

By: Paxton

S.B. No. 3003

A BILL TO BE ENTITLED
AN ACT

relating to age verification for the online sale of obscene devices.

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

SECTION 1. Chapter 43, Penal Code, is amended by adding Section 43.29 to read as follows:

Sec. 43.29. ONLINE SALE OF OBSCENE DEVICES TO MINORS PROHIBITED. (a) A person commits an offense if, with criminal negligence, the person sells or delivers an obscene device online:

(1) to an individual under the age of 18; or

(2) to any person without implementing an age verification process at the point of sale to reasonably ensure that the purchaser is 18 years of age or older.

(b) For the purposes of this section, "age verification process" means a commercially reasonable age verification method as referenced under Section 129B.003 of the Civil Practices and Remedies Code to verify a purchaser's age including, but not limited to:

(1) the requirement to submit a government-issued photographic identification;

(2) third-party age verification services that use public records or other reliable sources to verify the purchaser's identity and age; or

(3) exclusive use of payment methods that are restricted to individuals 18 years of age or older, provided such verification is supplemented by another age verification method.

(c) It is a defence to prosecution under this section that the minor falsely represented themselves to be 18 years of age or older by providing a government-issued identification card or other documentation that:

(1) appears to be valid on its face; or

(2) the minor presents a form of identification that is valid but was not issued to the minor.

(d) A violation of this section is a Class A Misdemeanour.

(e) A person who violates this section is also subject to a civil penalty of an amount not to exceed \$5,000 for each violation under Chapter 43.

SECTION 2. The changes in law made by this Act apply only to an action brought on or after the effective date of this Act. An action brought before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2025.