

436.001 Definitions for KRS 436.001 to 436.009.

As used in KRS 436.001 to 436.009:

- (1) "Age verification" means verifying that the person seeking access to the matter is eighteen (18) years old or older, through any of the following methods:
 - (a) State-issued form of identification, including but not limited to an operator's license or personal identification card issued under KRS Chapter 186 that establishes age;
 - (b) Identification issued by any agency of the United States government that establishes age; or
 - (c) Any commercially reasonable method of identification that relies on public or private transactional data to verify that the person attempting to access the matter is at least eighteen (18) years of age or older;
- (2) "Covered platform" means an entity that:
 - (a) Is a website; and
 - (b) Is in the regular course of trade or business to create, host, or make available content that meets the definition of matter harmful to minors under subsection (8) of this section, with the objective of earning a profit, regardless of whether:
 1. The entity actually earns a profit on the activities described in this paragraph; or
 2. Creating, hosting, or making available content that meets the definition of matter harmful to minors under subsection (8) of this section is the sole source of income or principal business of the entity;
- (3) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmit, circulate, or disseminate by any means, with or without consideration;
- (4) "Information content provider" has the same meaning as in 47 U.S.C. sec. 230(f)(3);
- (5) "Interactive computer service" has the same meaning as in 47 U.S.C. sec. 230(f)(2);
- (6) "Internet" has the same meaning as in 47 U.S.C. sec. 230(f)(1);
- (7) "Matter" has the same meaning as in KRS 531.010;
- (8) "Matter harmful to minors" means:
 - (a) Any matter that the average person, applying contemporary community standards, and taking the matter as a whole with respect to minors, would find is designed to appeal to, or pander to, the prurient interest;
 - (b) Any matter that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:
 1. Pubic area, anus, vulva, genitals, or nipple of the female breast;
 2. Touching, caressing, or fondling of buttocks, anuses, pubic areas, genitals, or nipples of the female breast; or
 3. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act;

and

- (c) The matter taken as a whole lacks serious literary, artistic, political, or scientific value for minors;
- (9) "Minor" means any person under the age of eighteen (18) years;
- (10) "Publish" means to communicate or make information available to another person or entity on the internet; and
- (11) "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, including but not limited to records from mortgage, utility, and education entities or other reliable document that establishes age.

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