



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3304

Introduced 2/18/2025, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Digital Age Assurance Act. Provides that specified manufacturers shall take commercially reasonable and technically feasible steps to, upon activation of a device, determine or estimate the age of the device's primary user and provide websites, applications, application stores, and online services with a digital signal regarding the user's age. Sets forth requirements for any website, application, or online service that makes available mature content. Provides that a website, application, or online service with actual knowledge that a user is under 18 years of age shall, to the extent commercially reasonable and technically feasible, provide readily available features for parents or guardians to support a minor with respect to the minor's use of the website, application, or online service. Provides that specified manufacturers shall comply with the Act in a nondiscriminatory manner. Provides that the Attorney General may commence a civil action to enforce the provisions of the Act. Sets forth provisions concerning civil actions. Limits home rule. Effective January 1, 2026.

LRB104 06519 SPS 16555 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Digital Age Assurance Act.

6 Section 5. Findings and purposes.

7 (1) Creating a barrier between minors and mature  
8 content and mature online experiences requires a solution  
9 that protects minors while also protecting privacy and  
10 safeguarding personal information.

11 (2) Current efforts to make online environments safer  
12 for children are ineffective.

13 (3) 95% of teens in the United States have access to  
14 smartphones.

15 (4) Teens in the United States with access to digital  
16 devices use an average of 40 different applications on  
17 those devices.

18 (5) 97% of teens in the United States are daily  
19 Internet users, and 46% of teens in the United States  
20 respond that they are online almost constantly.

21 (6) Individual application-based or website-based age  
22 assurance will not protect minors across this broad online  
23 ecosystem.

1           (7) The most effective and privacy-protective way of  
2 achieving age assurance is at the point of access, on  
3 devices themselves.

4           (8) Parents and guardians want more control over their  
5 minor children's device use and online experiences. The  
6 best way to empower parents and guardians is to create an  
7 industry-wide solution through which all online services  
8 are held to the same consistent standard.

9           Section 10. Definitions. As used in this Act:

10           "Application store" means a publicly available website,  
11 software application, or online service that distributes  
12 third-party platforms' software applications to a computer, a  
13 mobile device, or any other general-purpose computing device.

14           "Covered manufacturer" means a manufacturer of a device,  
15 an operating system for a device, or an application store.

16           "Device" means a device or a portion of a device that is  
17 designed for and capable of communicating across a computer  
18 network with other computers or devices for the purpose of  
19 transmitting, receiving, or storing data, including, but not  
20 limited to, a desktop, laptop, cellular telephone, tablet, or  
21 other device designed for and capable of communicating with or  
22 across a computer network and that is used for that purpose.

23           "Mature content" has the same meaning given to the term  
24 "sexually explicit conduct" as defined in 18 U.S.C.  
25 2256(2) (A).

1 "Minor" means an individual under the age of 18.

2 "Operating system provider" means an entity that develops,  
3 distributes, or maintains, a device's operating system, and  
4 provides common services. "Operating system provider"  
5 includes, but is not limited to, the design, programming, and  
6 supply of operating systems for various devices, such as  
7 smartphones, tablets, and other digital equipment.

8 "Substantial portion" means more than one-third of the  
9 total material on a website, application, or online service.

10 Section 15. Age assurance required.

11 (a) A covered manufacturer shall take commercially  
12 reasonable and technically feasible steps to:

13 (1) upon the device's activation determine or estimate  
14 the age of the device's primary user;

15 (2) provide websites, applications, application  
16 stores, and online services with a digital signal  
17 regarding whether an individual is under the age of 13, at  
18 least 13 years of age and under 16 years of age, at least  
19 16 years of age and under 18 years of age, or at least 18  
20 years of age through a real-time application programming  
21 interface; and

22 (3) in the case of a covered manufacturer that is an  
23 application store, obtain parental or guardian consent  
24 before permitting an individual under 16 years of age to  
25 download an application from the application store and

1 provide the parent or guardian with the option to connect  
2 the developer of the application with the approving parent  
3 or guardian for the purpose of facilitating parental  
4 supervision tools.

5 (b) For devices sold before the effective date of this  
6 Act, covered manufacturers shall ensure that the requirements  
7 under subsection (a) are included in its operating system and  
8 application store versions and updates by default after the  
9 effective date of this Act.

10 (c) Any website, application, or online service that makes  
11 available mature content shall:

12 (1) recognize and allow for the receipt of digital age  
13 signals as described in this Act;

14 (2) if a substantial portion of the total material on  
15 the website, application, or online service is mature  
16 content, it shall:

17 (A) block access to the website, application, or  
18 online service when a digital age signal is received  
19 indicating a user is under 18 years of age;

20 (B) provide a disclaimer to users or visitors that  
21 the website, application, or online service contains  
22 mature content; and

23 (C) label itself as restricted to adults; and

24 (3) if less than a substantial portion of the total  
25 material on the website, application, or online is mature  
26 content:

1           (A) block access to known mature content when a  
2           digital age signal is received indicating a user is  
3           under 18 years of age; and

4           (B) provide a disclaimer to users or visitors  
5           before displaying known mature content.

6           (d) A website, application, or online service that,  
7           through receipt of a digital age signal or otherwise attains  
8           actual knowledge that a user is under 18 years of age shall, to  
9           the extent commercially reasonable and technically feasible,  
10          provide readily available features for parents or guardians to  
11          support a minor with respect to the minor's use of the website,  
12          application, or online service, including features to help  
13          manage which individuals or accounts are affirmatively linked  
14          to the minor, to help manage the delivery of age-appropriate  
15          content, and to limit the amount of time that the minor spends  
16          daily on the website, application, or online service.

17          (e) A covered manufacturer shall comply with this Act in a  
18          nondiscriminatory manner by, among other things:

19               (1) imposing at least the same restrictions and  
20               obligations on its own websites, applications, and online  
21               services as it does on those from third parties; and

22               (2) not using data collected from third parties, or  
23               consent mechanisms deployed for third parties, in the  
24               course of compliance with this Act, to compete against  
25               those third parties, to give the covered manufacturer's  
26               services preference relative to those of third parties, or

1 to otherwise use the data or consent mechanism in an  
2 anti-competitive manner.

3 (f) The Attorney General may adopt rules as may be  
4 necessary to establish the processes by which entities are to  
5 comply with the provisions of this Section.

6 Section 20. Enforcement.

7 (a) The Attorney General may commence a civil action to  
8 enforce the provisions of this Act.

9 (b) Before initiating an action under this Act, the  
10 Attorney General shall provide an entity with written notice  
11 identifying the specific provisions of this Act the Attorney  
12 General alleges the entity has violated. If the entity cures  
13 those violations within 45 days of receipt of the written  
14 notice and provides the Attorney General with a written  
15 statement that the alleged violations have been cured, no  
16 further action shall be initiated against the entity.

17 (c) If an entity continues to violate this Act after  
18 receiving the written notice from the Attorney General or  
19 fails to respond to the written statement as described in  
20 subsection (b), the Attorney General may initiate a civil  
21 action and seek damages for up to \$10,000 per violation of this  
22 Act. The damages shall begin accruing 45 days after the  
23 receipt of the written notice from the Attorney General.

24 (d) Nothing in this Act shall be construed as providing  
25 the basis for, or be subject to, a private right of action.

1           (e) A covered manufacturer shall not be subject to  
2 liability for failure to comply with this Act if that covered  
3 manufacturer has taken commercially reasonable and technically  
4 feasible steps to determine or estimate the age of the  
5 device's user as required in paragraph (1) of subsection (a)  
6 of Section 15.

7           Section 25. Uniformity of interpretation. This Act shall  
8 be construed and interpreted to effectuate its general purpose  
9 and to make uniform the law in those states that enact similar  
10 statutes.

11           Section 30. Conflict of law. The provisions of this Act  
12 shall be construed to take precedence over any conflict of law  
13 in accordance with the Statute on Statutes

14           Section 35. Home rule. A home rule unit may not regulate  
15 the activities described in Section 15 in a manner more  
16 restrictive than the regulation by the State of those  
17 activities under this Act. This Section is a limitation under  
18 subsection (i) of Section 6 of Article VII of the Illinois  
19 Constitution on the concurrent exercise by home rule units of  
20 powers and functions exercised by the State

21           Section 97. Severability. The provisions of this Act are  
22 severable under Section 1.31 of the Statute on Statutes.

1           Section 99. Effective date. This Act takes effect January  
2    1, 2026.