

SB 648 - AS INTRODUCED

2026 SESSION

26-2082

05/09

SENATE BILL **648**

AN ACT requiring age verification to allow access to certain material harmful to minors.

SPONSORS: Sen. Reardon, Dist 15

COMMITTEE: Judiciary

ANALYSIS

This bill requires a person that owns, operates, or controls a website or application for commercial purposes and publishes or distributes a substantial portion of material that is harmful to minors to implement age verification procedures. The bill establishes a private right of action for noncompliance and provides for enforcement by the attorney general.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT requiring age verification to allow access to certain material harmful to minors.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Restriction on Access to Material Harmful to Minors. Amend RSA by inserting
2 after chapter 507-I the following new chapter:

3 CHAPTER 507-J

4 RESTRICTION ON ACCESS TO MATERIAL HARMFUL TO MINORS

5 507-J:1 Definitions. In this chapter:

6 I. "Material harmful to minors" means any material that:

7 (a) The average person applying contemporary community standards would find, taken
8 as a whole, appeals to the prurient interest;

9 (b) Depicts or describes sexual conduct in a patently offensive way; and

10 (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value for
11 minors.

12 II. "Commercial entity" means any person or business that:

13 (a) Owns, operates, or controls a website or application for commercial purposes; and

14 (b) Publishes or distributes a substantial portion of material that is harmful to minors.

15 III. "Substantial portion" means content in which more than one-third of a website's total
16 content, measured by volume or number of images and videos, is harmful to minors.

17 IV. "Reasonable age verification method" means:

18 (a) A government-issued identification card check conducted by a third-party verification
19 service; or

20 (b) Any other method that reasonably verifies that the user is at least 18 years of age,
21 consistent with industry best practices and with no retention of identifying personal data.

22 507-J:2 Age Verification Requirement.

23 I. A commercial entity that knowingly and intentionally publishes or distributes material
24 harmful to minors on the internet shall:

25 (a) Require all users attempting to access such material to verify their age using a
26 reasonable age verification method;

27 (b) Not retain any personal identifying information used during the verification process;
28 and

29 (c) Post a clear warning message on the landing page that age verification is required.

30 507-J:3 Liability and Enforcement.

1 I. Any parent or legal guardian of a minor who accesses material harmful to minors due to a
2 commercial entity's failure to verify age as required by this chapter shall have a cause of action
3 against the entity for damages, including statutory damages of up to \$10,000 per violation, court
4 costs, and reasonable attorney's fees.

5 II. A commercial entity shall not claim Section 230 immunity under the federal
6 Communications Decency Act as a defense in any civil action arising from a violation of this chapter.

7 507-J:4 State Enforcement. The attorney general may bring an action for injunctive relief and
8 civil penalties of up to \$25,000 per violation against any commercial entity in violation of this
9 chapter.

10 507-J:5 Data Privacy.

11 I. No commercial entity or third-party age verification provider shall retain, store, or sell
12 any personal information used to verify age under this chapter.

13 II. A knowing violation of this section shall be a separate civil violation subject to a penalty
14 of \$50,000 per incident.

15 507-J:6 Exemptions. This chapter shall not apply to:

16 I. News organizations.

17 II. Libraries.

18 III. Museums.

19 IV. Institutions of higher education when the material is distributed in good faith for
20 legitimate educational or scientific purposes.

21 2 Effective Date. This act shall take effect January 1, 2027.