

SENATE BILL No. 363

By Senator Fitzgerald

2-1

1 AN ACT concerning consumer protection; relating to unconscionable acts
2 or practices; requiring technology protection measures on internet-
3 accessible devices; enacting the human trafficking prevention act.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. Sections 1 through 4, and amendments thereto, shall be
7 known and may be cited as the human trafficking prevention act.

8 Sec. 2. As used in this act:

9 (a) "Child pornography" shall have the meaning ascribed to it in
10 K.S.A. 2017 Supp. 75-2589, and amendments thereto.

11 (b) "Internet service provider" means a provider of a retail service
12 that allows a consumer to access content on the internet and transmit data
13 to and receive data from all or substantially all internet endpoints without
14 regard to delivery technology.

15 (c) "Obscene" shall have the meaning ascribed to it in K.S.A. 2017
16 Supp. 21-6401, and amendments thereto, and includes, but it not limited
17 to:

18 (1) Child pornography;

19 (2) revenge pornography, as described in K.S.A. 2017 Supp. 21-
20 6101(a)(8), and amendments thereto; and

21 (3) websites known to facilitate:

22 (A) The selling of sexual relations, as described in K.S.A. 2017 Supp.
23 21-6419, and amendments thereto; and

24 (B) human trafficking, as described in K.S.A. 2017 Supp. 21-5426,
25 and amendments thereto.

26 (d) "Technology protection measure" means any computer technology
27 or other process that blocks or filters online access to obscene content.

28 Sec. 3. (a) Except as provided in subsection (c), an internet service
29 provider may not sell or lease to a consumer any product or service that
30 makes content accessible on the internet, unless such product or service
31 contains an active and operating technology protection measure that
32 renders obscene content inaccessible. Such technology protection measure
33 must be distributed by an entity that:

34 (1) Regularly makes available to consumers updates to the
35 technology protection measure to ensure that the technology protection
36 measure is sufficiently blocking access to obscene content;

1 (2) maintains a website or telephone line that consumers can use to
2 report:

3 (A) Obscene content that is not blocked by the technology protection
4 measure; and

5 (B) content that is not obscene that is blocked by the technology
6 protection measure; and

7 (3) has in place procedures for evaluating reports made pursuant to
8 subparagraph (B) and, if necessary, updating the technology protection
9 measure within five days.

10 (b) The technology protection measure may not block access to social
11 media websites that provide a means for the websites' users to report
12 obscene content and have in place procedures for evaluating those reports
13 and removing obscene content.

14 (c) An internet service provider may deactivate the technology
15 protection measure for a product or service if the consumer who purchased
16 or leased the product or service:

17 (1) Requests that the technology protection measure be deactivated;

18 (2) presents identification verifying that the consumer is at least 18
19 years of age;

20 (3) acknowledges a written warning regarding the potential danger of
21 deactivating the technology protection measure; and

22 (4) pays a one-time deactivation fee of \$20.

23 (d) Each quarter, an internet service provider shall remit half of the
24 moneys received from the collection of deactivation fees under this act to
25 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
26 and amendments thereto. Upon receipt of each such remittance, the state
27 treasurer shall deposit the entire amount in the state treasury to the credit
28 of the human trafficking victim assistance fund created by K.S.A. 2017
29 Supp. 75-758, and amendments thereto.

30 Sec. 4. (a) This act shall be part of and supplemental to the Kansas
31 consumer protection act.

32 (b) Any violation of this act shall be an unconscionable act or practice
33 under the Kansas consumer protection act and shall be subject to any and
34 all of the remedies and enforcement provisions of the Kansas consumer
35 protection act.

36 (c) The attorney general shall remit all penalties and fines collected
37 pursuant to this section to the state treasurer in accordance with the
38 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
39 each such remittance, the state treasurer shall deposit the entire amount in
40 the state treasury to the credit of the human trafficking victim assistance
41 fund created by K.S.A. 2017 Supp. 75-758, and amendments thereto.

42 Sec. 5. This act shall take effect and be in force from and after
43 January 1, 2019, and its publication in the statute book.