



Reprinted
January 17, 2024

SENATE BILL No. 17

DIGEST OF SB 17 (Updated January 16, 2024 1:46 pm - DI 106)

Citations Affected: IC 24-4.

Synopsis: Age verification for material harmful to minors. Requires an adult oriented website operator that displays material harmful to minors to use a reasonable age verification method to prevent a minor from accessing an adult oriented website. Creates a cause of action to permit: (1) the parent or guardian of a child harmed by a violation of the age verification requirement to obtain monetary damages, injunctive relief, and reasonable attorney's fees; and (2) any other person to bring an action to obtain injunctive relief and reasonable attorney's fees. Prohibits a person that conducts age verification from retaining the identifying information of an individual seeking to access an adult oriented website that displays material harmful to minors, and permits an individual whose identifying information is retained to bring an action to obtain monetary damages, injunctive relief, and reasonable attorney's fees.

Effective: July 1, 2024.

**Bohacek, Deery, Brown L,
Johnson T, Alting, Doriot, Tomes,
Buck, Koch**

January 8, 2024, read first time and referred to Committee on Judiciary.
January 11, 2024, amended, reported favorably — Do Pass.
January 16, 2024, read second time, amended, ordered engrossed.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 17

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-4-23 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]:
4 **Chapter 23. Age Verification for Adult Oriented Websites**
5 **Sec. 1. "Adult oriented website" means a publicly accessible**
6 **website that publishes material harmful to minors, if at least**
7 **one-third (1/3) of the images and videos published on the website**
8 **depict material harmful to minors.**
9 **Sec. 2. "Adult oriented website operator" means a person that**
10 **owns or operates an adult oriented website. The term does not**
11 **include the following:**
12 **(1) A newspaper or news service that publishes news related**
13 **information through a website.**
14 **(2) A cloud service provider.**
15 **(3) An Internet provider, an affiliate or subsidiary of an**
16 **Internet provider, or a search engine that:**
17 **(A) solely provides access or connection to a website or**

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1 other Internet content that is not under the control of that
2 Internet service provider, affiliate or subsidiary, or search
3 engine; and

4 (B) is not responsible for creating or publishing the content
5 that constitutes material harmful to minors.

6 Sec. 3. "Material harmful to minors" means matter or a
7 performance described in IC 35-49-2-2.

8 Sec. 4. "Minor" means a person less than eighteen (18) years of
9 age.

10 Sec. 5. "Mobile credential" has the meaning set forth in
11 IC 9-13-2-103.4.

12 Sec. 6. "Reasonable age verification method" means a method
13 of determining that an individual seeking to access a website
14 containing material harmful to minors is not a minor by using one
15 (1) or more of the following methods:

16 (1) A mobile credential.

17 (2) An independent third party age verification service that
18 compares the identifying information entered by the
19 individual who is seeking access with material that is available
20 from a commercially available data base, or an aggregate of
21 data bases, that is regularly used by government agencies and
22 businesses for the purpose of age and identity verification.

23 (3) Any commercially reasonable method that relies on public
24 or private transactional data to verify the age of the
25 individual attempting to access the material.

26 Sec. 7. "Transactional data" means a sequence of information
27 that documents an exchange, agreement, or transfer between an
28 individual, commercial entity, or third party used for the purpose
29 of satisfying a request or event. The term includes records that
30 relate to a mortgage, education, or employment.

31 Sec. 8. An adult oriented website operator may not knowingly
32 or intentionally publish an adult oriented website unless the adult
33 oriented website operator uses a reasonable age verification
34 method to prevent a minor from accessing the adult oriented
35 website.

36 Sec. 9. (a) If:

37 (1) an adult oriented website operator knowingly or
38 intentionally publishes an adult oriented website in violation
39 of section 8 of this chapter; and

40 (2) a minor accesses the adult oriented website;

41 the parent or guardian of the minor who accessed the adult
42 oriented website may bring an action against the adult oriented



- 1 website operator.
- 2 (b) A parent or guardian who prevails in an action described in
3 this section is entitled to:
- 4 (1) either:
- 5 (A) actual damages; or
- 6 (B) liquidated damages of one thousand dollars (\$1,000);
- 7 (2) injunctive relief; and
- 8 (3) court costs, reasonable attorney's fees, and other
9 reasonable expenses of litigation, including expert witness
10 fees.
- 11 Sec. 10. (a) If an adult oriented website operator publishes an
12 adult oriented website in violation of section 8 of this chapter, any
13 person may bring an action to seek injunctive relief.
- 14 (b) A person that brings an action for injunctive relief under
15 this section and prevails is entitled to:
- 16 (1) injunctive relief; and
- 17 (2) court costs, reasonable attorney's fees, and other
18 reasonable expenses of litigation, including expert witness
19 fees.
- 20 Sec. 11. (a) This section applies to a person that uses or purports
21 to use a reasonable age verification method to grant or deny access
22 to an adult oriented website.
- 23 (b) A person to which this section applies may not retain
24 identifying information of the person seeking access to an adult
25 oriented website, unless retention of the identifying information is
26 required by a court order.
- 27 (c) An individual whose identifying information is retained in
28 violation of this section may bring an action against the person that
29 unlawfully retained the individual's identifying information. An
30 individual who prevails in an action described in this section is
31 entitled to:
- 32 (1) either:
- 33 (A) actual damages; or
- 34 (B) liquidated damages of one thousand dollars (\$1,000);
- 35 (2) injunctive relief; and
- 36 (3) court costs, reasonable attorney's fees, and other
37 reasonable expenses of litigation, including expert witness
38 fees.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, after "website." insert "**The term does not include the following:**

- (1) A newspaper or news service that publishes news related information through a website.**
- (2) A cloud service provider.**
- (3) An Internet provider, an affiliate or subsidiary of an Internet provider, or a search engine that:
 - (A) solely provides access or connection to a website or other Internet content that is not under the control of that Internet service provider, affiliate or subsidiary, or search engine; and**
 - (B) is not responsible for creating or publishing the content that constitutes material harmful to minors."****

and when so amended that said bill do pass.

(Reference is to SB 17 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 17 be amended to read as follows:

Page 3, delete lines 39 through 42.

Delete page 4.

(Reference is to SB 17 as printed January 12, 2024.)

BOHACEK

