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1. [2023 Bill Text CA A.B. 1501](#)

Client/Matter: -None-

Search Terms: "age verification"

Search Type: Natural Language

Narrowed by:

Content Type

US Statutes and Legislation

Narrowed by

All Jurisdictions: California,Florida

2023 Bill Text CA A.B. 1501

Introduced, February 17, 2023

Reporter

2023 Bill Text CA A.B. 1501

THE STATE OF CALIFORNIA BILL TEXT > CALIFORNIA 2023-24 REGULAR SESSION > ASSEMBLY BILL 1501

Progress



FAILED

[Legislative Outlook in detail](#)

Introduced

Passed 1st
Committee

Passed 1st
Chamber

Passed 2nd
Committee

Passed 2nd
Chamber

Enacted



Synopsis

An act to add Chapter 40 (commencing with Section 22949.85) to Division 8 of the Business and Professions Code, relating to business.

Digest

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 1501, as introduced, Hoover. Business regulations: sexually explicit material.

Existing law, the Parent's Accountability and Child Protection Act, requires a person or business that conducts business in California and that seeks to sell specified products or services to take reasonable steps to ensure that the purchaser is of legal age at the time of purchase or delivery, including verifying the age of the purchaser. Existing law prohibits a person or business that is required to comply with these provisions from retaining, using, or disclosing any information it receives in an effort to verify age from a purchaser or recipient for any other purpose, except as specified, and subjects a business or person that violates these provisions to a civil penalty.

This bill would require a commercial entity that knowingly and intentionally publishes or distributes sexually explicit material on the internet from a sexually explicit website to use an **age verification** method that prevents minors

from accessing sexually explicit material. The bill would make a commercial entity that violates these provisions liable to the parent or legal guardian of a minor who accessed the sexually explicit material, as specified. The bill would prohibit a commercial entity or third party that performs age verification required by these provisions from retaining any identifying information of an individual after age verification has been accomplished. The bill would make a commercial entity that knowingly retains the identifying information of an individual in violation of these provisions liable, as specified. The bill would provide specified exceptions to these provisions, including for a bona fide news or public interest broadcast, website video, report, or event. The bill would define several terms for purposes of these provisions.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

Text

The people of the State of California do enact as follows:

SECTION 1. Chapter 40 (commencing with Section 22949.85) is added to Division 8 of the Business and Professions Code, to read:

40.

Age Verification for Online Sexually Explicit Material

22949.85.

(a)

For purposes of this section, the following definitions apply:

(1)

"Commercial entity" means a corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, or any other legally recognized entity.

(2)

"Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3)

"Internet" has the same meaning as defined in Section 22947.1.

(4)

"Minor" means any person under the age of 18 years.

(5)

"News-gathering organization" means either of the following:

(A)

An employee of a newspaper, news publication, or news source.

(B)

An employee of a radio broadcast station, television broadcast station, cable television operator, or wire service.

(6)

"Publish" means to communicate or make information available to another person or entity on a publicly available internet website.

(7)

"Reasonable **age verification** method" means a commercial **age verification** system that verifies that a person is at least 18 years of age using either of the following:

(A)
Government-issued identification.

(B)
Transactional data.

(8)
"Sexually explicit conduct" has the same meaning as defined in subsection (2) of [Section 2256 of Title 18 of the United States Code](#).

(9)
"Sexually explicit material" means material that depicts sexually explicit conduct.

(10)
"Sexually explicit website" means a website on which sexually explicit material makes up at least 33 percent of the total material on the website.

(11)
"Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event, including, but not limited to, records from mortgage, education, and employment entities.

(b)
(1)
A commercial entity that knowingly and intentionally publishes or distributes sexually explicit material on the internet from a sexually explicit website shall use an **age verification** method that prevents minors from accessing sexually explicit material.

(2)
A commercial entity that violates paragraph (1) shall be liable to the parent or legal guardian of a minor who accessed the sexually explicit material for both of the following:

(A)
Actual damages resulting from the minor's access of the sexually explicit material or statutory damages of not less than _____ dollars (\$_____), whichever is greater.

(B)
Attorney's fees and costs.

(c)
(1)
A commercial entity or third party that performs **age verification** required by paragraph (1) of subdivision (b) shall not retain any identifying information of an individual after **age verification** has been accomplished.

(2)
A commercial entity that knowingly retains the identifying information of an individual in violation of paragraph (1) shall be liable to the individual for both of the following:

(A)

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Actual damages resulting from retaining the identifying information or statutory damages of not less than _____ dollars (\$_____), whichever is greater.

(B)

Attorney's fees and costs.

(d)

(1)

This section does not apply to a bona fide news or public interest broadcast, website video, report, or event.

(2)

This section does not affect the rights of a news-gathering organization.

(3)

An internet service provider, an affiliate or subsidiary of an internet service provider, a search engine, or a cloud service provider does not violate this section solely by providing access to an internet website, facility, system, or network not under the their control.

History

CALIFORNIA LEGISLATURE--2023-2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1501

INTRODUCED BY ASSEMBLY MEMBER HOOVER

FEBRUARY 17, 2023

(COAUTHOR: ASSEMBLY MEMBER GALLAGHER)

Sponsor(s)

Hoover

Classification

Subject: **AGE VERIFICATION** (91%); LIMITED PARTNERSHIPS (90%); PORNOGRAPHY (90%)

Load-Date: February 18, 2023

THE STATE OF CALIFORNIA BILL TEXT

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