

IN THE SENATE

SENATE BILL NO. 1158

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CHILDREN'S DEVICE PROTECTION; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A DECLARATION OF POLICY, TO DEFINE TERMS, TO REQUIRE INTERNET FILTERING ON CERTAIN DEVICES, TO ESTABLISH PROVISIONS REGARDING MANUFACTURER LIABILITY, AND TO PROVIDE FOR ATTORNEY GENERAL PROCEEDINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 21, Title 48, Idaho Code, and to read as follows:

CHAPTER 21

CHILDREN'S DEVICE PROTECTION ACT

48-2101. SHORT TITLE. This chapter shall be known and may be cited as the "Children's Device Protection Act."

48-2102. DECLARATION OF POLICY. The Idaho legislature, recognizing the importance of mental health in the growth and education of minors and a need to protect minors from accessing or downloading pornographic content that is harmful, declares it to be the policy of the state to promote the mental health of minors and adopt a comprehensive and proactive approach to reducing minors' access to such harmful content.

48-2103. DEFINITIONS. As used in this chapter:

(1) "Activate" means the process of powering on a device and associating it with a user account.

(2) "Device" means a tablet or a smartphone manufactured on or after January 1, 2026.

(3) "Filter" means software installed on a device that is capable of preventing the device from accessing or displaying obscene material as defined by state law through internet browsers or search engines owned or controlled by the manufacturer through mobile data networks, wired internet networks, and wireless internet networks.

(4) "Internet" means the global information system that is 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.

1 (5) "Manufacturer" means a person or company that:

2 (a) Is engaged in the business of manufacturing a device;

3 (b) Holds either:

4 (i) The patents for the device it manufactures; or

5 (ii) The patents for an operating system on a device; and

6 (c) Has a commercial designated registered agent as required by section
7 30-21-402, Idaho Code.

8 (6) "Minor" means an individual under eighteen (18) years of age who
9 is not emancipated, married, or a member of the armed forces of the United
10 States.

11 (7) "Obscene material" has the same meaning as defined in section
12 18-4101, Idaho Code.

13 (8) "Operating system" means software that manages all of the applica-
14 tion programs on a device.

15 (9) "Password" means a string of characters or numbers or another se-
16 cure method used to enable, deactivate, modify, or uninstall a filter on a
17 device.

18 (10) "Smartphone" means an electronic device that combines a cellular
19 phone with a handheld computer, typically offering internet access through a
20 browser or search engine, data storage, text messaging, and email capabili-
21 ties.

22 (11) "Tablet" means an internet-ready device equipped with an operating
23 system, a touchscreen display, a rechargeable battery, and the ability to
24 support access to a cellular network.

25 48-2104. FILTER REQUIRED. Beginning on January 1, 2026, all devices
26 activated in the state shall:

27 (1) Contain a filter;

28 (2) Determine the age of the user during activation and account setup;

29 (3) Enable the filter for minor users;

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

31 (5) Notify the user of the device when the filter blocks the device from
32 accessing a website; and

33 (6) Provide the password-holding user with the opportunity to deacti-
34 vate and reactivate the filter.

35 48-2105. MANUFACTURER LIABILITY. (1) Beginning on January 1, 2026, a
36 manufacturer of a device shall be subject to civil liability if:

37 (a) The device is activated in this state;

38 (b) The device does not, upon activation, enable a filter that complies
39 with the requirements described in section 48-2104, Idaho Code; and

40 (c) A minor accesses obscene material on the device.

41 (2) The provisions of this section shall not apply to a manufacturer
42 that makes a good faith effort to provide a device that, upon activation of
43 the device in this state, automatically enables a generally accepted and
44 commercially reasonable filter that blocks obscene material on all internet
45 browsers and search engines accessed on the device in accordance with the
46 provisions of this chapter.

47 (3) Nothing in this chapter shall be construed to create a cause of ac-
48 tion against the retailer of a device.

1 48-2106. PROCEEDINGS BY THE ATTORNEY GENERAL. (1) Whenever the attor-
2 ney general has reason to believe that a manufacturer violated or is violat-
3 ing the provisions of this chapter, the attorney general, acting in the pub-
4 lic interest, may bring an action in the name of the state against such per-
5 son:

6 (a) To enjoin any action that constitutes a violation of this chapter by
7 the issuance of a temporary restraining order or preliminary or perma-
8 nent injunction;

9 (b) To recover from the alleged violator a civil penalty not to exceed
10 five thousand dollars (\$5,000) per violation and not to exceed a total
11 of fifty thousand dollars (\$50,000) in aggregate in any specific case,
12 as determined by the court;

13 (c) To recover from the alleged violator the attorney general's reason-
14 able expenses, investigative costs, and attorney's fees; and

15 (d) To obtain other appropriate relief as provided for pursuant to this
16 chapter.

17 (2) The attorney general may seek the revocation of any license or cer-
18 tificate authorizing a manufacturer to engage in business in this state if
19 such manufacturer is found to be in violation of the provisions of this chap-
20 ter.

21 (3) For purposes of assessing a penalty pursuant to this section, a man-
22 ufacturer is considered to have committed a separate violation for each de-
23 vice manufactured on or after January 1, 2026, that violates the provisions
24 of section 48-2104, Idaho Code.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2025.