

RÉSUMÉ DIGEST

ACT 440 (HB 142)

2022 Regular Session

Schlegel

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

New 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.

New 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 18 years of age or older.

Existing law (R.S. 51:3211) defines "digitized identification card" as a data file available on any mobile device that 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.

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

New law provides for damages, including court costs and reasonable attorney fees.

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

New law exempts internet service providers or their affiliates or subsidiaries, search engines, or cloud service providers that provide access to or from a website or content on the internet to the extent that such provider is not responsible for the creation of material harmful to minors.

New 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".

Effective January 1, 2023.

(Adds R.S. 9:2800.28)