

Senate Bill 797

Sponsored by Senator HEARD

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 an establishment, premises, a**
11 **website or other physical or electronic repository of pornography shall verify that each res-**
12 **ident individual to whom the person grants access to the person's establishment, premises,**
13 **website or repository is 18 years of age or older. The person shall complete the verification**
14 **by one of the following means, as appropriate:**

15 (A) **Requiring the resident individual to display government-issued identification that**
16 **shows the resident individual's date of birth, if the person operates an establishment or**
17 **premises to which the resident individual seeks physical access;**

18 (B) **Requiring the resident individual to create an account with a unique user name and**
19 **password after receiving a copy of and authenticating government-issued identification that**
20 **shows the resident individual's date of birth and thereafter requiring the resident individual**
21 **to enter the resident individual's user name and password to gain electronic access to**
22 **pornography that the person makes available by means of a website or other resources that**
23 **are available via the Internet; or**

24 (C) **Requiring the resident individual to provide government-issued identification that**
25 **displays the resident individual's date of birth by other appropriate means if the person**
26 **provides access to pornography by mail or by means other than the means described in**
27 **subparagraphs (A) and (B) of this paragraph.**

28 (b) **If a person makes pornography available to a resident individual at an establishment**
29 **or on premises that the person owns or controls, the person shall deny access to the estab-**
30 **lishment or premises to any individual who is not 18 years of age or older or who does not**

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 **provide government-issued identification that displays the resident individual's date of birth.**

2 (c) **If a person makes pornography available to a resident individual by means of a**
 3 **website or other electronic means that is accessible via the Internet, the person shall block**
 4 **access to the website or electronic means from all Internet protocol addresses that originate**
 5 **within this state, except addresses that belong to resident individuals whom the person has**
 6 **verified are 18 years of age or older, as described in paragraph (a) of this subsection.**

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

10 (4) **A person that allows a resident individual access to pornography that the person owns**
 11 **or controls, or to which the person controls access, without completing the verification de-**
 12 **scribed in subsection (2) of this section engages in an unlawful trade practice under ORS**
 13 **646.607.**

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

15 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
 16 vocation or occupation the person:

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

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

25 (3) Violates ORS 401.965 (2).

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

27 (5) Violates ORS 646A.530.

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

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

30 (8) Violates ORS 646A.093.

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

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

33 (11) Violates ORS 336.184.

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

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

41 (14) **Violates section 1 of this 2021 Act.**

42 **SECTION 3.** (1) **Section 1 of this 2021 Act and the amendments to ORS 646.607 by section**
 43 **2 of this 2021 Act become operative on January 1, 2022.**

44 (2) **The Attorney General may adopt rules and take any other action before the operative**
 45 **date specified in subsection (1) of this section that is necessary to enable the Attorney**

1 **General, on and after the operative date specified in subsection (1) of this section, to**
2 **undertake and exercise all of the duties, functions and powers conferred on the Attorney**
3 **General by section 1 of this 2021 Act and the amendments to ORS 646.607 by section 2 of this**
4 **2021 Act.**

5 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**
6 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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