

# HB393 INTRODUCED



1 HB393  
2 Z0XBKR-1  
3 By Representative Mooney  
4 RFD: Judiciary  
5 First Read: 02-Apr-24



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SYNOPSIS:

This bill would prohibit the distribution of material harmful to minors under 18 years of age and would require the use of age-verification procedures to access the material.

This bill would also provide that a distributor of material harmful to minors that performs any required online age verification may not retain any personally identifying information of the individual accessing the material.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to consumer protection; to provide prohibitions on the online distribution of material harmful to minors; to provide registration and age-verification requirements to access such material; and to prohibit the retention of certain personally identifying information.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms have the following meanings:



## HB393 INTRODUCED

29 (1) COMMERCIAL ENTITY. The term includes corporations,  
30 limited liability companies, partnerships, limited  
31 partnerships, sole proprietorships, or other legally  
32 recognized entities.

33 (2) DISTRIBUTE. To issue, sell, give, provide, deliver,  
34 transfer, circulate, or disseminate online.

35 (3) DIVISION. The Consumer Protection Division of the  
36 Office of the Attorney General.

37 (4) HARMFUL TO MINORS. The term as defined under  
38 Section 13A-12-200.1, Code of Alabama 1975.

39 (5) MINOR. An individual under 18 years of age.

40 (6) NEWS-GATHERING ORGANIZATION. Any of the following:

41 a. A newspaper, news publication, or news source,  
42 printed or on an online platform, of current news and public  
43 interest.

44 b. A radio broadcast station, television broadcast  
45 station, or cable television operator.

46 (7) PUBLISH. To communicate or make information  
47 available to another person on a publicly available Internet  
48 website.

49 (8) REASONABLE AGE-VERIFICATION METHODS. A method of  
50 verifying an individual's age by either of the following:

51 a. Government-issued photo identification.

52 b. A commercial age-verification system that verifies  
53 age in any commercially reasonable method that relies on  
54 public or private transactional data to verify that the age of  
55 the individual attempting to access the information is at  
56 least 18 years of age or older.



## HB393 INTRODUCED

57 (9) SMART PHONE. An electronic device that combines a  
58 cellular phone with a handheld computer, typically offering  
59 Internet access through a browser or search engine that has  
60 data storage and text and email capabilities.

61 (10) SUBSTANTIAL PORTION. More than 33 1/3 percent of  
62 total material on a website.

63 (11) TRANSACTIONAL DATA. A sequence of information that  
64 documents an exchange, agreement, or transfer between an  
65 individual, commercial entity, or third party used for the  
66 purpose of satisfying a request or event. The term includes,  
67 but is not limited to, records from mortgage, education, and  
68 employment entities.

69 Section 2. (a) Any commercial entity that knowingly and  
70 intentionally publishes or distributes material harmful to  
71 minors on the Internet from a website that contains a  
72 substantial portion of material harmful to minors shall be  
73 held liable if the entity fails to perform reasonable age-  
74 verification methods to verify the age of individuals  
75 attempting to access the material.

76 (b) A commercial entity that is found to have violated  
77 this section shall be liable to an individual for actual and  
78 punitive damage resulting from a minor accessing the material  
79 harmful to minors, including court costs and reasonable  
80 attorney fees as ordered by the court.

81 (c) The Office of the Attorney General may recover  
82 damages on behalf of an individual against a commercial entity  
83 that violates this section.

84 Section 3. (a) Any commercial entity or third party



## HB393 INTRODUCED

85 that performs the required age-verification under this act  
86 shall not retain any personally identifying information of the  
87 individual after access has been granted to the material.

88 (b) A commercial entity that is found to have knowingly  
89 retained identifying information of the individual, as  
90 prohibited in subsection (a), shall be liable to the  
91 individual for damages resulting from retaining the  
92 identifying information, including court costs and reasonable  
93 attorney fees as ordered by the court.

94 Section 4. Nothing in this act shall apply to a bona  
95 fide broadcast, website video, report, or event of a  
96 news-gathering organization and shall not be construed to  
97 affect the rights of any news-gathering organization.

98 Section 5. No Internet service provider, or its  
99 affiliates or subsidiaries, search engine, or cloud service  
100 provider shall be held to have violated this act solely for  
101 providing access or connection to or from a website or other  
102 information or content on the Internet or a facility, system,  
103 or network not under that provider's control, including  
104 transmission, downloading, intermediate storage, or access  
105 software to the extent the provider is not responsible for the  
106 creation of the content of the communication that constitutes  
107 material harmful to minors.

108 Section 6. This act shall become effective October 1,  
109 2024.