Wisconsin Legislative Council
AMENDMENT MEMO

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2025 Senate Bill 130	Senate Amendment 1

2025 SENATE BILL 130

2025 Senate Bill 130 prohibits a business entity from knowingly and intentionally publishing or distributing two types of material on the Internet.

First, the bill prohibits a business entity from knowingly and intentionally publishing or distributing material harmful to minors[1] on the Internet from a website that contains a substantial portion of such material, unless the business entity performs reasonable age verification methods to verify the age of individuals attempting to access the website. After performing a reasonable age verification method, a person may not knowingly retain identifying information of the individual who attempted to access the website, after the individual's access has been granted or denied.

Second, the bill prohibits a business entity from knowingly and intentionally publishing or distributing an obscene depiction of a purported child[2] or obscene material[3] on the Internet.

The bill also creates a civil cause of action that allows a person who alleges a violation of either provision to bring an action seeing actual and punitive damages, court costs, and reasonable attorney fees.

SENATE AMENDMENT 1

Senate Amendment 1 makes two changes to the bill.

First, the amendment removes the prohibition on publishing or distributing obscene material on the Internet.

Second, the amendment adds a new enforcement provision related to the prohibition on knowingly retaining identifying information of an individual who attempted to access a website that contains a substantial portion of material harmful to minors, after the individual's access has been granted or

[1] Material harmful to minors means material that is all of the following: (a) material that the average person, applying contemporary community standards and taking that material as a whole and with respect to minors, would find to be designed to appeal or pander to prurient interests; (b) material that exploits, is devoted to, or principally consists of actual, simulated, or animated display or depiction of certain sexual content or nudity in a manner patently offensive with respect to minors; and (c) material that, when taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

[2] An obscene depiction of a purported child means obscene material that contains a visual representation that appears to depict an actual child, but may or may not depict an actual child.

[3] Obscene material means a writing, picture, film, or other recording that is all of the following: (a) the average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole; (b) under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and (c) lacks serious literary, artistic, political, educational, or scientific value, if taken as a whole.

denied. It allows the Department of Agriculture, Trade, and Consumer Protection (DATCP), or Department of Justice (DOJ) in consultation with DATCP, to investigate such violations. DATCP or DOJ may commence an action in court in the name of the state to restrain a violation. Before entering a final judgment, a court may make any necessary orders to restore to a person any pecuniary loss suffered because of the violation. DATCP or DOJ may also commence an action in the name of the state to recover a civil forfeiture of between $100 and $10,000 per violation.

BILL HISTORY

Senator Wanggaard offered Senate Amendment 1 on September 10, 2025. On November 12, 2025, the Senate Committee on Mental Health, Substance Abuse, Children and Families voted to recommend adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

For a full history of the bill, visit the Legislature's bill history page.

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