AN ACT concerning information technology; relating to online platforms and removal of liability protections therefor; requiring wireless communication device vendors to provide parental notification of application downloads by a minor.

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

Section 1. (a) Notwithstanding the provisions of 47 U.S.C. § 230(c)(1), any provider of an online platform shall be treated as the publisher or speaker of information published by a user of such online platform if such provider:

(1) Knew or should have known such provider used an algorithm to make personalized recommendations to a user of such online platform; and

(2) such posts materially contributed to a physical or severe emotional injury to such user.

(b) As used in this section:

(1) "Algorithm" means any computational process, model or other automated means of processing to rank, order, promote, recommend, amplify or similarly alter the delivery or display of information.

(2) "Online platform" means any digital service that facilitates interactions between two or more independent users who interact through the internet.

(3) "Personalized recommendation" means using an algorithm to enhance the visibility of specific information to a specific user.

Sec. 2. (a) Upon a parent's purchase and activation of a wireless communication device intended for use by a minor, the wireless communication device vendor shall set such wireless communication device to a default setting that enables a push notification on a parent's wireless communication device alerting the parent that a minor has downloaded an application on the minor's wireless communication device.

(b) As used in this section:

(1) "Application" means a computer software package or packages that performs a specific function for the user.

(2) "Minor" means any unmarried person under 18 years of age.

(3) "Parent" means the parent, guardian, custodian or other person with authority to act on behalf of the minor.

(4) "Push notification" means an alert on a parent's wireless...
communication device that notifies the parent that a minor downloaded an
application on the minor's wireless communication device and provides the
name of such application.

(5) "Wireless communication device" means any wireless electronic
communication device that provides for voice or data communication
between two or more parties, including, but not limited to, a mobile or
cellular telephone, a text messaging device, a personal digital assistant that
sends or receives messages, an audio-video player that sends or receives
messages or a laptop computer.

(6) "Wireless communication device vendor" means any person or
entity that is engaged in the sale of a wireless communication device and
the provision of wireless services for the use of such device.

Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.