

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 633

By Senators Rucker, Azinger, Bartlett, Deeds, Fuller,
Grady, Helton, Maynard, Roberts, Rose, Tarr, Taylor,
Thorne, and Willis

[Introduced February 28, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §61-8A-6, relating to pornography access for minors; providing a short title;
 3 providing definitions; requiring mandatory age verification; prohibiting circumvention and
 4 liability for violations; creating penalties; clarifying a legal defense and standard of proof;
 5 and providing severability.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8A. PREPARATION, DISTRIBUTION OR EXHIBITION OF OBSCENE
 MATTER TO MINORS.**

§61-8A-6. Online age verification for adult content providers.

1 (a) Short title:

2 This article shall be known as the "Protect" Act or the "Protecting Kids from Porn" Act.

3 (b) Definitions:

4 For the purposes of this section:

5 "Material harmful to minors" means any online content deemed obscene or pornographic
 6 under §61-8A-1 et seq. of this code.

7 "Commercial adult website" means any website, online platform, or digital service that
 8 provides sexually explicit material as more than 25% of its total content.

9 "Age verification system" means a system that:

10 (1) Uses biometric facial recognition, a government-issued identification card (such as a
 11 driver's license or passport), and credit card authentication to verify the user's age; and

12 (2) Encrypts and does not store user biometric data after verification.

13 "Access provider" means any person or entity that operates, maintains, or profits from a
 14 commercial adult website.

15 "Knowingly distribute" means willful failure to implement strict age verification measures as
 16 defined in this section.

17 (c) Mandatory age verification requirements:

18 (1) Before granting access to pornographic material, any commercial adult website must
19 implement an age verification system requiring all users to:

20 (A) Provide biometric facial recognition authentication through a government-certified
21 verification system;

22 (B) Present a valid, government-issued identification card to confirm identity and age;

23 (C) Provide a valid, registered credit card issued to an adult (18+ years old) to further
24 confirm identity; and

25 (D) Consent to an instant, third-party verification process conducted by an independent,
26 state-approved age verification provider.

27 (2) The age verification process must be re-authenticated every 24 hours for continued
28 access.

29 (3) Storing, selling, or sharing personal information collected during verification is strictly
30 prohibited, and any violation shall be punishable under §46A-2-130 et seq. of this code (Consumer
31 Protection Act).

32 (d) Prohibition on circumvention and liability for violations:

33 (1) No online platform, website, or digital entity may allow users to bypass age verification
34 requirements through VPNs, proxy services, or other anonymizing technologies.

35 (2) Any commercial adult website that fails to enforce these requirements shall be fined
36 \$1,000,000 per violation.

37 (3) Websites that knowingly allow minors access to explicit content shall be permanently
38 blocked from operating within the state and shall face civil liability for damages up to \$10,000 per
39 individual minor exposed.

40 (e) Enforcement and penalties:

41 (1) The West Virginia Attorney General's Office shall establish a special enforcement unit
42 to conduct routine compliance audits.

- 43 (2) Any website failing to comply with this law for more than 30 days shall:
- 44 (A) Be banned from operation in West Virginia and added to a statewide internet blacklist;
- 45 (B) Face a civil penalty of up to \$50,000 per day of non-compliance; and
- 46 (C) Be subject to criminal penalties, including felony charges for website operators who
- 47 knowingly violate this section.

- 48 (3) Any parent or guardian of a minor who has accessed material in violation of this statute
- 49 shall have the right to file civil suits against the website or hosting provider, with statutory damages
- 50 of up to \$100,000 per incident.

- 51 (f) Legal defense for compliance:
- 52 (1) A commercial entity shall be immune from liability if it can demonstrate full compliance
- 53 with this statute and that any access by a minor was due to external circumvention methods not
- 54 reasonably preventable.

- 55 (2) The burden of proof shall rest upon the entity to prove compliance.

- 56 (g) Severability:
- 57 If any provision of this section is found to be invalid, the remaining portions shall remain in
- 58 effect.

NOTE: The purpose of this bill is to prohibit the distribution and display of pornographic material to minors through online platforms, to establish strict age verification protocols, and to impose severe penalties on entities that fail to comply.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.