AN ACT concerning consumer protection; relating to unconscionable acts or practices; requiring technology protection measures on internet-accessible devices; enacting the human trafficking prevention act.

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

Section 1. Sections 1 through 4, and amendments thereto, shall be known and may be cited as the human trafficking prevention act.

Sec. 2. As used in this act:

(a) "Child pornography" shall have the meaning ascribed to it in K.S.A. 2017 Supp. 75-2589, and amendments thereto.

(b) "Internet service provider" means a provider of a retail service that allows a consumer to access content on the internet and transmit data to and receive data from all or substantially all internet endpoints without regard to delivery technology.

(c) "Obscene" shall have the meaning ascribed to it in K.S.A. 2017 Supp. 21-6401, and amendments thereto, and includes, but it not limited to:

(1) Child pornography;

(2) revenge pornography, as described in K.S.A. 2017 Supp. 21-6101(a)(8), and amendments thereto; and

(3) websites known to facilitate:

(A) The selling of sexual relations, as described in K.S.A. 2017 Supp. 21-6419, and amendments thereto; and

(B) human trafficking, as described in K.S.A. 2017 Supp. 21-5426, and amendments thereto.

(d) "Technology protection measure" means any computer technology or other process that blocks or filters online access to obscene content.

Sec. 3. (a) Except as provided in subsection (c), an internet service provider may not sell or lease to a consumer any product or service that makes content accessible on the internet, unless such product or service contains an active and operating technology protection measure that renders obscene content inaccessible. Such technology protection measure must be distributed by an entity that:

(1) Regularly makes available to consumers updates to the technology protection measure to ensure that the technology protection measure is sufficiently blocking access to obscene content;
(2) maintains a website or telephone line that consumers can use to report:
(A) Obscene content that is not blocked by the technology protection measure; and
(B) content that is not obscene that is blocked by the technology protection measure; and
(3) has in place procedures for evaluating reports made pursuant to subparagraph (B) and, if necessary, updating the technology protection measure within five days.

(b) The technology protection measure may not block access to social media websites that provide a means for the websites' users to report obscene content and have in place procedures for evaluating those reports and removing obscene content.

(c) An internet service provider may deactivate the technology protection measure for a product or service if the consumer who purchased or leased the product or service:
(1) Requests that the technology protection measure be deactivated;
(2) presents identification verifying that the consumer is at least 18 years of age;
(3) acknowledges a written warning regarding the potential danger of deactivating the technology protection measure; and
(4) pays a one-time deactivation fee of $20.

(d) Each quarter, an internet service provider shall remit half of the moneys received from the collection of deactivation fees under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the human trafficking victim assistance fund created by K.S.A. 2017 Supp. 75-758, and amendments thereto.

Sec. 4. (a) This act shall be part of and supplemental to the Kansas consumer protection act.
(b) Any violation of this act shall be an unconscionable act or practice under the Kansas consumer protection act and shall be subject to any and all of the remedies and enforcement provisions of the Kansas consumer protection act.
(c) The attorney general shall remit all penalties and fines collected pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the human trafficking victim assistance fund created by K.S.A. 2017 Supp. 75-758, and amendments thereto.

Sec. 5. This act shall take effect and be in force from and after January 1, 2019, and its publication in the statute book.