this subsection.

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

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

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

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

26 (l) Nothing in this Section shall be construed as

1 preventing access to information regarding sex, sexuality,
2 gender, and reproductive health that is not already prohibited
3 by existing law.

4 (m) Nothing in this Section shall be construed as
5 preventing any actions taken in good faith to restrict access
6 to or availability of media that the covered platform
7 considers obscene, lewd, lascivious, filthy, excessively
8 violent, harassing, or otherwise objectionable, whether or not
9 the material is constitutionally protected.

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

18 Section 20. Enforcement. A violation of this Act
19 constitutes an unlawful practice under the Consumer Fraud and
20 Deceptive Business Practices Act. All remedies, penalties, and
21 authority granted to the Attorney General by the Consumer
22 Fraud and Deceptive Business Practices Act shall be available
23 to the Attorney General for the enforcement of this Act.

24 Section 25. The Consumer Fraud and Deceptive Business

1 Practices Act is amended by adding Section 2MMMM as follows:

2 (815 ILCS 505/2MMMM new)

3 Sec. 2MMMM. Violations of the Children's Social Media
4 Safety Act. Any person who violates the Children's Social
5 Media Safety Act commits an unlawful practice within the
6 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."