

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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:

- 17 (1) whether a user is under 13 years of age;
18 (2) whether the user is at least 13 years of age and
19 under 16 years of age;
20 (3) whether the user is at least 16 years of age and
21 under 18 years of age; or
22 (4) whether the user is at least 18 years of age.

23 "Age bracket data" includes a range of ages but does not

1 indicate the exact age of the user.

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

4 "Application programming interface" means a system that
5 allows 2 or more software systems to communicate and exchange

6 information, features, and functionality.

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

11 "Covered developer" means a person who owns or controls a
12 website, online service, online application, or mobile
13 application, or portion thereof, that is accessed by a user in
14 this State.

15 "Covered manufacturer" means a manufacturer of an
16 Internet-enabled device, an operating system provider, or an
17 application store.

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

20 "Family account platform" means a platform that:

21 (1) offers subaccounts or profiles within that
22 platform;

23 (2) requires a paid subscription or account creation
24 with payment method verification as the platform's primary
25 business model;

26 (3) does not permit account creation by individuals

1 under 18 years old; and

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

5 "Internet-enabled device" means a smartphone, tablet, or
6 personal laptop or desktop computer that provides cellular or
7 wireless connectivity, is capable of connecting to the
8 Internet, runs an operating system, and is capable of
9 downloading and running applications.

10 "Operating system provider" means a commercial or
11 non-profit entity that controls the Internet-enabled device's
12 operating system, including the design, programming, or supply
13 of operating systems for the Internet-enabled devices.

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

17 "Parent" means parent or legal guardian.

18 "Signal" means age bracket data that pertains to the
19 primary user of an Internet-enabled device sent by a real-time
20 secure application programming interface or similar method to
21 a website, online service, online application, or mobile
22 application.

23 Section 10. Digital age assurance.

24 (a) No later than January 1, 2028, a covered manufacturer
25 that has an account setup feature with respect to the use of an

1 Internet-enabled device shall:

2 (1) provide an accessible interface at account setup
3 that requires an account holder to indicate the birth
4 date, age, or both, of the primary user of that device for
5 purposes of providing a signal regarding the primary
6 user's age bracket to covered developers;

7 (2) provide a covered developer who has requested a
8 signal with respect to a particular user with the
9 technical ability to call a digital signal by a reasonably
10 consistent application programming interface, where the
11 user or the account holder has agreed to share the user's
12 age bracket data, that contains the user's age bracket
13 data; and

14 (3) send only the minimum amount of information
15 necessary to comply with this Act and not share the
16 digital signal information with a third party for a
17 purpose not required by this Act, except where legally
18 required.

19 For a device on which account setup was completed before
20 January 1, 2028, a covered manufacturer shall, before July 1,
21 2028, provide an accessible interface that allows an account
22 holder to indicate the birth date, age, or both, of the primary
23 user of that device for the purpose of providing a signal
24 regarding the primary user's age bracket to covered
25 developers.

26 (b) By July 1, 2028, a covered developer shall request a

1 signal with respect to a particular user from a covered
2 manufacturer that has an account setup feature with respect to
3 the use of an Internet-enabled device when the user downloads
4 or launches a developer's website, online service, online
5 application, or mobile application for the first time. A
6 covered developer that receives a signal in accordance with
7 this Section shall be deemed to have actual knowledge of the
8 age range of the user to whom that signal pertains only with
9 respect to that specific device.

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

20 (1) use the age range of the primary account holder as
21 the age category for purposes of applying age-related
22 safety defaults and access to features with the platform;
23 and

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

26 A covered developer of a family account application

1 remains subject to all other requirements of this Section.

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

6 (1) request more information from a covered

7 manufacturer than the minimum amount of information
8 necessary to comply with this Section absent user
9 agreement; or

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

12 (e) All digital signals transmitted pursuant to this
13 Section shall be encrypted to ensure data integrity and
14 security.

15 (f) A person who violates this Section shall be subject to
16 an injunction and liable for a civil penalty of not more than
17 \$2,500 for each affected child for each negligent violation or
18 not more than \$7,500 for each affected child for each
19 intentional violation, which shall be assessed and recovered
20 only in a civil action brought in the name of the people of
21 Illinois by the Attorney General.

22 (g) A covered manufacturer that makes a good faith effort
23 to comply with this Section, taking into consideration
24 available technology and any reasonable technical limitations
25 or outages, shall not be liable for an erroneous signal
26 indicating a user's age range or any conduct by a developer

1 that receives a signal indicating a user's age range.

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

5 (1) A covered manufacturer shall impose at least the
6 same restrictions and obligations on its own websites,
7 applications, and online services as it does on
8 third-party websites, applications, and online services.

9 (2) A covered manufacturer shall not use data
10 collected from a third party in the course of compliance
11 with this Act to compete against that third party, give
12 the covered manufacturer's services preference relative to
13 those of a third party, or to otherwise use this data or
14 consent mechanism in an anticompetitive manner.

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

19 (j) A covered developer is not liable under this Act if the
20 covered developer relied on age signal information provided to
21 the covered developer by a covered manufacturer.

22 Section 15. Protections for covered minors.

23 (a) As used in this Section:

24 "Addictive feed" means a website, online service, online
25 application, or mobile application, or a portion thereof, as a

1 significant part of the services offered, in which multiple
2 pieces of media generated or shared by users of a website,
3 online service, online application, or mobile application,
4 either concurrently or sequentially, are recommended,
5 selected, or prioritized for display to a user based, in whole
6 or in part, on information associated with the user or the
7 user's device, unless any of the following conditions are met,
8 alone or in combination with one another:

9 (1) the recommendation, prioritization, or selection
10 is based on information that is not persistently
11 associated with the user's device, and does not concern
12 the user's previous interactions with media generated or
13 shared by other users;

14 (2) the recommendation, prioritization, or selection
15 is based on data controlled by user-selected privacy or
16 accessibility settings or technical information concerning
17 the user's device;

18 (3) the user expressly and unambiguously requested the
19 specific media, media by the author, creator, or poster of
20 media the user has subscribed to, or media shared by users
21 to a page or group the user has subscribed to, provided
22 that the media is not recommended, selected, or
23 prioritized for display based, in whole or in part, on
24 other information that is not permissible under this
25 definition;

26 (4) the user expressly and unambiguously requested

1 that specific media by a specific author, creator, or
2 poster of media the user has subscribed to, or media
3 shared by users to a page or group the user has subscribed
4 to as described by paragraph (3), be blocked, prioritized,
5 or deprioritized for display, provided that the media is
6 not recommended, selected, or prioritized based, in whole
7 or in part, on other information associated with the user
8 or the user's device that is not permissible under this
9 definition;

10 (5) the media is direct and private communication
11 between users;

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

14 (7) the media that is recommended, selected, or
15 prioritized for display is exclusively next in a
16 preexisting sequence from the same author, creator,
17 poster, or source; or

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

20 "Addictive social media platform" means a covered platform
21 that offers users or provides users with an addictive feed as a
22 significant part of the service provided by that website,
23 online service, online application, or mobile application.

24 "Content" means user-to-user text, an image upload, or a
25 video upload. "Content" does not include game design and
26 editorial content, immersive gameplay environments, publicly

1 viewable usernames, publicly viewable avatars, and their
2 components.

3 "Covered operator" means any person, business, or other
4 legal entity that owns, maintains, or controls a covered
5 platform or addictive social media platform.

6 "Covered platform" means a public or semi-public website,
7 online service, online application, or mobile application
8 that:

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

10 (2) allows users to construct a public or semi-public

11 profile for the purposes of using such website, service,
12 or application; and

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

18 "Gifted currency" means a currency transfer between users
19 involving fiat currency or digital currency purchased with
20 fiat currency and used within a covered platform whether or
21 not it can be converted to money.

22 "Precise geolocation information" means information
23 derived from technology, including, but not limited to, global
24 positioning system level latitude and longitude coordinates or
25 other mechanisms, that directly identifies the specific
26 location of a natural person with precision and accuracy

1 within a radius of 1,750 feet. "Geographic location" does not
2 include the content of communications.

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

7 (c) For all users that the covered operator has actual
8 knowledge to be a covered minor, the covered operator shall
9 use the following settings by default for covered minors,
10 which shall ensure that no user who is not already connected to
11 a covered minor may:

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

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

16 (d) A parent of a covered minor or a covered minor
17 determined by a covered operator to be over the age of 16 may
18 override the default privacy settings described in subsection
19 (e). A parent of a covered minor may override the default
20 privacy settings described in subsection (e) for a covered
21 minor under the age of 16. A covered operator may not design
22 the covered platform in such a way that would encourage an

23 override of these default privacy settings.

24 (e) For all users determined by a covered operator to be a
25 covered minor, the covered operator shall provide a mechanism
26 that enables a parent to set a monthly limit on all gifted

1 currency related to the covered minor's account. The covered
2 operator shall establish a mechanism by which a parent of a
3 covered minor may easily view a history of all gifted currency
4 related to the covered minor's account at any time.

5 (f) It shall be unlawful for an addictive social media
6 platform to provide an addictive feed to a covered user
7 unless:

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

10 (2) the addictive social media platform has obtained
11 verifiable parental consent to provide an addictive feed
12 to a covered minor.

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

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

19 (2) the addictive social media platform has obtained
20 verifiable parental consent to send notifications during
21 the time restricted under this subsection.

22 (h) 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 (i) An addictive social media platform shall not withhold,
5 degrade, lower the quality, or increase the price of any
6 product, service, or feature, other than as necessary for
7 compliance with the provisions of this Act to a covered user
8 solely because the addictive social media platform is not
9 permitted to provide an addictive feed to the covered user
10 under this Act.

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

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

19 (l) Nothing in this Section shall be construed as
20 preventing access to information regarding sex, sexuality,
21 gender, and reproductive health that is not already prohibited
22 by existing law.

23 (m) Nothing in this Section shall be construed as
24 preventing any actions taken in good faith to restrict access
25 to or availability of media that the covered platform
26 considers obscene, lewd, lascivious, filthy, excessively

1 violent, harassing, or otherwise objectionable, whether or not
2 the material is constitutionally protected.

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

11 Section 20. Enforcement. A violation of this Act
12 constitutes an unlawful practice under the Consumer Fraud and
13 Deceptive Business Practices Act. All remedies, penalties, and

14 authority granted to the Attorney General by the Consumer
15 Fraud and Deceptive Business Practices Act shall be available
16 to the Attorney General for the enforcement of this Act.

17 Section 25. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by adding Section 2MMMM as follows:

19 (815 ILCS 505/2MMMM new)

20 Sec. 2MMMM. Violations of the Children's Social Media
21 Safety Act. Any person who violates the Children's Social
22 Media Safety Act commits an unlawful practice within the
23 meaning of this Act.

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

3 Section 99. Effective date. This Act takes effect January
4 1, 2027.