

SECOND REGULAR SESSION

SENATE BILL NO. 733

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3464S.011

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.

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

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

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

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

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

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

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

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

53 8. An internet service provider shall provide a website, call
54 center, or similar means of communication for a person to report a
55 blocked website he or she believes should be accessible, and a website
56 that he or she believes to be obscene that is not blocked pursuant to the
57 provisions of subsection 3 of this section. An internet service provider
58 shall notify the reporting person indicating if the website was deemed

59 accessible or not with details explaining the determination within a
60 reasonable amount of time, not to exceed ten days after receiving the
61 report. The website deemed accessible shall be made immediately
62 accessible to all persons within the state network of the internet
63 service provider. The website deemed not accessible shall be blocked
64 in accordance with subsection 3 of this section to all persons within the
65 state network of the internet service provider.

66 9. The attorney general's office shall also provide a website, call
67 center, or similar method of communication for a person, in dispute of
68 the determination made in subsection 8 of this section, to report a
69 blocked website that he or she believes should be accessible, and a
70 website that he or she believes to be obscene and is not blocked
71 pursuant to subsection 3 of this section. The attorney general's office
72 shall create a method of evaluation to determine if a website is obscene
73 and produced in such a way either solely or principally, or not. The
74 attorney general's office shall notify the reporting person indicating if
75 the website was deemed accessible or not with details explaining the
76 decision in a reasonable amount of time, not to exceed ten days after
77 receiving the report. The attorney general's office shall immediately
78 notify the internet service provider with a copy of each such decision.

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

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

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

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