

House Bill 910

By: Representatives Jasperse of the 11th, Cox of the 28th, Chastain of the 7th, Horner of the 3rd, Pirkle of the 169th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 39 of the Official Code of Georgia Annotated, relating to minors, so as to
2 create a civil remedy for damages against commercial entities that distribute material harmful
3 to minors without performing age verification; to require that age verification information
4 not be retained; to provide for standards for liability; to provide for exceptions; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended in
9 Chapter 5, relating to online internet safety, by adding a new Code section to read as follows:
10 "39-5-5.

11 (a) Any commercial entity that knowingly and intentionally publishes or distributes
12 material harmful to minors on a website that contains a substantial portion of such material
13 shall verify the age of the individuals attempting to access such material through the use
14 of:

15 (1) A commercially available data base that is regularly used by businesses or
16 governmental entities for the purpose of age and identity verification; or

17 (2) Another commercially reasonable method of age and identity verification.

18 (b)(1) A commercial entity that violates this Code section is liable to an individual for
19 damages resulting from a minor accessing material harmful to minors.

20 (2) Such action may be brought by a parent or guardian whose minor was allowed access
21 to the material.

22 (c)(1) When a commercial entity or third party performs a reasonable age verification,
23 the commercial entity shall not retain any identifying information after access to the
24 material has been granted.

25 (2) A commercial entity, or third party that performs the required age verification on
26 behalf of the commercial entity, that is found to have knowingly retained identifying
27 information of an individual after access to the material has been granted is liable to such
28 individual for damages resulting from retaining the identifying information, including
29 court costs and reasonable attorneys' fees as ordered by the court.

30 (d) Any person authorized to bring a civil action under this Code section may seek and a
31 court may award any or all of the following types of relief:

32 (1) An injunction to enjoin continued violation of this Code section;

33 (2) Compensatory and punitive damages;

34 (3) All costs, expenses, and fees related to the civil suit investigation and proceedings
35 associated with the violation, including attorney's fees; and

36 (4) Any other relief a court of competent jurisdiction deems appropriate.

37 (e) This Code section shall not apply to any bona fide news or public interest broadcast,
38 website, video, report, or event and shall not be construed to affect the rights of any news
39 gathering organization.

40 (f) No internet service provider, or its affiliates or subsidiaries, search engine, or cloud
41 service provider shall be held to have violated the provisions of this Code section solely
42 for providing access or connection to or from a website or other information or content on
43 the internet or a facility, system, or network not under the control of that provider,

44 including transmission, downloading, intermediate storage, access software, or other
45 related capabilities, to the extent such provider is not responsible for the creation of the
46 content of the communication that constitutes material harmful to minors."

47 **SECTION 2.**

48 All laws and parts of laws in conflict with this Act are repealed.