

**SB186 ENGROSSED**



1 SB186  
2 MSTZ31H-2  
3 By Senator Chambliss  
4 RFD: Children and Youth Health  
5 First Read: 20-Feb-25



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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.

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

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

(4) INTERNET. The global information system that is



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logically linked together by a globally unique address space based on the Internet protocol (IP), or its subsequent extensions; that is able to support communications using the transmission control protocol/Internet protocol (TCP/IP) suite or its subsequent extensions, or other IP-compatible protocols; and that provides, uses, or makes accessible, either publicly or privately, high-level services layered on communications and related infrastructure.

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

- a. Is engaged in the business of manufacturing a device.
- b. Holds the patents for each device it manufactures or holds the patents for the operating system on a device.
- c. Has a commercial designated registered agent in this state.

(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,



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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



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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.

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

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

(1) To enjoin any action that constitutes a violation



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of this act by the issuance of a temporary restraining order or preliminary or permanent injunction.

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

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

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

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

(c) The Attorney General may seek the revocation of any license or certificate authorizing a manufacturer to engage in business in this state if, after the manufacturer is found to have violated this act, the manufacturer demonstrates a repeated pattern of violations of this act.

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

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



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

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

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

(3) Nominal damages.

(4) Attorney fees.

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

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

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

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

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166  
167  
168 Senate

169 Read for the first time and referred .....20-Feb-25  
170 to the Senate committee on Children  
171 and Youth Health

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173 Read for the second time and placed .....27-Feb-25  
174 on the calendar:  
175 0 amendments

176  
177 Read for the third time and passed .....17-Apr-25  
178 as amended  
179 Yeas 28  
180 Nays 5  
181 Abstains 0

182  
183  
184 Patrick Harris,  
185 Secretary.  
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