ORIGINAL HOUSE
BILL NO. HB0043

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

ARTICLE 5
AGE VERIFICATION FOR WEBSITES WITH OBSCENE MATERIAL

14-3-501. Definitions.

(a) As used in this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ix) "Reasonable age verification measures" include:

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

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

(C) A valid United States passport;

(D) A United States military card;

(E) A tribal identification card;

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

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

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

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

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

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

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

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

(a) Any parent or guardian of a minor who is aggrieved by a violation of W.S. 14-3-502 shall have a cause of action on the minor's behalf against the covered platform that violated W.S. 14-3-502.

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

(c) Any covered platform that violates W.S. 14-3-502 shall be liable to a person for damages, including those

defined in this section, court costs and reasonable attorney fees.

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

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

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

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

(h) Notwithstanding any other provision of law:

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

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

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

(k) The prohibition in subsection (j) of this section shall not apply to contractual waivers to the extent that the application of the prohibition in subsection (j) of this section would impair a contract or contract obligation in violation of the constitutions of the United States or Wyoming.

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

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

(i) Are permanent residents of Wyoming;

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

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

(b) This article shall not:

(i) Apply to any internet service provider, any affiliate or subsidiary of an internet service provider, any general purpose search engine or cloud service provider;

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

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

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk