



SYNOPSIS:

This bill would require manufacturers of certain Internet-enabled devices, including smartphones and tablets, to require the devices to contain a filter that is enabled during the activation of the device if the user is a minor, and only allow a user with a password to deactivate or reactivate the filter.

This bill would subject a manufacturer of a device in violation of this act to civil liability and provide for penalties.

A BILL
TO BE ENTITLED
AN ACT

Relating to consumer protection; to require the use of a filter on certain Internet-enabled devices in this state; to provide certain requirements for the filter; and to authorize a civil action for a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms have the following meanings:

(1) ACTIVATE. The process of powering on a device and associating it with a new or existing user account.



29 (2) DEVICE. A tablet or a smartphone manufactured on or
30 after June 1, 2025.

31 (3) FILTER. Generally accepted and commercially
32 reasonable software used on a device that is capable of
33 preventing the device from accessing or displaying obscene
34 material through Internet browsers or search engines owned and
35 controlled by the manufacturer in accordance with prevailing
36 industry standards, including blocking known websites linked
37 to obscene content, via mobile data networks, wired Internet
38 networks, and wireless Internet networks.

39 (4) INTERNET. The global information system that is
40 logically linked together by a globally unique address space
41 based on the Internet protocol (IP), or its subsequent
42 extensions; that is able to support communications using the
43 transmission control protocol/Internet protocol (TCP/IP) suite
44 or its subsequent extensions, or other IP-compatible
45 protocols; and that provides, uses, or makes accessible,
46 either publicly or privately, high-level services layered on
47 communications and related infrastructure.

48 (5) MANUFACTURER. A person to which all of the
49 following apply:

50 a. Is engaged in the business of manufacturing a
51 device.

52 b. Holds the patents for each device it manufactures or
53 holds the patents for the operating system on a device.

54 c. Has a commercial designated registered agent in this
55 state.

56 (6) MINOR. An individual under 18 years of age who is



not emancipated, married, or a member of the United States Armed Forces.

(7) OBSCENE MATERIAL. A visual depiction of sexually explicit conduct, as defined under Section 13A-12-190, Code of Alabama 1975.

(8) OPERATING SYSTEM. Software that manages all of the other application programs on a device.

(9) PASSWORD. A string of characters or other secure method used to enable, deactivate, modify, or uninstall a filter on a device.

(10) RETAILER. A person, other than a manufacturer, that sells a device directly to consumers. The term includes an employee of a retailer acting in the course and scope of the employee's employment.

(11) SMARTPHONE. An electronic device that combines a cell phone with a hand-held computer, typically offering Internet access through a browser or search engine and that typically has data storage, text, and email capabilities.

(12) TABLET. A mobile device that is equipped with a mobile operating system, touchscreen display, and rechargeable battery and that has the ability to support access to a cellular network.

(13) VIDEO GAME CONSOLE. A discrete computing system, including the system's components and peripherals, primarily used for playing video games, but does not include a smartphone or tablet.

Section 2. Devices activated in this state must meet all of the following requirements:



(1) Contain a filter.

(2) Ask the user to provide the user's age during activation and account set-up.

(3) Automatically enable the filter when the user is a minor based on the age provided under subdivision (2).

(4) Allow a password to be established for the filter.

(5) Notify the user of the device when the filter blocks the device from accessing a website.

(6) Allow a non-minor who has a password the opportunity to deactivate and reactivate the filter.

Section 3. (a) A manufacturer of a device shall be subject to civil liability if all of the following occur:

(1) A device is activated in the state.

(2) The device does not, upon activation, enable a filter that complies with the requirements described in Section 2.

(3) A minor accesses obscene material on the device.

(b) Notwithstanding subsection (a), this section does not apply to a manufacturer that makes a good faith effort to provide a device that, upon activation of the device in the state, automatically enables a filter on the device that complies with the requirements of Section 2.

(c) Nothing in this act does any of the following:

(1) Applies to a device manufactured before June 1, 2025.

(2) Applies to a video game console.

(3) Creates a cause of action against a retailer of a device.



113 Section 4. With the exception of a minor's parent or
114 legal guardian, a person may be liable in a civil action for
115 intentionally enabling the password to remove or deactivate
116 the filter on a device in the possession of the minor if the
117 minor accesses obscene material on the device.

118 Section 5. (a) Whenever the Attorney General has reason
119 to believe that a person has violated or is violating this
120 act, the Attorney General, acting in the public interest, may
121 bring an action in the name of the state against the person as
122 follows:

123 (1) To enjoin any action that constitutes a violation
124 of this act by the issuance of a temporary restraining order
125 or preliminary or permanent injunction.

126 (2) To recover from the alleged violator a civil
127 penalty not to exceed five thousand dollars (\$5,000) per
128 violation, and not to exceed a total of fifty thousand dollars
129 (\$50,000) in aggregate, as determined by the court.

130 (3) To recover from the alleged violator the Attorney
131 General's reasonable expenses, investigative costs, and
132 attorney fees.

133 (4) To obtain other appropriate relief as provided for
134 under this act.

135 (b) The Attorney General, in addition to other powers
136 conferred by this act, may issue subpoenas to any person and
137 conduct hearings in aid of any investigation or inquiry.

138 (c) The Attorney General may seek the revocation of any
139 license or certificate authorizing a manufacturer to engage in
140 business in this state if, after the manufacturer is found to



141 have violated this act, the manufacturer demonstrates a
142 repeated pattern of violations of this act.

143 (d) For purposes of assessing a penalty under this
144 section, a manufacturer is considered to have committed a
145 separate violation for each device manufactured on or after
146 June 1, 2025, which violates Section 2.

147 Section 6. (a) Any parent or legal guardian of a minor
148 who accesses obscene content in violation of Section 3 may
149 bring a private cause of action in any court of competent
150 jurisdiction against a manufacturer who failed to comply with
151 Section 2.

152 (b) A prevailing plaintiff may recover all of the
153 following:

154 (1) Actual damages or, in the discretion of the court
155 where actual damages are difficult to ascertain due to the
156 nature of the injury, liquidated damages in the amount of
157 fifty thousand dollars (\$50,000) for each violation.

158 (2) When a violation is found to be knowing and
159 willful, punitive damages in an amount determined by the
160 court.

161 (3) Nominal damages.

162 (4) Attorney fees.

163 (5) Any other relief as the court deems appropriate,
164 including court costs and expenses.

165 (c) Nothing in this section precludes the bringing of a
166 class action lawsuit against a manufacturer where the
167 manufacturer's conduct in violation of Section 2 is knowing
168 and willful.



169 (d) Any parent or legal guardian of a child may bring
170 an action in a court of competent jurisdiction against any
171 individual who is not the parent or legal guardian of the
172 child and who disables the filter from a device in the
173 possession of the child which results in the child's exposure
174 to obscene content.

175 Section 7. This act shall become effective on June 1,
176 2025.