



RULES OF
Elected Officials
Division 60—Attorney General
Chapter 18—Age Verification

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TITLE 15 – ELECTED OFFICIALS
Division 60 – Attorney General
Chapter 18 – Age Verification

15 CSR 60-18.010 Definitions

PURPOSE: This rule provides definitions for terms used in this chapter.

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

(2) “Distribute” means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) “Minor” means an individual under eighteen (18) years of age.

(4) “Substantial portion” means thirty-three percent (33%) or more of the total amount of data publicly available on a website.

(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) “Pornographic for minors” means any material or performance if the following apply:

(A) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;

(B) The material or performance depicts nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(C) The material or performance, 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.

(9) “Self-contained sexual content segment” refers to any delineated section or category of a website or application, accessible through a link on the website or application, in which a substantial portion of the content contained in that section or category is sexual material harmful to minors.

(10) “Application” means a software application or electronic service that a user may run or direct on a mobile device.

(11) “Mobile device” means a phone or general purpose tablet that –

(A) Provides cellular or wireless connectivity;

(B) Is capable of connecting to the internet;

(C) Runs a mobile operating system; and

(D) Is capable of running applications through the mobile operating system.

(12) “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.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016. Original rule filed April 10, 2025, effective Nov. 30, 2025.*

**Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995, 2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.*

15 CSR 60-18.020 Operation of an Internet Website or Application

PURPOSE: The attorney general administers and enforces the provisions of the Missouri Merchandising Practices Act (MMPA), Chapter 407, RSMo. The attorney general may make rules necessary to the administration and enforcement of the provisions of Chapter 407, RSMo, and, in order to provide notice to the public, may specify the meaning of terms whether or not used in the Act. This rule does not contain an exhaustive list of practices that violate the Act. Instead, this rule identifies certain specific practices that violate section 407.020, RSMo.

To provide notice to the public of the basis for the attorney general’s actions, the foundation and rationale set forth in this purpose statement also sets forth more fully the purpose and foundation for 15 CSR 60-18.010 through 15 CSR 60-18.070.

The MMPA prohibits unlawful, fraudulent, and unfair practices in connection with any trade or commerce in the state of Missouri. “[T]he literal words [of the MMPA] cover every practice imaginable and every unfairness to whatever degree.” Ports Petroleum Co. v. Nixon, 37 S.W.3d 237, 240 (Mo. banc 2001). The State of Missouri, furthermore, has a “strong interest in protecting children.” State v. Wright, 751 S.W.2d 48, 52 (1988). The MMPA may be used to prosecute violations of other statutes, including criminal statutes protecting children from exposure to pornographic materials. Violations of many other laws, especially violations of laws protecting minors from sexually explicit content by commercial actors, are necessarily unfair, deceptive, fraudulent, and otherwise unlawful practices. The Missouri Supreme Court has concluded that the MMPA covers any violation of “any public policy” so long as the violation of that other law “presents a risk” of “substantial injury to consumers.” Huch v. Charter Commun., Inc., 290 S.W.3d 721, 725 (Mo. banc 2009) (quoting 15 CSR 60-8.020(1)).

The attorney general has determined that a rulemaking is necessary to carry out the purposes of the MMPA. Missouri law prohibits “furnishing pornographic material to minors” and “promoting pornography for minors or obscenity,” sections 573.030–.040, RSMo. The U.S. Supreme Court has long upheld laws just like these. Ginsberg v. New York, 390 U.S. 629, 641 (1968). Age verification has long been required in brick-and-mortar stores distributing pornographic material, see id., and Missouri’s law does not differentiate between brick-and-mortar stores and the internet when it



comes to prohibiting companies from providing pornographic material to minors, sections 573.030–.040, RSMo. Yet with the explosion of the internet, companies have found many ways to avoid accountability under Missouri law. It is thus necessary to implement regulations that facilitate enforcement of Missouri's existing laws.

The internet has enabled companies to skirt compliance with laws protecting minors, which is why access to pornography by minors has exploded in recent years. Between 2006 and 2022, the number of children aged thirteen (13) or younger exposed to online pornography doubled, from just over 25% to 54%. See Chiara Sabina, et al., *The Nature and Dynamics of Internet Pornography Exposure for Youth*, 11 *CyberPsychology & Behavior* 691, 692 (2008); Michael B. Robb & Supreet Mann, *Common Sense Media, Teens and Pornography* at 5 (2022), <https://perma.cc/YG3L-W3LK>. The average age a child first views online pornography is 12 years old. American College of Pediatricians, *Factsheet: The Impact of Pornography on Children* (Aug. 2024), https://acpeds.org/assets/positionpapers/factsheet_-the-impact-of-pornography-on-children.pdf. The number of children exposed to online pornography at age ten (10) or younger increased more than seven-fold during the same time period, from less than 2% in 2008 to 15% by 2022. *Id.* The vast majority—84.4%—of 14- to 18-year-old males and 57% of 14- to 18-year-old females have been exposed to hardcore pornography online, with some studies reporting even higher figures. Paul J. Wright, Bryant Paul & Debby Herbenick, *Preliminary Insights from a U.S. Probability Sample on Adolescents' Pornography Exposure, Media Psychology, and Sexual Aggression*, 26 *J. of Health Commc'n* 39, 46 (2021). Put simply, when pornography moved online, organizations stopped complying with preexisting laws requiring age verification.

Another factor that makes it easier for companies to skirt compliance with Missouri law is that some of the biggest companies that distribute pornography to minors are located not just outside Missouri, but also outside the United States. For example, one of the largest operators of online pornography, Pornhub, is “the 12th most visited website in the world . . . ahead of Amazon, TikTok, and LinkedIn,” Bradley Saacks, *Inside Pornhub's Finances*, Semafor (Jul. 27, 2023), <https://perma.cc/EC8Q-3FEU>, and it is owned by a Canadian multinational conglomerate with separate spinoff companies in haven countries.

What is worse, the nature of the material has changed significantly. Material readily accessible to children today is not the “girlie” picture magazines” of previous generations. Ginsberg, 390 U.S. at 634. Instead, much of the material online is hardcore pornography of the type that satisfies the Supreme Court's definition of obscenity—speech that is not constitutionally protected for adults, let alone children. *Id.* at 635. Because of the ubiquity of smart phones, tablets, and the internet, Missouri's children today “can easily be exposed to the most extreme, misogynistic sex acts imaginable.” David Horsey, *Our Social Experiment: Kids with Access to Hard-Core Porn*, L.A. Times (Sept. 3, 2013), <https://www.latimes.com/opinion/topoftheticket/la-xpm-2013-sep-03-la-na-tt-kids-access-porn-20130822-story.html> (last accessed Mar. 25, 2025).

This content has demonstrated negative effects on the brain, similar to the neurological effects seen with gambling addicts, drug addicts, and alcoholics. See Todd Love et al., *Neuroscience of Internet Pornography Addiction: A Review and Update*, 5(3) *Behavioral Sciences* 388 (2015); Simone Kühn & Jürgen Gallinat, *Brain Structure and Functional Connectivity Associated with Pornography Consumption: the Brain on Porn*, *JAMA Psychiatry* (July 2014), <https://perma.cc/YAE3-WWVB>. “[P]ornography consumption is associated with decreased brain volume in the right striatum, decreased left striatum activation, and lower functional connectivity to the prefrontal cortex.” *Id.* And the effects are most pronounced among minors. “Adolescents are more

susceptible to sexually explicit material because of the significant physical, emotional, cognitive, social, spiritual, and sexual changes associated with adolescent development.” Romney, *Screens, Teens, and Porn Scenes*, *supra* at 52; Jennifer A. Brown & Jonathan Wisco, *The Components of the Adolescent Brain and Its Unique Sensitivity to Sexually Explicit Material*, 72 *J. Adolescence* 10, 11–12 (2019).

An age-verification rule is necessary not only because companies are flouting Missouri law, but also to give parents adequate tools to protect their children from the many harmful effects of minors viewing pornography. Parents “who have this primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility.” Ginsberg, 390 U.S. at 639. Missouri law already requires age verification. This regulation enhances the tools to facilitate compliance with Missouri law.

This proposed rule clarifies that the failure of an individual or commercial entity to use certain commercially reasonable age verification technology to protect minors in Missouri from accessing sexually explicit content online constitutes an “unfair practice” under the MMPA. Age verification, including online age verification, has long been required to purchase age-restricted items or to engage in other age-restricted activities. The MMPA currently contains other age verification measures such as those relating to the sale of tobacco or vape products or the purchase of precious metals. section 407.292; 407.926, RSMo. Furthermore, nothing in this proposed rule limits the ability of adults to view sexually explicit material online. The proposed rule simply requires that purveyors of online pornography take certain minimum, commercially reasonable steps to ensure that they are not recklessly or knowingly inflicting significant (and well documented) harms on Missouri's children.

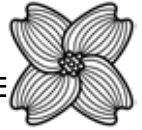
(1) It is an unfair, deceptive, fraudulent, or otherwise unlawful practice for any person or commercial entity to operate a website, application, or self-contained sexual content segment, including a social media platform, knowing (or with reckless disregard about the fact) that the website, application, or self-contained sexual content segment contains a substantial portion of material pornographic for minors and is accessible in the state of Missouri, unless such individual or commercial entity uses reasonable age verification methods as described by 15 CSR 60-18.030 to verify that the individual attempting to access the website, application, or self-contained segment of the website or application is eighteen (18) years of age or older. This section shall not apply to search engines.

(2) Any person or commercial entity covered by 15 CSR 60-18.020(1) that performs the age verification, or any third party that performs the age verification required by 15 CSR 60-18.020(1), may not retain any identifying information of the individual whose age is being verified unless retention of the identifying information is otherwise required by law or a court order.

(3) Any person or commercial entity covered by this chapter that performs the age verification required by 15 CSR 60-18.020(1), or any third party that performs the age verification required by 15 CSR 60-18.020(1), must use commercially reasonable methods to secure all information collected and transmitted under this chapter.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016.* Original rule filed April 10, 2025, effective Nov. 30, 2025.

*Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995,



2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.

15 CSR 60-18.030 Reasonable Age Verification Methods

PURPOSE: This rule specifies methods by which commercial entities, as defined under this chapter, may comply with age-verification requirements contained in the chapter.

(1) A commercial entity that operates a website or application subject to 15 CSR 60-18.020(1), and any third party that performs age verification under this chapter, shall require an individual to –

- (A) Provide digital identification; or
- (B) Comply with a commercial age verification system that verifies age using –
 - 1. Government-issued identification; or
 - 2. A commercially reasonable method that relies on public or private transactional data to verify the age of the individual.

(2) A commercial entity may adopt a different method of compliance so long as the entity can establish to the agency in charge of promulgating rules under the Missouri Merchandising Practices Act (MMPA), Chapter 407, RSMo, that the alternative method is equally effective. The standard of proof shall be a preponderance of the evidence.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016. Original rule filed April 10, 2025, effective Nov. 30, 2025.*

**Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995, 2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.*

15 CSR 60-18.040 Applicability of This Rule

PURPOSE: This rule provides exceptions for certain entities with regard to the age-verification requirements contained in this chapter.

(1) The provisions of 15 CSR 60-18.010 through 15 CSR 60-18.070 do not apply to a bona fide news or public interest broadcast, news recording, report, or event and shall 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 shall not be held to have violated this rulemaking 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 material pornographic to minors.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016. Original rule filed April 10, 2025, effective Nov. 30, 2025.*

**Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995, 2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.*

15 CSR 60-18.050 Counting Violations

PURPOSE: This rule specifies the procedures for, and limitations on, the counting of instances of a violation of any of the provisions of this chapter.

(1) For purposes of civil penalties under section 407.100, RSMo, each time an individual accesses a website or application not in compliance with 15 CSR 60-18.020 shall constitute a separate violation, but in no event shall an entity accrue more than ten thousand dollars (\$10,000) in violations in a single day.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016. Original rule filed April 10, 2025, effective Nov. 30, 2025.*

**Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995, 2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.*

15 CSR 60-18.070 Severability, Construction, and Effective Date

PURPOSE: This rule specifies the applicability, severability, and construction of the rules contained in this chapter.

(1) This chapter applies to the maximum extent permitted by the *United States Constitution*, the laws of the United States, the *Constitution of Missouri*, and the laws of Missouri, but no further.

(2) This chapter does not subject any individual or commercial entity to damages or other legal remedies to the extent the individual or commercial entity is protected from those remedies under federal law.

(3) It is not a violation of this chapter if the actions or conduct are taken at the behest of federal agencies, contractors, or employees that are carrying out official duties under federal law if doing so would violate the doctrines of preemption or intergovernmental immunity.

(4) If any application of any provision, word, or clause to any person, commercial entity, or circumstance is found by a court to be invalid, that application alone shall be severed and the remaining possible applications of every provision, word, and clause to all other persons, commercial entities, and circumstances shall remain in force.

AUTHORITY: section 407.020, RSMo Supp. 2025, and section 407.145, RSMo 2016. Original rule filed April 10, 2025, effective Nov. 30, 2025.*

**Original authority: 407.020, RSMo 1967, amended 1973, 1985, 1986, 1992, 1994, 1995, 2000, 2008, 2014, 2020, and 407.145, RSMo 1986, amended 1993.*