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HOUSE BILL 2112

State of Washington 69th Legislature 2026 Regular Session

By Representatives Leavitt, Corry, Ryu, Barnard, Callan, Schmidt, Richards, Eslick, Zahn, Paul, Rule, Street, Duerr, Gregerson, Reeves, McClintock, Dent, Graham, Fosse, and Timmons

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AN ACT Relating to establishing an age minimum to access certain adult content online; adding a new chapter to Title 19 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

(2) "Digital identification" means information stored on a digital network that may be accessed by a commercial entity and that serves as proof of the identity of an individual.

(3) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(4) "Minor" means an individual younger than 18 years of age.

(5) "News-gathering organization" includes:

(a) An employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the course and scope of that

employment and can provide documentation of that employment with the newspaper, news publication, or news source; and

(b) An employee of a radio broadcast station, television broadcast station, cable television operator, or wire service who is acting within the course and scope of that employment and can provide documentation of that employment.

(6) "Publish" means to communicate or make information available to another person or entity on a publicly available internet website.

(7) "Sexual material harmful to minors" includes any material that:

(a) The average person applying contemporary community standards would find, taking the material as a whole and with respect to minors, is designed to appeal to or pander to the prurient interest;

(b) In a manner patently offensive with respect to minors, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:

(i) A person's pubic hair, anus, or genitals or the nipple of the female breast;

(ii) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(iii) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(c) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(8) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.

NEW SECTION. **Sec. 2.** (1) A commercial entity that knowingly and intentionally publishes or distributes material on an internet website, including a social media platform, and more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by section 3 of this act to verify that an individual attempting to access the material is 18 years of age or older.

(2) A commercial entity or third party that performs age verification required by this chapter may not retain any identifying information of the individual.

NEW SECTION. **Sec. 3.** A commercial entity subject to age verification requirements under this chapter, or a third party that performs age verification under this chapter, shall require an individual who must verify their age to:

(1) Provide digital identification; or

(2) Comply with a commercial age verification system that verifies age using:

(a) Government-issued identification; or

(b) A commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

NEW SECTION. **Sec. 4.** A commercial entity required to use reasonable age verification methods under this chapter shall:

(1) Display notices, to be developed by the department of health, on the landing page of the internet website on which sexual material harmful to minors is published or distributed and all advertisements for that internet website in 14-point font or larger. The notices must include information pertaining to the youth health risks associated with adult content;

(2) Display the most updated contact information for the substance abuse and mental health services administration helpline.

NEW SECTION. **Sec. 5.** (1) This chapter does not apply to a bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of a news-gathering organization.

(2) An internet service provider, or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this chapter solely for providing access or connection to or from a website or other information or content on the internet or on a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other services to the extent the provider or search engine is not responsible for the creation of the content that constitutes sexual material harmful to minors.

(3) Nothing in this chapter shall be construed in any manner to prohibit any activity protected under the Constitution of the United States or the Washington state Constitution. The legislature does not intend this chapter to allow and this chapter shall not allow actions to be brought for constitutionally protected activity.

NEW SECTION. **Sec. 6.** (1)(a) If the attorney general believes that an entity is violating or has violated this chapter and the action is in the public interest, the attorney general may bring an action in Thurston county superior court or the superior court in the county in which the principal place of business of the entity is located in this state to enjoin the violation, recover a civil penalty, and obtain other relief the court considers appropriate.

(b) The attorney general may issue written civil investigative demands for documents, oral testimony, and answers to written interrogatories when investigating possible violations of this act as provided by RCW 19.86.110.

(2) A civil penalty imposed under this section for a violation of this chapter may be in an amount equal to not more than the total, if applicable, of:

(a) $10,000 per day that the entity operates an internet website in violation of the age verification requirements of this chapter;

(b) $10,000 per instance when the entity retains identifying information in violation of this chapter; and

(c) If, because of the entity's violation of the age verification requirements of this chapter, one or more minors accesses sexual material harmful to minors, an additional amount of not more than $250,000.

(3) The amount of a civil penalty under this section shall be based on:

(a) The seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(b) The history of any previous violations;

(c) The amount necessary to deter a future violation;

(d) The economic effect of a penalty on the entity on whom the penalty will be imposed;

(e) The entity's knowledge that the act constituted a violation of this chapter; and

(f) Any other matter that justice may require.

(4) If the attorney general prevails in an action brought to enforce this section, the attorney general shall recover reasonable attorneys' fees and costs incurred in investigating the violation and litigating the action.

NEW SECTION. **Sec. 7.** Sections 1 through 6 and 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** This act shall be known as the keep our children safe act.

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