
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 142 Reengrossed

2022 Regular Session

Schlegel

Abstract: Provides for a private right of action against commercial entities who publish or distribute information harmful to minors on the internet without placing reasonable age verification methods.

Proposed law provides for legislative intent including the public health concern and influence of pornography on minors.

Proposed law provides for a private right of action against commercial entities that publish or distribute material harmful to minors and fail to place reasonable verification methods to verify the age of individuals attempting to access the material.

Proposed law provides that reasonable verification methods include the following:

- (1) Digitized Identification Card as defined in R.S. 51:3211.
- (2) Compliance with a commercial age verification system that verifies in one or more of the following ways:
 - (a) Government-issued identification.
 - (b) Any commercial reasonable method that relies on public or private transactional data to verify the age the person attempting to access the information is at least eighteen years of age or older.

Present law (R.S. 51:3211) defines "digitized identification card" as a data file available on any mobile device which has connectivity to the internet through a state-approved application that allows the mobile device to download the data file from the Dept. of Public Safety and Corrections that contains all of the data elements visible on a license or identification card and displays the current status of the license or identification card.

Proposed law provides that the commercial entity or a third party shall not retain any identifying information after access has been granted to the individual.

Proposed law provides for damages, including court costs and attorney fees. Proposed law also provides for exemplary damages of up to \$10,000 per violation for any commercial entity or third party that knowingly retains any identifying information after access has been granted to the

individual.

Proposed law exempts bona fide news or public interest broadcasts, website videos, reports, or events.

Proposed law exempts internet service providers or their affiliates or subsidiaries.

Proposed law provides definitions for "commercial entity", "distribute", "internet", "material harmful to minors", "minor", "news-gathering organization", "publish", "reasonable verification methods", "substantial portion", and "transactional data".

(Adds R.S. 9:2800.28)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add that the website must be comprised of a substantial portion of materials harmful to minors.
2. Define "substantial portion".
3. Exempt internet service providers from being held liable under proposed law.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make semantic changes to the sentence structure regarding liability of the commercial entity for failing to perform reasonable age verification.
2. Change the definition of "substantial portion".
3. Make technical changes.