

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1234

By: Burns

AS INTRODUCED

An Act relating to Internet-enabled devices; defining terms; providing duties for retailers of Internet-enabled devices; requiring filters that block certain content; establishing a reporting mechanism; prohibiting block of certain websites; prohibiting certain instruction for deactivating filters; allowing for deactivation under certain circumstances; requiring warning statement; requiring certain websites to be unblocked; setting damages; construing violations; establishing violations and setting penalties; declaring certain acts and practices to be violations of the Oklahoma Consumer Protection Act; directing Attorney General to enforce penalties; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1025 of Title 15, unless there is created a duplication in numbering, reads as follows:

For purposes of this act:

1. "Adult entertainment establishment" means a business in which, as the major activity, consumers congregate primarily for the purpose of viewing or associating with employees who display

1 anatomical areas designed to provide sexual stimulation or sexual  
2 gratification such as human genitals, the immediate pubic region or  
3 pubic hair, buttocks to the extent of exposing the immediate anal  
4 area, female breasts to point below the nipples, male genitals in a  
5 state of erection, even if covered with opaque clothing, and all of  
6 the above anatomical areas when covered only by transparent or  
7 diaphanous clothing;

8 2. "Cellular telephone" means a communication device containing  
9 a unique electronic serial number that is programmed into its  
10 computer chip by its manufacturer and whose operation is dependent  
11 on the transmission of that electronic serial number along with a  
12 mobile identification number, which is assigned by the cellular  
13 telephone carrier, in the form of radio signals through cell sites  
14 and mobile switching stations;

15 3. "Consumer" means an individual, business, or entity that  
16 purchases or leases for personal, family, household purposes or any  
17 other reason an Internet-enabled device;

18 4. "Data communications device" means an electronic device that  
19 receives electronic information from one source and transmits or  
20 routes it to another including, but not limited to, any such bridge,  
21 router, switch, or gateway;

22 5. "Filter" means a digital blocking capability, hardware, or  
23 software that restricts or blocks Internet access to websites,  
24 electronic mail, chat, or other Internet-based communications based  
25

1 on category, site, or content, and the term means a digital blinder  
2 rack that can be deactivated by a retailer upon the satisfaction of  
3 certain nominal conditions;

4 6. "Internet" has the same meaning as 31 U.S.C. Section 5362;

5 7. "Internet-enabled device" means a cellular telephone,  
6 computer, data communications device, or other product manufactured,  
7 distributed, or sold in this state that provides Internet access or  
8 plays a material role in distributing content on the Internet;

9 8. "Internet service provider" means a person engaged in the  
10 business of providing a computer and communications facility through  
11 which a consumer may obtain access to the Internet. The term does  
12 not include a common carrier if it provides only telecommunications  
13 services;

14 9. "Minor" has the same meaning as in Section 1040.75 of Title  
15 21 of the Oklahoma Statutes;

16 10. "Mobile application or application" means a specialized  
17 software program downloaded onto an Internet-enabled device;

18 11. "Obscene material" has the same meaning as in Section  
19 1024.1 of Title 21 of the Oklahoma Statutes;

20 12. "Retailer" means any person who regularly engages in the  
21 manufacturing, sale, offer for sale or lease of Internet-enabled  
22 devices, or services in this state that make content accessible on  
23 the Internet. The term includes Internet service providers; and  
24

1        13. "Social media website" means an Internet website or  
2 application that enables users to communicate with each other by  
3 posting information, comments, messages, or images.

4        SECTION 2.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1025.1 of Title 15, unless there  
6 is created a duplication in numbering, reads as follows:

7        A. A retailer that manufacturers, sells, offers for sale,  
8 leases, or distributes an Internet-enabled device shall ensure that  
9 the product is equipped with an active and operating filter prior to  
10 sale that blocks by default applications or websites that display  
11 images or videos provided by an adult entertainment establishment.

12        B. A retailer that manufactures, sells, offers for sale,  
13 leases, or distributes an Internet-enabled device shall:

14        1. Make reasonable and ongoing efforts to ensure that a  
15 product's filter functions properly;

16        2. Establish a reporting mechanism such as a website or call  
17 center that allows consumers to report unblocked websites or  
18 applications displaying content from adult entertainment  
19 establishments; and

20        3. Not block access to websites or applications that:

21        a. are social media websites that provide a means for  
22 users to report obscene material and have in place  
23 procedures for evaluating those reports and removing  
24 obscene material,

- 1           b.    serve primarily as a search engine, or
- 2           c.    display complete movies that meet the qualifications
- 3                for a "G", "PG", "PG-13", or "R" rating by the
- 4                Classification and Rating Administration, as those
- 5                qualifications existed on January 1, 2021.

6           C.    Except as otherwise provided in this act, a retailer of an

7 Internet-enabled device shall not provide a consumer with methods,

8 source code, or operating instructions for deactivating a product's

9 filter.

10          D.    A retailer of an Internet-enabled device shall deactivate

11 the filter after a consumer:

- 12           1.    Requests that the capability be disabled;
- 13           2.    Presents personal identification information to verify that
- 14 the consumer is eighteen (18) years of age; and
- 15           3.    Acknowledges receiving a warning regarding the potential
- 16 danger of deactivating the filter.

17          E.    Nothing in this act shall be construed to prevent a retailer

18 of an Internet-enabled device from charging to deactivate the

19 filter.

20          F.    The Attorney General shall prepare and make available to

21 retailers a form that includes all content that must be presented to

22 the consumer in the statement of warning for deactivating the

23 filter.

1           SECTION 3.           NEW LAW

2           A new section of law to be codified  
3 in the Oklahoma Statutes as Section 1025.2 of Title 15, unless there  
4 is created a duplication in numbering, reads as follows:

5           A. A retailer of an Internet-enabled device commits a violation  
6 under this act if it knowingly:

7           1. Sells an Internet-enabled device without an activated filter  
8 that is designed to block by default websites that display content  
9 from an adult entertainment establishment;

10          2. Fails to comply with the requirements of this act before  
11 deactivating a product's filter; or

12          3. Discloses to a third-party the name or personal information  
13 of adult customers who have elected to deactivate a product's  
14 filter.

15          B. A retailer of an Internet-enabled device that is found  
16 guilty of an offense under this act shall be fined no more than One  
17 Thousands Dollars (\$1,000.00) for a first offense and no more than  
18 Two Thousand Five Hundred Dollars (\$2,500.00) for each subsequent  
19 offense.

20          C. All acts and practices declared to be violations of this act  
21 shall, in addition, be violations of the Oklahoma Consumer  
22 Protection Act.

23          D. Only the Attorney General or district attorney of the county  
24 where the retailer is located shall enforce penalties prescribed in  
25 this section.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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