

# Senate Bill 257

Sponsored by Senator HEARD, Representative SMITH DB (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person that provides public access to pornography to verify that resident individual is 18 years of age or older before granting access.

Punishes violation of Act as unlawful trade practice under Unlawful Trade Practices Act.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to verification of age of majority as a condition of resident individual's access to  
3 pornography; creating new provisions; amending ORS 646.607; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

### **SECTION 1. (1) As used in this section:**

5  
6 (a) **"Pornography" means a depiction of graphic sexual conduct or activity in any medium**  
7 **primarily or exclusively for the purpose of stimulating sexual arousal in an individual who**  
8 **perceives the depiction.**

9 (b) **"Resident individual" means a natural person who resides in this state.**

10 (2)(a) **A person that operates and allows public access to a website or other electronic**  
11 **repository of pornography shall verify that each resident individual to whom the person**  
12 **grants access to the person's website or repository is 18 years of age or older. The person**  
13 **shall complete the verification by:**

14 (A) **Requiring the resident individual to create an account with a unique user name and**  
15 **password or other unique identifier;**

16 (B) **Obtaining a copy of and authenticating a government-issued identification that shows**  
17 **the resident individual's date of birth, in accordance with subsection (4) of this section; and**

18 (C) **Requiring the resident individual thereafter to enter the resident individual's user**  
19 **name and password or unique identifier to gain electronic access to pornography that the**  
20 **person makes available by means of a website or electronic repository that is available via**  
21 **the Internet.**

22 (b) **If a person makes pornography available to a resident individual via the Internet, the**  
23 **person shall block access to any website or electronic repository that contains the**  
24 **pornography from all Internet protocol addresses that originate within this state, except**  
25 **Internet protocol addresses that belong to resident individuals whom the person has verified**  
26 **are 18 years of age or older, as described in paragraph (a) of this subsection.**

27 (3) **A person that operates a website that displays advertising that is pornography or that**  
28 **a reasonable person would understand as an inducement to view pornography, whether the**  
29 **advertising originates from the website or from another website or advertising service, may**  
30 **not display the advertising to a resident individual unless the person has verified, in ac-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 cordance with subsection (2) of this section, that the resident individual to whom the person  
2 displays the advertising is 18 years of age or older.

3 (4) The Attorney General by rule shall prescribe forms of identification and the methods  
4 and processes that a person that is subject to this section may use to verify a resident  
5 individual's age.

6 (5) A person that allows a resident individual access to pornography that the person owns  
7 or controls, or to which the person controls access, without completing the verification de-  
8 scribed in subsection (2) of this section engages in an unlawful trade practice under ORS  
9 646.607.

10 **SECTION 2.** ORS 646.607 is amended to read:

11 646.607. A person engages in an unlawful trade practice if in the course of the person's business,  
12 vocation or occupation the person:

13 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real  
14 estate, goods or services, or collecting or enforcing an obligation.

15 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a  
16 customer's request, fails to refund money that the customer gave to the person to purchase the  
17 undelivered real estate, goods or services and that the person does not retain pursuant to any right,  
18 claim or defense the person may assert in good faith. This subsection does not create a warranty  
19 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered  
20 to a customer.

21 (3) Violates ORS 401.965 (2).

22 (4) Violates a provision of ORS 646A.725 to 646A.750.

23 (5) Violates ORS 646A.530.

24 (6) Employs a collection practice that is unlawful under ORS 646.639.

25 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2).

26 (8) Violates ORS 646A.093.

27 (9) Violates a provision of ORS 646A.600 to 646A.628.

28 (10) Violates ORS 646A.808 (2).

29 (11) Violates ORS 336.184.

30 (12) Publishes on a website related to the person's business, or in a consumer agreement related  
31 to a consumer transaction, a statement or representation of fact in which the person asserts that  
32 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,  
33 delete or dispose of information that the person requests, requires or receives from a consumer and  
34 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner  
35 that is materially inconsistent with the person's statement or representation.

36 (13) Violates ORS 646A.813 (2).

37 (14) Violates ORS 137.930 (1).

38 (15) Violates section 1, chapter 305, Oregon Laws 2021.

39 **(16) Violates section 1 of this 2023 Act.**

40 **SECTION 3.** ORS 646.607, as amended by section 3, chapter 305, Oregon Laws 2021, is amended  
41 to read:

42 646.607. A person engages in an unlawful trade practice if in the course of the person's business,  
43 vocation or occupation the person:

44 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real  
45 estate, goods or services, or collecting or enforcing an obligation.

1 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a  
2 customer's request, fails to refund money that the customer gave to the person to purchase the  
3 undelivered real estate, goods or services and that the person does not retain pursuant to any right,  
4 claim or defense the person may assert in good faith. This subsection does not create a warranty  
5 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered  
6 to a customer.

7 (3) Violates ORS 401.965 (2).

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16 (12) Publishes on a website related to the person's business, or in a consumer agreement related  
17 to a consumer transaction, a statement or representation of fact in which the person asserts that  
18 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,  
19 delete or dispose of information that the person requests, requires or receives from a consumer and  
20 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner  
21 that is materially inconsistent with the person's statement or representation.

22 (13) Violates ORS 646A.813 (2).

23 (14) Violates ORS 137.930 (1).

24 (15) Violates section 1 of this 2023 Act.

25 **SECTION 4. (1) Section 1 of this 2023 Act and the amendments to ORS 646.607 by section**  
26 **2 of this 2023 Act become operative on January 1, 2024.**

27 **(2) The Attorney General may adopt rules and take any other action before the operative**  
28 **date specified in subsection (1) of this section that is necessary to enable the Attorney**  
29 **General, on and after the operative date specified in subsection (1) of this section, to**  
30 **undertake and exercise all of the duties, functions and powers conferred on the Attorney**  
31 **General by section 1 of this 2023 Act and the amendments to ORS 646.607 by section 2 of this**  
32 **2023 Act.**

33 **SECTION 5. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
34 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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