

Floor Amendment to SB 648

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT requiring age verification by commercial entities to allow access to pornographic  
4 material.

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6 Amend the bill by replacing section 1 with the following:

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8 1 New Chapter; Restriction on Access to Pornographic Material. Amend RSA by inserting after  
9 chapter 507-I the following new chapter:

10

CHAPTER 507-J

11

RESTRICTION ON ACCESS TO PORNOGRAPHIC MATERIAL

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507-J:1 Definitions. In this chapter:

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I. "Pornographic material" means material that depicts nudity or sexual acts for the purpose  
14 of sexual stimulation.

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(a) The presence of nudity or sexual acts in material shall not necessarily make that  
16 material pornographic, if the purpose of that form of material is something other than sexual  
17 stimulation.

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(b) Pornographic material may take the form of photographs, videos, writings, audio  
19 recordings, or animation, among other media formats.

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

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

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(b) Publishes or distributes a substantial portion of pornographic material.

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III. "Substantial portion" means content in which more than one-half of a website's total  
24 content, measured by volume or number of images and videos, is pornographic material.

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IV. "Reasonable age verification method" means:

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

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

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507-J:2 Age Verification Requirement.

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I. A commercial entity that knowingly and intentionally publishes or distributes  
32 pornographic material on the Internet shall:

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

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

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

6           507-J:3 State Enforcement. The attorney general may bring an action for injunctive relief and  
7 civil penalties of up to \$25,000 per violation against any commercial entity in violation of this  
8 chapter.

9           507-J:4 Data Privacy.

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

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

14           507-J:5 Exemptions. This chapter shall not apply to:

15           I. News organizations.

16           II. Libraries.

17           III. Museums.

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

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2026-1235s

AMENDED 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 pornographic to implement age verification procedures. This bill also authorizes the attorney general to enforce such requirements against commercial entities for violations of such requirements.