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Sens. Hocker, Marshall; Reps. Baumbach, Carson,
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DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 208

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 in nature 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~~

22 ~~into law, 2016.~~ Sections 2 through 4 of this Act become effective upon the Act's enactment into law.

SYNOPSIS

This Act makes the following technical corrections to two online privacy protection bills passed during the General Assembly's 2015 session: (i) the Act amends Section 1204C of the Delaware Online Privacy Protection Act, Chapter 12, Title 6, to insert language that was inadvertently omitted from the bill as enacted; (ii) the Act amends Section 8105A of the Student Data Privacy Protection Act, Chapter 81A, Title 14, to correct a typographical error; and (iii) the Act amends Section 5 of the enacting bill, Chapter 149, Volume 80 of the Laws of Delaware, to correct a misinterpretation of the effective date of new Chapter 81A, Title 14 of the Code.

Author: Senator Blevins