

# HOUSE BILL NO. 2102

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

4704H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to obscene websites, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1600, to read as follows:

**407.1600. 1. This section shall be known and may be cited as the "Protect Young Minds Online Act".**

**2. For the purposes of this section, the following terms shall mean:**

**(1) "Internet service provider", a business or a person engaged in the business of providing access to the internet with the intent of making a profit;**

**(2) "Obscene", material or internet content which is or contains child pornography, explicit sexual material, sadomasochistic abuse, sexual conduct, sexually explicit conduct, or sexual performance as those terms are defined in section 573.010. "Obscene" shall also have the same meaning as used in section 573.010;**

**(3) "Subscriber", a person or business that has entered into an agreement with an internet service provider to gain access to the internet for residential access or to provide public access through a business or employs persons under the age of eighteen who have access to the internet.**

**3. An internet service provider, when entering into an agreement with subscribers residing in Missouri, for residential use or for business use with the intent to use the service to provide public access, shall block access to obscene websites to minors.**

**4. An internet service provider shall redirect a blocked website to a web page that:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18           (1) Notifies the subscriber that the website has been blocked pursuant to this  
19 section; and

20           (2) Provides the subscriber the ability to enter a password in order for a subscriber  
21 to gain access to the blocked website.

22           5. An internet service provider shall allow a subscriber to gain access to a blocked  
23 website only by the use of a password.

24           (1) An internet service provider shall provide subscribers eighteen years of age or  
25 older a mechanism to create a secure password in accordance with industry standards for  
26 the purpose of allowing the subscriber to access blocked websites.

27           (2) Any information collected from the use of a password shall be used only for the  
28 implementation of this section.

29           6. The password shall be required at each attempt to access a blocked website, and  
30 an internet service provider shall not provide a mechanism for the password to be  
31 remembered. The password shall be changed every three months.

32           7. An internet service provider shall provide to their subscribers who are eighteen  
33 years of age or older, either in writing or electronically, information about this section and  
34 how to create a password. Such communication shall be done upon the effective date of  
35 this section or when a person enters into an agreement with the internet service provider  
36 for internet service. Information shall include, but is not limited to, a brief description of  
37 the law requiring a password to access blocked content, the procedure for creating,  
38 recovering, and updating the password requiring multi-factor authentication for the  
39 account holder, and the penalty for individuals who share the password with minors under  
40 the age of eighteen which results in the exposure of minors to pornographic material  
41 pursuant to section 573.040.

42           8. An internet service provider shall provide a website, call center, or similar means  
43 of communication for a person to report a blocked website he or she believes should be  
44 accessible, and a website that he or she believes to be obscene that is not blocked pursuant  
45 to the provisions of subsection 3 of this section. An internet service provider shall notify  
46 the reporting person indicating if the website was deemed accessible or not with details  
47 explaining the determination within a reasonable amount of time, not to exceed ten days  
48 after receiving the report. The website deemed accessible shall be made immediately  
49 accessible to all persons within the state network of the internet service provider. The  
50 website deemed not accessible shall be blocked in accordance with subsection 3 of this  
51 section to all persons within the state network of the internet service provider.

52           9. The attorney general's office shall also provide a website, call center, or similar  
53 method of communication for a person, in dispute of the determination made in subsection

54 **8 of this section, to report a blocked website that he or she believes should be accessible,**  
55 **and a website that he or she believes to be obscene and is not blocked pursuant to**  
56 **subsection 3 of this section. The attorney general's office shall create a method of**  
57 **evaluation to determine if a website is obscene and produced in such a way either solely or**  
58 **principally, or not. The attorney general's office shall notify the reporting person**  
59 **indicating if the website was deemed accessible or not with details explaining the decision**  
60 **in a reasonable amount of time, not to exceed ten days after receiving the report. The**  
61 **attorney general's office shall immediately notify the internet service provider with a copy**  
62 **of each such decision.**

63 **10. An internet service provider is not liable for any penalty in this section if the**  
64 **provider makes a good faith effort to apply a generally accepted and commercially**  
65 **reasonable method of compliance in accordance with subsection 3 of this section and that**  
66 **such method or technology has the ability to discover and block new obscene websites and**  
67 **fulfills the requirements of this section.**

68 **11. A subscriber that provides a minor with his or her password in order to access**  
69 **a blocked website shall be guilty of a class A misdemeanor.**

70 **12. The attorney general may seek injunctive and other equitable relief against an**  
71 **internet service provider that fails to comply with the provisions of this section.**

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