

SECOND REGULAR SESSION

HOUSE BILL NO. 1957

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

3678H.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 mean:

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

(2) "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;

(3) "Obscene", material or internet content that 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 given to the term in section 573.010;

(4) "Subscriber", a resident of this state or a business located in this state that has entered into an agreement with an internet service provider to access the internet, including wireless internet, in a private residence or as a business that will either provide access to the public or to any employee under eighteen years of age.

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.

17 **3. An internet service provider, when providing subscribers internet access, shall**
18 **authenticate access to obscene websites as set forth in subsections 4 to 8 of this section.**

19 **4. An internet service provider shall redirect subscribers attempting to access an**
20 **obscene website to a webpage that:**

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

23 **(2) Provides the subscriber the ability to enter authentication to gain access to**
24 **the obscene website.**

25 **5. (1) An internet service provider shall allow a subscriber to access an obscene**
26 **website only by the use of authentication.**

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

30 **(3) Any information collected from the use of authentication shall be used only**
31 **for the implementation of this section.**

32 **6. Authentication shall be required at each attempt to access an obscene website,**
33 **and an internet service provider shall not provide a mechanism for the authentication to**
34 **be remembered beyond a time-out limit of five minutes. The authentication shall be**
35 **changed every three months.**

36 **7. An internet service provider shall provide to its subscribers who are eighteen**
37 **years of age or older, either in writing or electronically, information about this section**
38 **and how to create an authentication. The internet service provider shall communicate**
39 **the information beginning on the effective date of this section or when a person enters**
40 **into an agreement with the internet service provider for internet service. The**
41 **information shall include, but not be limited to, a brief description of the law requiring**
42 **authentication to access obscene websites; the procedure for creating, recovering, and**
43 **updating the authentication requiring multifactor authentication for the account**
44 **holder; and the penalty for individuals who knowingly share the authentication with**
45 **minors under eighteen years of age when such sharing results in the exposure of minors**
46 **to pornographic material as described in section 573.040.**

47 **8. The internet service provider shall use a DNS-based system that may be used**
48 **through an independent third party such as Open DNS, Cisco Umbrella, or any other**
49 **current industry standard of website filtering as the method of redirecting obscene**
50 **websites for adult access only, and this system shall stay updated according to industry**
51 **standards in order to maintain the current listing of websites deemed obscene. The**
52 **DNS-based system shall also include the ability to update or correct mischaracterized**
53 **websites.**

54 **9. An internet service provider is not liable for any penalty under this section if**
55 **the provider makes a good faith effort to apply a generally accepted and commercially**
56 **reasonable method of compliance with this section and such method or technology has**
57 **the ability to discover and authenticate new obscene websites and fulfills the**
58 **requirements of this section.**

59 **10. A subscriber who knowingly provides a minor with his or her authentication**
60 **in order to access an obscene website shall be guilty of a class A misdemeanor.**

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

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