

SENATE BILL NO. 336

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1391S.02I

ADRIANE D. CROUSE, Secretary

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
2 one new section, to be known as section 407.1600, to read as
3 follows:

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

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

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

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

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

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

24 3. An internet service provider, when entering into an
25 agreement with subscribers, as defined in subsection 2 of
26 this section, residing in Missouri, for residential use or
27 for business use with the intent to use the service to
28 provide public or private access, shall authenticate access
29 to obscene websites as set forth in subsections 4 to 8 of
30 this section.

31 4. An internet service provider shall redirect an
32 obscene website to a web page that:

33 (1) Notifies the subscriber that the website has been
34 delayed for authentication pursuant to this section; and

35 (2) Provides the subscriber the ability to enter
36 authentication in order to gain access to the obscene
37 website.

38 5. An internet service provider shall allow a
39 subscriber to gain access to an obscene website only by the
40 use of authentication.

41 (1) An internet service provider shall provide
42 subscribers eighteen years of age or older a mechanism to
43 create a secure authentication in accordance with industry
44 standards for the purpose of allowing the subscriber to
45 access obscene websites.

46 (2) Any information collected from the use of
47 authentication shall be used only for the implementation of
48 this section.

49 6. Authentication shall be required at each attempt to
50 access an obscene website, and an internet service provider
51 shall not provide a mechanism for the authentication to be
52 remembered beyond a time out value of five minutes. The
53 authentication shall be changed every three months.

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

69 8. The internet service provider shall use a DNS-based
70 system that may be used through an independent third party
71 such as: Open DNS, Cisco Umbrella, or other current
72 industry standard of website filtering as the method of
73 redirecting obscene websites for adult access only, and this
74 service shall also stay updated according to industry
75 standards in order to maintain the current listing of
76 websites deemed obscene. The DNS-based system shall also
77 include the ability to update or correct mischaracterized
78 websites.

79 9. An internet service provider is not liable for any
80 penalty in this section if the provider makes a good faith

81 effort to apply a generally accepted and commercially
82 reasonable method of compliance in accordance with
83 subsection 3 of this section and that such method or
84 technology has the ability to discover and authenticate new
85 obscene websites and fulfills the requirements of this
86 section.

87 10. A subscriber that knowingly provides a minor with
88 his or her authentication in order to access an obscene
89 website shall be guilty of a class A misdemeanor.

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

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