

SECOND REGULAR SESSION

SENATE BILL NO. 1076

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5733S.011

AN ACT

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

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
2 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
2 "Protect Young Minds Online Act".**

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

**5 (1) "Authentication", the means by which a subscriber or user
6 designated by the subscriber enters verification to access obscene
7 websites, either by password or other account verification through the
8 internet service provider;**

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

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

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

22 **3. An internet service provider, when entering into an agreement**
23 **with subscribers residing in Missouri, for residential use or for**
24 **business use with the intent to use the service to provide public or**
25 **private access, shall authenticate access to obscene websites as set**
26 **forth in subsections 4 to 8 of this section.**

27 **4. An internet service provider shall redirect an obscene website**
28 **to a web page that:**

29 **(1) Notifies the subscriber that the website has been delayed for**
30 **authentication pursuant to this section; and**

31 **(2) Provides the subscriber the ability to enter authentication in**
32 **order to gain access to the obscene website.**

33 **5. An internet service provider shall allow a subscriber to gain**
34 **access to an obscene website only by the use of authentication.**

35 **(1) An internet service provider shall provide subscribers**
36 **eighteen years of age or older a mechanism to create a secure**
37 **authentication in accordance with industry standards for the purpose**
38 **of allowing the subscriber to access obscene websites.**

39 **(2) Any information collected from the use of authentication**
40 **shall be used only for the implementation of this section.**

41 **6. Authentication shall be required at each attempt to access an**
42 **obscene website, and an internet service provider shall not provide a**
43 **mechanism for the authentication to be remembered beyond a time out**
44 **value of five minutes. The authentication shall be changed every three**
45 **months.**

46 **7. An internet service provider shall provide to their subscribers**
47 **who are eighteen years of age or older, either in writing or**
48 **electronically, information about this section and how to create an**
49 **authentication. Such communication shall be done upon the effective**
50 **date of this section or when a person enters into an agreement with the**
51 **internet service provider for internet service. Information shall**
52 **include, but is not limited to, a brief description of the law requiring**
53 **authentication to access obscene websites, the procedure for creating,**
54 **recovering, and updating the authentication requiring multi-factor**
55 **authentication for the account holder, and the penalty for individuals**
56 **who knowingly share the authentication with minors under the age of**
57 **eighteen which results in the exposure of minors to pornographic**
58 **material pursuant to section 573.040.**

59 **8. The internet service provider shall use a DNS-based system**
60 **that may be used through an independent third party such as: Open**
61 **DNS, Cisco Umbrella, or other current industry standard of website**
62 **filtering as the method of redirecting obscene websites for adult access**
63 **only, and this service shall also stay updated according to industry**
64 **standards in order to maintain the current listing of websites deemed**
65 **obscene. The DNS-based system shall also include the ability to update**
66 **or correct mischaracterized websites.**

67 **9. An internet service provider is not liable for any penalty in**
68 **this section if the provider makes a good faith effort to apply a**
69 **generally accepted and commercially reasonable method of compliance**
70 **in accordance with subsection 3 of this section and that such method**
71 **or technology has the ability to discover and authenticate new obscene**
72 **websites and fulfills the requirements of this section.**

73 **10. A subscriber that knowingly provides a minor with his or her**
74 **authentication in order to access an obscene website shall be guilty of**
75 **a class A misdemeanor.**

76 **11. The attorney general may seek injunctive and other equitable**
77 **relief against an internet service provider that fails to comply with the**
78 **provisions of this section.**

Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2020, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

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