

Senate Bill 571

By: Senators Still of the 48th, Anavitarte of the 31st, Albers of the 56th, Kirkpatrick of the 32nd and Dixon of the 45th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 39 of the Official Code of Georgia Annotated, relating to online  
2 internet safety, so as to require age verification to access gambling content on the internet;  
3 to provide for a private right of action; to provide for enforcement by the Attorney General;  
4 to provide for exceptions; to provide for definitions; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 39 of the Official Code of Georgia Annotated, relating to online internet  
9 safety, is amended by adding a new Code section to read as follows:

10 "39-5-6.

11 (a) As used in this Code section, the term:

12 (1) 'Casino style gaming' means any wagering of a stake of monetary value in the  
13 expectation of a prize of monetary value, subject to a future and uncertain occurrence  
14 related to games of chance, including, but not limited to, slot machines, dice, and card  
15 games.

- 16 (2) 'Commercial entity' means a corporation, limited liability company, partnership,  
17 limited partnership, sole proprietorship, or other legally recognized entity.
- 18 (3) 'Digitized identification card' means a data file available on a mobile device with  
19 connectivity to the internet that contains all of the data elements visible on the face and  
20 back of a driver's license or identification card that displays the current status of such  
21 license or identification card as being valid, expired, canceled, suspended, revoked,  
22 active, or inactive.
- 23 (4) 'Minor' means any individual under 18 years of age.
- 24 (5) 'News-gathering organization' means:
- 25 (A) An employee of a newspaper, news publication, or news source, printed or  
26 published on an online or mobile platform, while operating as an employee of an  
27 organization who can provide documentation of employment with the newspaper, news  
28 publication, or news source; or
- 29 (B) An employee of a radio broadcast station, television broadcast station, cable  
30 television operator, or wire service while operating as an employee of an organization  
31 who can provide documentation of employment with the station or operator.
- 32 (6) 'Online gambling' means participation in any type of sports betting, prediction market  
33 trading, or casino style gaming, whether physical or virtual, which is conducted over the  
34 Internet, and utilizes United States currency or a currency system of payment allowing  
35 the player to exchange such currency for any prize, award, cash, cash equivalent, or a  
36 chance to win any prize, award, cash, or cash equivalents.
- 37 (7) 'Prediction market trading' means the trading of contracts or shares based on the  
38 outcomes of unknown future events.
- 39 (8) 'Reasonable age verification' means to confirm that a person seeking to access  
40 gambling content is at least 18 years of age.

41 (9) 'Sports betting' means any wagering of a stake of monetary value in the expectation  
42 of a prize of monetary value, subject to a future and uncertain occurrence related to a  
43 sports competition.

44 (10) 'Substantial portion' means more than 33.33 percent of total material on a website  
45 that meets the definition of online gambling.

46 (b) Before allowing access to a website that contains a substantial portion of online  
47 gambling content, a commercial entity shall use a reasonable age verification method,  
48 which may include, but not be limited to:

49 (1) The submission of a digitized identification card, including a digital copy of a driver's  
50 license;

51 (2) The submission of government issued identification; or

52 (3) Any commercially reasonable age verification method that meets or exceeds an  
53 Identity Assurance Level 2 standard, as defined by the National Institute of Standards and  
54 Technology.

55 (c)(1) A commercial entity that hosts or operates gambling content on a website that  
56 contains a substantial portion of gambling content is liable if the such entity fails to  
57 perform reasonable age verification of the individual attempting to access such content.

58 (2) A commercial entity that violates this Code section is liable to an individual for  
59 damages resulting from a minor accessing gambling content, including court costs and  
60 reasonable attorney's fees as ordered by the court.

61 (3) A commercial entity that violates this Code section shall be subject to a fine of up to  
62 \$10,000.00 for each violation, the amount of which shall be determined by the superior  
63 court in the county in which any affected minor resides. The Attorney General or  
64 solicitor general or district attorney having jurisdiction shall institute proceedings to  
65 impose such fine within one year of the violation. The issuance of a fine under this  
66 paragraph shall not preclude any right of action.

67 (d)(1) When a commercial entity or third party performs a reasonable age verification,  
68 the commercial entity shall not retain any identifying information after access to the  
69 content has been granted.

70 (2) A commercial entity that is found to have knowingly retained identifying information  
71 of an individual after access to the content has been granted is liable to such individual  
72 for damages resulting from retaining such identifying information, including court costs  
73 and reasonable attorney's fees as ordered by the court.

74 (e) This Code section shall not:

75 (1) Apply to a news or public interest broadcast, website video, report, or event;

76 (2) Affect the rights of a news-gathering organization; or

77 (3) Apply to cloud service providers.

78 (f) An internet service provider and any affiliate, subsidiary, or search engine shall not be  
79 considered to have violated this Code section solely by providing access or connection to  
80 or from a website or to other information or content on the internet or on a facility, system,  
81 or network that is not under such internet service provider's control, to the extent the  
82 internet service provider is not responsible for the creation of the content or the  
83 communication that constitutes material that is harmful to minors."

84 **SECTION 2.**

85 All laws and parts of laws in conflict with this Act are repealed.