

HB 1193 -- HUMAN TRAFFICKING AND CHILD EXPLOITATION

SPONSOR: Coleman (32)

This bill establishes the "Human Trafficking and Child Exploitation Act" and provides that a retailer who manufactures, sells, offers for sale, leases, or distributes an Internet-enabled product in this state shall not do so unless the device contains active and properly operating blocking software that renders inaccessible certain websites known to facilitate human trafficking and prostitution, display child or revenge pornography, or obscene material. The bill also specifies other requirements for such retailers, including not blocking access to certain types of websites and establishing a reporting mechanism to allow consumers to report unblocked websites displaying prohibited content. A retailer shall not provide the consumer with ways to deactivate the blocking mechanism but shall deactivate the blocking mechanism him or herself after a consumer requests that it be disabled, presents personal ID to verify that he or she is at least 18 years old, acknowledges receiving a warning of the potential dangers of deactivating the blocking mechanism, and pays a one-time \$20 digital access fee, which shall be remitted quarterly to the State Treasurer to help the state bear the costs of upholding community standards and combating sex-related offenses. The retailer may also charge a separate fee and retain it for profit.

If the blocking mechanism blocks a website displaying content that is not prohibited and the block is reported, the website must be unblocked within a reasonable amount of time but no later than five business days after the block is first reported. A consumer may seek judicial relief to unblock a wrongfully blocked website. If a retailer is unresponsive to a report that a prohibited website is not blocked despite the blocking mechanism being in place, the Attorney General or consumer may file a civil action and may seek damages of up to \$500 for each website that was reported. A retailer who fails to comply with the duties under this section has committed an indecent deceptive trade practice, as described in the bill, and may be subject to penalties as provided in this bill. It shall be an affirmative defense to these provisions that the dissemination of the content was limited to institutions or organizations having scientific, educational, or other similar justifications for displaying the material. The bill does not apply to distributors who are not engaged in the regular business of selling Internet enabled devices, devices that are Internet enabled after the sale, or independent third party routers.

The bill establishes the "Missouri Human Trafficking and Child Exploitation Prevention Grant Fund", the purpose of which is described in the bill. The Fund will be administered by the

Attorney General. Money in the fund will include the one-time fee paid to unblock a website, the \$5 admission fee for each entry to an adult cabaret, collected by the State Treasurer, and any other appropriations, gifts, grants, donations, and bequests.

The provisions of this bill will become effective 10 days after the Attorney General notifies the Revisor of Statutes that at least four states have adopted similar legislation.

This bill is similar to HB 2286 (2020).