

IN THE SENATE

SENATE BILL NO. 1168

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STANDARD PROTECTION FOR ALL RESOURCES ON KIDS' DEVICES; 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 PROVIDE FOR FILTER CAPABILITIES AND REQUIREMENTS, TO PROVIDE ADDITIONAL REQUIREMENTS FOR APP STORES, TO ESTABLISH PROVISIONS REGARDING MANUFACTURER LIABILITY, TO ESTABLISH PROVISIONS REGARDING DEVELOPER 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

STANDARD PROTECTION FOR ALL RESOURCES ON KIDS' DEVICES ACT

48-2101. SHORT TITLE. This chapter shall be known and may be cited as the "Standard Protection for All Resources on Kids' Devices 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 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 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) "App" means a software application or electronic service that may be run or directed by a user on a computer, mobile device, or any other general purpose computing device.

(3) "App store" means a publicly available website, software application, or other electronic service that distributes apps from third-party developers to users of a computer, mobile device, or any other general purpose computing device.

(4) "Content" means media accessible on a device, including but not limited to live or recorded television shows, movies, music, books, games, and apps.

(5) "Developer" means any person that owns or controls an app available on an app store.

1 (6) "Device" means a tablet or smartphone that is capable of connecting
2 to the internet and is manufactured on or after January 1, 2026.

3 (7) "Filter" means software installed on a device that is capable of
4 preventing the device from accessing or displaying obscene material or con-
5 tent that is harmful to minors through internet browsers or search engines
6 via mobile data networks, wired internet networks, and wireless internet
7 networks. Additionally, a filter shall be capable of preventing the device
8 from accessing material that is not suitable for minors pursuant to the pro-
9 visions of section 48-2105, Idaho Code.

10 (8) "Harmful to minors" means material that:

11 (a) The average person applying contemporary community standards would
12 find, taking the material as a whole and with respect to minors, is de-
13 signed to appeal to, or is designed to pander to, the prurient interest;

14 (b) Is devoted to or principally consists of descriptions of actual,
15 simulated, or animated displays or depictions of any of the following,
16 in a manner patently offensive with respect to minors:

17 (i) Pubic hair, anus, vulva, genitals, or nipples of the female
18 breast;

19 (ii) Touching, caressing, or fondling of nipples, breasts, but-
20 tocks, anuses, or genitals; or

21 (iii) Sexual intercourse, masturbation, sodomy, bestiality, oral
22 copulation, flagellation, excretory functions, exhibitions, or
23 any other sexual act; and

24 (c) Taken as a whole, lacks serious literary, artistic, political, or
25 scientific value for minors.

26 (9) "Internet" means the global information system that is logically
27 linked together by a globally unique address space based on the internet
28 protocol (IP), or its subsequent extensions, and that is able to support
29 communications using the transmission control protocol/internet proto-
30 col(TCP/IP) suite, or its subsequent extensions, or other IP-compatible
31 protocols, and that provides, uses, or makes accessible, either publicly
32 or privately, high-level services layered on communications and related
33 infrastructure.

34 (10) "Manufacturer" means a person or company that:

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

36 (b) Has a commercial designated registered agent as required by section
37 30-21-402, Idaho Code.

38 (11) "Minor" means an individual under eighteen (18) years of age who
39 is not emancipated, married, or a member of the armed forces of the United
40 States.

41 (12) "Obscene material" means the same as that term is defined in sec-
42 tion 18-4101, Idaho Code.

43 (13) "Password" means a string of characters or numbers or other secure
44 method used to enable, deactivate, modify, or uninstall a filter on a device.

45 (14) "Smartphone" means an electronic device that combines a cellular
46 phone with a handheld computer, typically offering internet access through a
47 browser or search engine, data storage, text messaging, and email capabili-
48 ties.

1 (15) "Tablet" means an internet-ready device equipped with an operating
2 system, touchscreen display, rechargeable battery, and the ability to sup-
3 port access to a cellular network.

4 (16) "Virtual private network" or "VPN" means a technology that creates
5 a secure, encrypted connection over the internet to a remote server owned by
6 a VPN provider, allowing users to transmit data privately and anonymously by
7 masking the user's IP address and location.

8 48-2104. FILTER REQUIRED. (1) Beginning on January 1, 2026, all de-
9 vices activated in this state must:

- 10 (a) Contain a filter;
11 (b) Determine the age of the user during activation and account setup;
12 (c) Enable the filter for minor users;
13 (d) Allow a password to be established for the filter;
14 (e) Notify the user of the device when the filter blocks the device from
15 accessing a website; and
16 (f) Provide the password-holding user the opportunity to deactivate
17 and reactivate the filter.

18 (2) A device sold with a filter that complies with the provisions of
19 this chapter and that is not capable of being disabled shall not be required
20 to comply with the provisions of this section.

21 48-2105. FILTER CAPABILITIES AND REQUIREMENTS. A filter, when acti-
22 vated on a device, shall possess the capability to:

- 23 (1) Prevent the device from accessing or displaying obscene material or
24 content that is harmful to minors;
25 (2) Prevent downloads on the device;
26 (3) Notify the minor's parent or guardian of any download attempts or
27 attempts to bypass the filter;
28 (4) Prevent the use of a VPN on the device; and
29 (5) Allow a parent or guardian to use a password to override the protec-
30 tions established in subsections (1) through (4) of this section.

31 48-2106. APP STORES -- ADDITIONAL REQUIREMENTS. (1) Beginning on Jan-
32 uary 1, 2026, if a device provides access to an app store, the device's man-
33 ufacturer shall require all app developers who sell or provide apps on such
34 app store to identify, as to all apps sold or provided:

- 35 (a) Whether such app has the ability to display, access, or link to ob-
36 scene material or content that is harmful to minors or may contain ad-
37 vertisements that include obscene material or content that is harmful
38 to minors; and
39 (b) Whether the app has the ability to bypass parental control set-
40 tings.
41 (2) If an app is identified as possessing any of the capabilities iden-
42 tified in subsection (1) of this section, the manufacturer shall display
43 such information whenever such app is attempted to be downloaded to the de-
44 vice.
45 (3) An app that possesses the capabilities identified in subsection
46 (1) of this section shall not be downloaded to a device unless the correct
47 filter password has been entered.

1 48-2107. MANUFACTURER LIABILITY. (1) Beginning January 1, 2026, a
2 manufacturer of a device shall be subject to civil and criminal liability if:

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

4 (b) The device does not comply with the requirements described in sec-
5 tions 48-2104 through 48-2106, Idaho Code; and

6 (c) A minor accesses obscene material or content that is harmful to mi-
7 nors on the device.

8 (2) Notwithstanding the provisions of subsection (1) of this section,
9 this section does not apply to a manufacturer that makes a good faith effort
10 to provide a device that, upon activation of the device in this state, au-
11 tomatically enables a generally accepted and commercially reasonable filter
12 that blocks obscene material and content that is harmful to minors on all in-
13 ternet browsers and search engines accessed on the device in accordance with
14 the provisions of section 48-2105, Idaho Code.

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

17 48-2108. DEVELOPER LIABILITY. (1) Beginning January 1, 2026, a devel-
18 oper shall be subject to civil and criminal liability if:

19 (a) The developer's app is available on devices in this state on or af-
20 ter January 1, 2026;

21 (b) The developer does not correctly identify the capabilities of the
22 app pursuant to section 48-2106(1), Idaho Code; and

23 (c) A minor accesses obscene material or content that is harmful to mi-
24 nors using the app.

25 (2) Notwithstanding the provisions of subsection (1) of this section,
26 this section does not apply to a developer who makes a good faith effort to
27 correctly identify the capabilities of an app.

28 (3) Nothing in this section shall be construed to create a cause of ac-
29 tion against the manufacturer of a device.

30 48-2109. PROCEEDINGS BY THE ATTORNEY GENERAL. (1) Whenever the attor-
31 ney general has reason to believe that a person violated or is violating the
32 provisions of this chapter, the attorney general, acting in the public in-
33 terest, may bring an action in the name of the state against such person:

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

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

41 (c) To recover from the alleged violator the attorney general's reason-
42 able expenses, investigative costs, and attorney's fees.

43 (2) The attorney general may seek the revocation of any license or cer-
44 tificate authorizing a manufacturer to engage in business in this state.

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

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