

CHAPTER 335
FORMERLY
SENATE BILL NO. 208
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 6 AND 14 OF THE DELAWARE CODE AND CHAPTER 149, VOLUME 80 OF THE LAWS OF DELAWARE RELATING TO ONLINE PRIVACY PROTECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1204C, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1204C. Prohibitions on online marketing or advertising to a child.

(f) The marketing or advertising prohibitions described in this section shall apply to the following products or services:

(16) Any material, including any book, article, magazine, publication, or written matter of any kind, drawing, etching, painting, photograph, video, film, motion picture, or sound recording, which is sexually-oriented, as defined in § 1602(18) of Title 24, and predominately appeals to the prurient, shameful, or morbid interest of minors, is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and taken as a whole lacks serious literary, artistic, political, social, or scientific value for minors.

Section 2. Amend § 8105A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8105A. Operator prohibited activities.

(4) Disclose student data, unless the disclosure is made for any of the following reasons:

a. In furtherance of the K-12 school purposes of the Internet website, online or cloud computing service, online application, or mobile application. The recipient of the student data disclosed for this reason shall not further disclose the student data unless done to allow or improve the operability and functionality within that student's classroom or school, and is legally required to comply with the requirements of § 8104A of this title ~~or~~ and paragraphs (1) through (3) of this section.

Section 3. Amend Section 5, Chapter 149, Volume 80 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 5. Section 1 of this Act becomes effective on August 1 ~~the first full year following the Act's enactment into law, 2016~~. Sections 2 through 4 of this Act become effective upon the Act's enactment into law.

Approved July 29, 2016