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**Denny Hoskins**

Secretary of State / Administrative Rules

**RULE TRANSMITTAL**

Administrative Rules Stamp

**RECEIVED**

**By JCAR at 4:55 pm, Aug 11, 2025**

**RECEIVED**

**By Administrative Rules SOS at 10:02 am, Sep 11, 2025**

Rule number **15 CSR 60-18.020**

Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact with questions about this rule:

Content **Todd A. Scott** Phone **(573) 751-8366**

Email address [todd.scott@ago.mo.gov](mailto:todd.scott@ago.mo.gov)

Data entry \_\_\_\_\_ Phone \_\_\_\_\_

Email address \_\_\_\_\_

Interagency mailing address **Office of the Attorney General, Supreme Court Building**

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

☐ Emergency rulemaking > ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective date for the emergency \_\_\_\_\_

☐ Proposed rulemaking > ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice

☐ In Addition

☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking > ☐ Withdrawal ☒ Adoption ☐ Amendment ☐ Rescission

Effective date for the order \_\_\_\_\_

☒ Statutory 30 days OR ☐ Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS/SUBSECTIONS WITH CHANGES:

Section (2), Section (3), and Section (4)



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

August 11, 2025

Ms. Sarah Schappe  
Director, Joint Committee on Administrative Rules  
State Capitol, Room B8  
Jefferson City, MO 65101

Re: *15 CSR 60-18.020 Operation of an Internet Application.*

Dear Director Schappe:

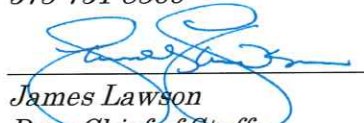
CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Office of the Attorney General.

Statutory Authority: sections 407.020, RSMo (2020) and 407.145, RSMo (1993).

If there are any questions regarding the content of this order of rulemaking, please contact:

*Todd Scott*  
*Supreme Court Building*  
*207 W. High St.*  
*P.O. Box 899*  
*Jefferson City, MO 65102*  
*573-751-8366*

  
\_\_\_\_\_  
*James Lawson*  
*Dep. Chief of Staff*  
*Missouri Attorney General*

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Attorney General under sections 407.020, RSMo (Supp. 2020), 407.145, RSMo (1993), the Attorney General adopts a rule as follows:

**15 CSR 60-18.020 Operation of an Internet Platform, Application, or Search Engine is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule as published in the *Missouri Register* on May 15, 2025 (50 MoReg 691-692). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended on June 14, 2025. The Missouri Attorney General received nine (9) comments on proposed rules 15 CSR 60-18.010 to 15 CSR 60-18.070. Because these proposed rules closely relate to each other, and because the comments were directed at the proposed rules as a group, the Attorney General provides a single response to the various comments, addressing all proposed rules.

Due to the similarity of the following comments, one response is provided at the end of these comments.

COMMENT #1: Steven Kester, with Apple, Inc., stated concerns over privacy risks generally as well as the risk of the release of minors' personal information if tech companies create age-verification processes to share with third-party apps and websites.

The comment also touted a number of safeguards currently in place on Apple devices, including controls available to parents of minor children, suggesting that further regulation may not be needed.

COMMENT #2: Megan Stokes, with the Computer & Communications Industry Association, filed written comments objecting to the requirement of individuals sharing personal information with third parties in order to verify their age.

The comment also touted a number of safeguards and filtering tools currently available, including controls available to parents of minor children, suggesting that further regulation may not be needed.

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**By JCAR at 4:50 pm, Aug 11, 2025**

Commenter also stated a concern over increased government surveillance and data collection.

The comment raises concerns over the cost of compliance and specifically of the cost to smaller start-up companies.

In addition, the comment suggests that compliance with the rule would be technically impractical and burdensome, specifically the need to blur out pornographic images, as well as providing a geofence filter to ensure compliance within the State of Missouri.

The comment also raised a number of legal concerns relating to potential violations of the First Amendment such as compelled speech and free expression.

The comment also raised objections that the proposed rules are overly broad and are beyond the authority granted to the Attorney General by the Missouri Merchandising Practices Act (MMPA).

COMMENT #3: Melissa McKay, Digital Childhood Alliance, submitted comments objecting to requiring both device-level and website-level verification. The commenter raised concerns about device manufacturers like Apple requiring companies to transmit personal user data to third-party websites in order to verify their age. This commenter raised concerns that minors, lacking other forms of identification, would be forced to engage in biometric scans or upload birth certificates.

The commentator also raised legal concerns that the rule runs afoul of the First Amendment's protections against compelled speech. Further concerns include the use of a percentage of pornographic content on a website under the definitions rather than using an "ordinary course of business" standard.

The comment also raised objections that the proposed rules are overly broad, are beyond the authority granted to the Attorney General by the Missouri Merchandising Practices Act (MMPA) and infringe on territory within the purview of the Missouri General Assembly.

COMMENT #4: Kara Corches, with the Missouri Chamber of Commerce, filed written comments expressing concerns about the burdens the proposed rules would impose on device makers and Internet service providers.

Commenter also asserted that the fiscal note failed to account for costs imposed on "OS providers, social media platforms, [and] internet search providers."

The comment also asserted that the proposed rules had not adequately considered the technical feasibility of requiring an "existing mobile OS" to implement age-

verification. The Comment also expressed feasibility concerns about the ability of search engines and Internet service providers to monitor for pornographic content.

The comment also asserted that age verification rules do not meaningfully alter behavior and can be circumvented.

The comment also raised objections that the proposed rules are overly broad, are beyond the authority granted to the Attorney General by the Missouri Merchandising Practices Act (MMPA) and infringe on territory within the purview of the Missouri General Assembly.

The commenter also raises legal concerns that the rule runs afoul of the First Amendment's speech protections, including prohibitions against compelled speech.

The commenter requests more time to implement device-level age verification.

COMMENT #5: Alison Boden, with the Free Speech Coalition, filed written comments in opposition based on legal concerns relating to potential violations of the First Amendment such as prior restraint and free expression as well as legal issues concerning vagueness in certain aspects of the rule.

The comment also raised objections that the proposed rules are overly broad and are beyond the authority granted to the Attorney General by the Missouri Merchandising Practices Act (MMPA).

The Comment also suggested that parental controls may be adequate to address the issue of access by minors to pornographic content

COMMENT #6: Bartlett Cleland, with NetChoice, filed written comments in opposition based on objections to mobile operating systems becoming entwined with third parties such as purveyors of pornography, including sharing sensitive age data, suggesting that individual websites hosting pornographic material should solely bear responsibility for age-verification.

Commenter also expressed concerns about the regulation of search engines.

The comment also raised legal concerns relating to potential violations of the First Amendment relating to free speech and expression.

COMMENT #7: David Edmonson, with TechNet, filed written comments opposing the proposed rules to the extent they "go beyond the standard legislative framework that has passed in numerous states requiring age verification for websites or online platforms that disseminate a substantial volume of material deemed harmful to minors, such as pornography." In particular, the comment expressed opposition to requiring mobile operating systems to conduct age-verification. The comment also expressed concerns about the technological feasibility of requiring search engines to blur pornographic material.

The comment also raised objections that the proposed rules are overly broad and are beyond the authority granted to the Attorney General by the Missouri Merchandising Practices Act (MMPA).

The comment also raised legal concerns relating to potential violations of the First Amendment relating to free speech and expression.

COMMENT #8: Wilfredo Fernandez, with X Corporation, filed written comments suggesting that the best model for age-verification is a device-based system, focused on app store regulation.

The Comment also suggested that parental controls may be adequate to address the issue of access by minors to pornographic content.

COMMENT #9: Ricci Joy Levy, with the Woodhull Freedom Foundation, filed written comments raising legal concerns relating to potential violations of the First Amendment relating to free speech and expression as well as legal issues concerning vagueness in certain aspects of the rule.

The commenter also objected to the requirement of individuals sharing personal information with third parties in order to verify users' age.

In addition, the comment suggests that compliance with the rule would be technically impractical and burdensome, specifically the requirement to avoid retaining age-verification information but also the need to have data to demonstrate compliance with the law.

The comment also raised objections that the Attorney General's regulation infringes on territory within the purview of the Missouri General Assembly.

RESPONSE AND EXPLANATION OF CHANGE: The Attorney General has considered comments about the challenges of asking large mobile operating systems to implement age-verification procedures. The Attorney General shares the concern of some commenters about protecting the sensitive age data of children. The Attorney General will take additional time to consider these concerns, and will therefore not impose age-verification obligations on large mobile operating systems at this time.

Beyond that specific context, the Attorney General believes that the proposed age-verification rules do not unduly jeopardize any privacy interests.

The Attorney General appreciates the comments above. *Changes have been made as a result of these comments. Section (2) is removed and references to this Section are removed in Sections (3) and (4).*

Some commenters raised concerns about the technical feasibility of requiring search engines to blur out or make unavailable pornographic images made available by third-party content providers. The Attorney General wishes to take more time to

consider these concerns, and therefore will not implement such requirements for search engines at this time.

The Attorney General appreciates the comments above. *Changes have been made as a result of these comments. Section (2) is removed and references to this Section are removed in Sections (3) and (4).*

Some commenters raised concerns about the cost estimate for private companies in the proposed regulation. Those concerns focused on the costs that would be incurred by large mobile operating systems and search engines. Because age-verification will not be required at this time for such entities, most concerns about cost have become moot.

As for applications and websites that offer access to pornographic material, the Attorney General believes that, under Missouri law, the regulations impose no new cost because they are merely enforcing preexisting law.

In the alternative, the Attorney General acknowledges that some costs will be imposed on content providers who offer access to pornographic material. A variety of entities offer age-verification services under various types of contracts. The Attorney General believes the relevant, original cost estimate is accurate.

The Attorney General appreciates the comments above. The cost estimate has been updated to reflect changes in the finalized rule.

The Attorney General has considered comments challenging his authority to issue the proposed regulations under the MMPA. The MMPA prohibits a wide variety of unfair and deceptive practices that impact consumers. “[T]he literal words 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 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.*, 209 S.W.3d 721, 725 (Mo. banc 2009) (quoting 15 CSR 60–8.020(1)). Furthermore, the failure of a legislative body to pass a bill is “an unpersuasive basis upon which to interpret the statute.” *R.M.A. by Appleberry v. Blue Springs R-IV Sch. Dist.*, 568 S.W.3d 420, at 427 n.9 (Mo. 2019).

The Attorney General has authority to issue the proposed regulations under the MMPA. Age verification has long been required in brick-and-mortar stores distributing pornographic material, 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. The proposed regulations merely clarify and confirm that entities distributing pornographic material on the Internet also have the responsibility to verify the age of consumers.

The Attorney General appreciates the comments above. *No changes have been made to the rules as a result of these comments.*

In the comments above, several commenters stated their belief that the Attorney General's age verification rule violated the First Amendment by inhibiting adults from viewing pornographic material, imposing a prior restraint, limiting free expression and stifling freedom of speech. Relatedly, some commenters objected to adults having to provide information to third parties in order to verify their age.

The Attorney General finds these comments unpersuasive. The United States Supreme Court recently upheld a similar Texas state law, finding that it did not unconstitutionally burden the right to free speech. "The power to require age verification is within a State's authority to prevent children from accessing sexually explicit content." *Free Speech Coal., Inc. v. Paxton*, 145 S. Ct. 2291, 2299 (2025). Any incidental burdens on adults are comparable to those in Texas's law, and the Attorney General judges those burdens to be outweighed by the importance of protecting children from obscene material.

The Attorney General appreciates the comments above. *No changes have been made to the rules as a result of these comments.*

Some commenters above raised concerns about technical difficulties in implementing the rule, including the cost and feasibility of implementation as well as the likely rate of failure to effectively establish such safeguards. With respect to age-verification requirements imposed directly on content providers featuring obscene materials, commenters have not been able to adequately explain why the rule would be unworkable since it largely mirrors requirements imposed in other States.

The Attorney General appreciates the comments above. *No changes have been made to the rules as a result of these comments.*

The changes set forth above are reflected in the private fiscal note and cost statement.

#### **Summary of Proposed Rule 15 CSR 60-18.020 - Operation of an Internet Website or Application.**

(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.

*REVISED PRIVATE COST: The Attorney General's Office estimates costs may range from \$0 to \$4,608,000 annually for social media platforms, websites or applications.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department title:** Title 15 – Elected Officials  
**Division title:** Division 60 – Attorney General  
**Chapter title:** Chapter 18 – Age Verification

|                                      |                                                                                       |
|--------------------------------------|---------------------------------------------------------------------------------------|
| <b>Rule number/name:<sup>1</sup></b> | 15 CSR 60-18.020 – Age Verification – Operation of an Internet Website or Application |
| <b>Type of rulemaking:</b>           | Final order of rulemaking for a proposed rule with changes                            |

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class that would likely be affected by adoption of the rule:                            | Classification by type(s) of the business entities that would likely be affected by adoption of the rule: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Social media platforms or websites distributing pornographic material online or providing access via search functions.</b> | <b>Tech Companies</b>                                                                                     | <b>\$0.00 because regulation enforces preexisting law</b><br><br><b>-In the Alternative: Up to \$384,000 per month (\$4,608,000 on an annual basis) for distributors.</b> |

**III. WORKSHEET**

**Impact to Providers of Internet Pornography**

As further explained below, this fiscal note assumes that there is no cost of bringing a commercial operation into conformity with existing law.

**Impact to Providers of Internet Pornography - Estimates in the Alternative**

Estimates are difficult but reportedly 40 million Americans routinely access internet pornography. Assuming Missouri's population is approximately 2% of the nation, there would be 800,000 routine users of pornography in the state. If an age verification check

<sup>1</sup> This fiscal note describes the estimated potential impact of a rulemaking that includes proposed rules 15 CSR 60-17.010 through 15 CSR 60-17.070. The Attorney General's Office (AGO) has determined that proposed rules .010, .040, .050 and .070 do not individually require a fiscal note. As further described herein, the AGO is providing this fiscal note in connection with proposed rules .020, and .030, to assess their potential individual and collective impact. In an effort to provide the maximum amount of notice to the public, this fiscal note is filed with each of proposed rules .020, and .030.

were performed per user four times per month at .12 cents per check, it would equate to \$384,000 per month and \$4,608,000 per year.<sup>2</sup>

#### IV. ASSUMPTIONS

The following are assumptions adopted by the Attorney General's Office (AGO) as part of the determination of the cost of the proposed rulemaking.

##### **Reliance on the Fiscal Review of the Joint Committee on Legislative Research**

Pursuant to Missouri statute, the Oversight Division of the Joint Committee on Legislative Research is tasked with creating fiscal estimates for legislation pending in the General Assembly. Such fiscal notes are required to include a determination of the cost of legislation to small businesses having fifty or fewer full-time employees. § 23.140, RSMo.

On February 26, 2025, the Oversight Division released a fiscal note assessing the cost to small businesses of House Bill 236 that would require age verification for minors. In view of the fact that the legislation created a new cause of action for private parties, the Oversight Division stated that "Small business law firms could be impacted as a result of this proposal."<sup>3</sup> Oversight did not determine any other impact to small businesses but offered the following analysis in support of their assessment:

Oversight notes that according to the 2020 US Census for the State of Missouri, there were 1,379,301 minors ages 0 to 17. Assuming if only 0.1% of the parents of those minors are impacted by the proposed legislation, this could potentially result in 1,379 new liability claims. Oversight could not find any information on the number of potential liability claims related to age-verification methods; therefore, Oversight assumes the number of new claims is ultimately unknown.<sup>4</sup>

For purposes of this fiscal note, the AGO adopts the logic of the Joint Committee on Legislative Research's Oversight Division. Since this proposed rulemaking does not create a cause of action for private parties (as opposed to the house bill summarized above), the AGO assumes no fiscal impact from the age verification portion of the proposed rule.

##### **Companies Engaged in Illegal or Fraudulent Behavior May Not Claim Financial Cost to Comply With Existing Law**

The AGO further assumes that there should be no assessment of new cost to internet companies only lately adopting age verification practices as required by this proposed

<sup>2</sup> <https://www.webroot.com/us/en/resources/tips-articles/internet-pornography-by-the-numbers#:~:text=Internet%20Pornography%20Statistics%20in%20the%20United%20States,the%20word%20%22adult%22%20into%20a%20search%20engine.https://www.addictionhelp.com/porn/statistics/#:~:text=Online%20use%3A%20Approximately%2069%25%20of,is%20wrong%3B%2051%25%20disagreed>

<sup>3</sup> <https://documents.house.mo.gov/billtracking/bills251/fiscal/fispdf/0209H.04P.ORG.pdf>

<sup>4</sup> *Id.*

rule.<sup>5</sup> Missouri law already requires age verification because Missouri law already prohibits “furnishing pornographic material to minors” or “promoting pornography for minors.” §§ 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. §§ 573.030–.040.

### **Assumptions in the Alternative**

In an effort to provide the public and private businesses with additional information about the potential fiscal impact of this proposed rulemaking, the AGO offers the following assumptions in the alternative to the zero fiscal estimate based on the assumptions above. The following assumptions are provided to determine a potential impact *if* there were to be a cost to private businesses.

Due to the private nature of online pornography sale and consumption by end-users in the State of Missouri, many of the variables needed to assess the cost of this rulemaking are unknown or difficult to quantify. However, the cost to implement age verification processes is becoming less expensive due to recent technological improvements. Some software applications are free (or provided for free as part of a larger digital service package) or offered for nominal costs.<sup>6</sup> Also, the use of valid age tokens may allow verified users to access various websites without additional per entry fees.<sup>7</sup> One commonly published estimate of cost is .12 cents per age verification check, although that number may be lower (as low as .3 cents) and will almost certainly continue to be reduced with the introduction of new technological improvements.<sup>8</sup> Likewise, apps that can be downloaded by users and the use of digital identity wallets have further reduced costs. The reusable nature of apps and identity tokens as well as the ability for one age verification check to be used dozens or hundreds of times further defrays what may be a nominal (e.g. .12 cent) cost of compliance.<sup>9</sup>

It should be noted that large purveyors of pornography like Pornhub have stated that cost of compliance may be millions of dollars per day. Pornhub reportedly has 115 million

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<sup>5</sup> “The principle is well settled that no court will lend its aid to a man who founds his cause of action upon an illegal act. This is a principle founded upon public policy, not for the sake of the defendant, but for the law’s sake, and that only.” *Sandbothe v. Williams*, 552 S.W.2d 251 (Mo.App.1977) (quoting *Schoene v. Hickam*, 397 S.W.2d 596, 602 (Mo.1966)). The doctrine of *in pari delicto* holds that “anyone who engages in a fraudulent scheme forfeits all rights to protection, either at law or in equity.” *Kansas City Operating Corp. v. Durwood*, 278 F.2d 354, 357 (8th Cir.(Mo.)1960); See also, *Clouse v. Myers*, 753 S.W.2d 316, 319 (Mo.App.1988)(neither law nor equity can be invoked to redress a wrong that has resulted from the injured party’s own wrongful and illegal conduct). If the parties to a fraud are *in pari delicto*, the law will leave them where it finds them. *Durwood*, 278 F.2d at 358.” *Dobbs v. Dobbs Tire & Auto Centers, Inc.*, 969 S.W.2d 894, 897–98 (Mo.App. E.D. 1998).

<sup>6</sup> *Manhattan Institute and Technology Scholars, Brief for Respondent as Amicus Curiae in Support of Respondent, Free Speech Coalition, Inc., v. Paxton*, No. 23-1122 (U.S. filed Nov. 22, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> Tony Allen, Declaration, *Free Speech Coalition, Inc., v. Colmenero*, No. 1:23-cv-00917 (W.D. Tex.) D. Ct. Doc. 26-6, (Aug.18, 2023).

<sup>9</sup> *Id.*

visits to its website per day<sup>10</sup> and at a cost of .12 cents per verification, this would come to \$13.8 million dollars daily but even taken at face value, the vast majority of these costs are not incurred with the State of Missouri.<sup>11</sup> As noted above, .12 cents may be a high number and is likely to be reduced over time as technology improves. Also, it should be noted that the owners of some large pornographic websites are based outside of Missouri and even outside of the United States so any assessment of projected cost in this fiscal note is provided for informational purposes and likely not required.

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<sup>10</sup> *Free Speech Coal., v. Rokita*, 738 F. Supp. 3d 1041, 1049 (S.D. Ind. 2024).

<sup>11</sup> It is estimated that Missouri accounts for approximately .076% of the global population and as such might account for a comparable share of Pornhub's customer base. Using this number, a \$10,488 daily (\$3,828,120 annual) cost of compliance might be attributable to this particular company from this regulation. See [www.census.gov/programs-surveys/popest.html](https://www.census.gov/programs-surveys/popest.html) (estimated global population); <https://data.census.gov/profile/Missouri?g=040XX00US29> (Missouri population as of 2020 census).