

HOUSE BILL NO. HB0043

Age verification for websites with harmful material.

Sponsored by: Representative(s) Lawley, Andrew, Angelos, Banks, Connolly, Heiner, Knapp, Larson, JT and Neiman and Senator(s) Brennan, Crago, Hutchings, Jones, Olsen and Steinmetz

A BILL

for

1 AN ACT relating to child protection; requiring age
2 verification for visiting websites with material harmful to
3 minors; specifying requirements and exceptions for age
4 verification; specifying remedies, liability and damages;
5 specifying applicability; and providing for an effective
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 14-3-501 through 14-3-504 are created
11 to read:

12

13

ARTICLE 5

14

AGE VERIFICATION FOR WEBSITES WITH OBSCENE MATERIAL

1

2 **14-3-501. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Access software provider" means a provider
7 of software, including client or server software, or
8 enabling tools that do any one (1) or more of the
9 following:

10

11 (A) Filter, screen, allow or disallow
12 content;

13

14 (B) Pick, choose, analyze or digest
15 content;

16

17 (C) Transmit, receive, display, forward,
18 cache, search, subset, organize, reorganize or translate
19 content.

20

21 (ii) "Child pornography" means as defined by
22 W.S. 6-4-303(a)(ii);

23

1 (iii) "Covered platform" means an entity that
2 operates a website that, in the regular course of business,
3 creates, hosts or makes available content that is material
4 harmful to minors that is provided by the entity, a user or
5 other information content provider for purposes of making a
6 profit. "Covered platform" includes an entity described in
7 this paragraph regardless of whether the entity:

8

9 (A) Earns a profit on the activities
10 described in this paragraph; or

11

12 (B) Creates, hosts, or makes available
13 content that is material harmful to minors as the sole
14 source of income or principal business of the entity.

15

16 (iv) "Interactive computer service" means any
17 information service, system or access software provider
18 that provides or enables computer access by multiple users
19 to a computer server, including specifically a service or
20 system that provides access to the internet and systems
21 operated or services offered by libraries or educational
22 institutions;

23

1 (v) "Information content provider" means any
2 person that is responsible, in whole or in part, for the
3 creation or development of information provided through the
4 internet or any other interactive computer service;

5

6 (vi) "Material harmful to minors" means any
7 picture, image, graphic image file, film, videotape or
8 other visual depiction that is obscene or is child
9 pornography;

10

11 (vii) "Minor" means a person who has not
12 attained the age of eighteen (18) years;

13

14 (viii) "Obscene" means as defined by W.S.
15 6-4-301(a)(iii);

16

17 (ix) "Reasonable age verification measures"
18 include:

19

20 (A) A Wyoming driver's license as defined
21 by W.S. 31-7-102(a)(xxv);

22

1 (B) A Wyoming identification card issued
2 under W.S. 31-8-101;

3

4 (C) A valid United States passport;

5

6 (D) A United States military card;

7

8 (E) A tribal identification card;

9

10 (F) A driver's license or identification
11 card issued by any state or outlying possession of the
12 United States;

13

14 (G) A credit card, except for cards that do
15 not require the person in ownership of the credit card
16 account to be eighteen (18) years of age or older;

17

18 (H) A debit card, except for cards that do
19 not require the person in ownership of the debit card
20 account to be eighteen (18) years of age or older;

21

1 (J) Any other means or method that reliably
2 and accurately can determine whether a user of a covered
3 platform is a minor.

4

5 **14-3-502. Covered platforms with material harmful to**
6 **minors; age verification; exceptions.**

7

8 (a) Except as otherwise provided in W.S. 14-3-504,
9 any covered platform shall perform reasonable age
10 verification methods to verify the age of all persons
11 accessing or attempting to access the material and shall
12 prevent access by minors to the material.

13

14 (b) Any covered platform or third party that performs
15 the required age verification shall not retain any
16 identifying information of the person after access has been
17 granted to the material.

18

19 **14-3-503. Covered platforms; age verification;**
20 **liability; limitations.**

21

22 (a) Any parent or guardian of a minor who is
23 aggrieved by a violation of W.S. 14-3-502 shall have a

1 cause of action on the minor's behalf against the covered
2 platform that violated W.S. 14-3-502.

3

4 (b) Any person may bring a civil action against a
5 covered platform for knowingly retaining identifying
6 information of the person after access to the material
7 harmful to minors has been granted to the person in
8 violation of W.S. 14-3-502.

9

10 (c) Any covered platform that violates W.S. 14-3-502
11 shall be liable to a person for damages, including those
12 defined in this section, court costs and reasonable
13 attorney fees.

14

15 (d) A covered platform that is found to have
16 knowingly retained identifying information of a person in
17 violation of W.S. 14-3-502(b) after access to the covered
18 platform has been granted to the person shall be liable to
19 the person for damages for retaining the identifying
20 information, including court costs and reasonable attorney
21 fees.

22

1 (e) A plaintiff who brings a successful cause of
2 action under subsection (a) of this section shall, in
3 addition to the damages specified in subsection (c) of this
4 section, receive damages in an amount of five thousand
5 dollars (\$5,000.00) for each instance that the covered
6 platform failed to perform reasonable age verification
7 methods to restrict a minor's access to material harmful to
8 minors. For purposes of this subsection, each failure to
9 perform age verification shall constitute a separate
10 violation.

11

12 (f) A person may bring an action under this section
13 regardless of whether another court has declared any
14 provision of this article unconstitutional unless that
15 court decision is binding on the court in which the action
16 is brought.

17

18 (g) No covered platform or information content
19 provider shall be entitled to assert that the outcome of
20 any previous litigation involving other parties, wherever
21 that litigation may have occurred, is a bar to any cause of
22 action authorized by this section.

23

1 (h) Notwithstanding any other provision of law:

2

3 (i) Violations of W.S. 14-3-502 shall be
4 enforced exclusively through the civil actions provided in
5 this section;

6

7 (ii) No direct or indirect enforcement of this
8 article shall be taken or threatened by the state or any
9 other political subdivision of the state against any person
10 in any manner whatsoever except as provided in this
11 section.

12

13 (j) Except as provided in subsection (k) of this
14 section, any waiver, purported waiver or estoppel of a
15 person's right to bring an action as provided under this
16 section shall be void as unlawful and against public
17 policy. No court or arbitrator shall enforce or give effect
18 to a waiver or estoppel, notwithstanding any choice-of-law
19 provision or other provision in any contract or other
20 agreement.

21

22 (k) The prohibition in subsection (j) of this section
23 shall not apply to contractual waivers to the extent that

1 the application of the prohibition in subsection (j) of
2 this section would impair a contract or contract obligation
3 in violation of the constitutions of the United States or
4 Wyoming.

5

6 **14-3-504. Covered platforms; age verification;**
7 **applicability and exceptions.**

8

9 (a) This article shall apply only to minors who:

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11 (i) Are permanent residents of Wyoming;

12

13 (ii) Have resided in Wyoming for more than one
14 (1) year; or

15

16 (iii) Have been sojourning or present in Wyoming
17 for not less than thirty-one (31) consecutive days.

18

19 (b) This article shall not:

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21 (i) Apply to any internet service provider, any
22 affiliate or subsidiary of an internet service provider,

1 any general purpose search engine or cloud service
2 provider;

3

4 (ii) Subject a covered platform to any cause of
5 action or liability to the extent the covered platform is
6 protected from liability or causes of action under federal
7 law;

8

9 (iii) Excuse any person from any other legal
10 duties arising from compliance with this article or relieve
11 any person from any other available legal remedies;

12

13 (iv) Apply in cases to the extent the article
14 would violate the commerce clause of the United States
15 Constitution.

16

17 (c) Any contract, agreement or other arrangement made
18 or entered in violation of this article shall be contrary
19 to law and public policy and shall be void and
20 unenforceable.

21

1 **Section 2.** Nothing in this act shall be construed to
2 impair or alter any contract, obligation or other agreement
3 entered into before the effective date of this act.

4

5 **Section 3.** This act is effective July 1, 2025.

6

7

(END)