

2018 -- S 2028

=====  
LC003126  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

—————  
A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --  
UNFAIR SALES PRACTICES

Introduced By: Senators Crowley, Sosnowski, Quezada, Nesselbush, and Metts

Date Introduced: January 11, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 6-13 of the General Laws entitled "Unfair Sales Practices" is  
2 hereby amended by adding thereto the following section:

3 **6-13-22. Digital blocking of obscene material required.**

4 (a) It shall be a violation of this chapter to manufacture, sell, offer for sale, lease, or  
5 distribute a product that makes content accessible on the Internet:

6 (1) Unless the product contains digital blocking capability that renders any obscene  
7 material, as defined in §§11-31-1 or 11-31-10, inaccessible; and

8 (2) To a minor unless the digital blocking capability is active and properly operating to  
9 make obscene material inaccessible.

10 (b) A person who manufactures, sells, offers for sale, leases, or distributes a product that  
11 makes content accessible on the Internet shall:

12 (1) Make reasonable and ongoing efforts to ensure that the digital content blocking  
13 capability functions properly;

14 (2) Establish a reporting mechanism, such as a website or call center, to allow a consumer  
15 to report unblocked obscene material or report blocked material that is not obscene;

16 (3) Ensure that all child pornography and revenge pornography is inaccessible on the  
17 product;

18 (4) Prohibit the product from accessing any hub that facilitates prostitution; and

1           (5) Render websites that are known to facilitate human trafficking, in violation of chapter  
2 67.1 of title 11, inaccessible.

3           (c) Any digital blocking capability may be deactivated after a consumer:

4           (1) Requests in writing that the capability be disabled;

5           (2) Presents identification to verify that the consumer is eighteen (18) years of age or  
6 older;

7           (3) Acknowledges receiving a written warning regarding the potential danger of  
8 deactivating the digital blocking capability; and

9           (4) Pays a one-time twenty dollar (\$20.00) digital access fee.

10          (d) A person who manufactures, sells, offers for sale, leases, or distributes a product that  
11 makes content accessible on the Internet may elect to pay a twenty dollar (\$20.00) opt-out fee for  
12 each product that enters this state's stream of commerce.

13          (e) A person who manufactures, sells, offers for sale, leases, or distributes a product that  
14 makes content accessible on the Internet shall submit the funds collected as the digital access fee,  
15 pursuant to subsection (c)(4) of this section or the opt-out fee pursuant to subsection (d) of this  
16 section, to the general treasurer each quarter. The general treasurer shall forward the funds  
17 collected to the attorney general to help fund the operations of the council on human trafficking,  
18 established by §11-67.1-19.

19          (f) If the digital blocking capability blocks material that is not obscene and the block is  
20 reported to a call center or reporting website, the material shall be unblocked within a reasonable  
21 time, but in no event later than five (5) business days after the block is first reported.

22          (g) A consumer may seek judicial relief to unblock filtered content.

23          (h) If a person who manufactures, sells, offers for sale, leases, or distributes a product  
24 that makes content accessible on the Internet is unresponsive to a report of obscene material that  
25 has breached the filter required by this section, the attorney general or a consumer may file a civil  
26 suit. The attorney general or a consumer may seek damages of up to five hundred dollars (\$500)  
27 for each piece of content that was reported but not subsequently blocked. The prevailing party in  
28 the civil action may seek attorneys' fees.

29          SECTION 2. This act shall take effect upon passage.

=====  
LC003126  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --  
UNFAIR SALES PRACTICES

\*\*\*

- 1           This act would make it an unfair sales practice to sell, offer for sale, lease or distribute a
- 2 product creating Internet access without digital blocking capabilities for obscene material.
- 3           This act would take effect upon passage.

=====  
LC003126  
=====