



FLORIDA CONFERENCE OF CATHOLIC BISHOPS CATHOLIC DAYS AT THE CAPITOL

RESTRICTING MINORS' ACCESS TO HARMFUL MATERIALS ONLINE

Key Message:

Support HB 3 (Tramont) / SB 1792 (Grall)

Please protect minors from online access to harmful materials by requiring age verification for pornographic websites.

ADDITIONAL TALKING POINTS:

- The production and consumption of pornography directly contradicts and undermines a healthy understanding of sexuality. Pornography degrades both performers and consumers; treating them as objects to be used rather than persons with inherent dignity. Therefore, broad access to pornographic images has a negative effect on society and the institution of the family.
- Unfettered access to pornography significantly hinders and endangers proper formation of the mind and conscience. This bill will make it easier to protect minors from the harms of pornography and assist parents with the moral and intellectual formation of their children.
- It is important to restrict access and protect minors from the constant bombardment of pornographic images because the intellectual and moral formation of future generations is important to the future of our culture and society.

BILL PROVISIONS:

Requires websites or applications that contain a substantial portion (at least one-third) of material harmful to minors, to prohibit access to such material by anyone younger than 18. The bill also requires commercial entities that operate such websites or applications to perform reasonable age-verification methods to verify that the age of the person attempting to access the material is 18 years of age or older. Commercial entities covered by the bill must provide an easily accessible link to allow a minor user, or his or her parent or guardian, to report unlawful access.

BACKGROUND:

The internet and smartphones have broadly expanded access to pornography over the past 25 years. The pornography industry is now a \$100 billion global industry. Pornhub has more global users than Amazon or Netflix and in 2019 the site was visited 42 billion times, or 115 million times per day. Today, nearly one in five 8-year-olds have a smartphone, by age 11 a majority of children have one, and two-thirds by age 12.

Most young people are exposed to porn by age 13, with some exposed as young as seven. Almost 85% of 14 to 18-year-old males and 57% of 14 to 18-year-old females have viewed pornography.

The pornography available online today is often physically and verbally violent and abusive. Research demonstrates that porn consumption is a significant predictor of sexual aggression and can be associated with engaging in degrading, uncommon, or aggressive sexual behaviors. Through porn consumption, minors learn to associate sex with violence and domination rather than self-giving love.

POTENTIAL OBJECTIONS AND RESPONSES:

OBJECTION 1: This bill is probably an unconstitutional violation of free speech.

RESPONSE 1: Obscene material is not protected by the first amendment. The bill defines material “harmful to minors” and uses a modified version of the *Miller* obscenity test, which considers whether the material:

- (1) predominantly appeals to the prurient interest;
- (2) is offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (3) taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

However, even if certain pornographic content is not considered legally obscene, the state has a compelling interest in protecting the physical and psychological well-being of minors.

Furthermore, while previous caselaw held that certain age-verification measures were an unconstitutional limit on free speech, Louisiana, Utah, Arkansas, Mississippi, Montana, North Carolina, Texas, and Virginia have recently passed similar legislation. Unlimited low-barrier access to hardcore pornographic images driven by fast-paced advances in modern technology creates a compelling government interest to limit access to these obscene materials for minors.

OBJECTION 2: This bill will lead to data and privacy concerns for adults who participate in the age-verification process.

RESPONSE 2: The bill requires that the reasonable age-verification method must be conducted by a non-governmental, independent third-party not affiliated with the commercial entity. Any personal identifying information used to verify age may not be: (1) retained by a commercial entity or other third-party once the age has been verified; or (2) used for any other purpose.

SPONSOR AND CO-SPONSORS:

HB 3 – Sponsor: Tramont, Overdorf; Co-Sponsors: Bankson, Beltran, Jacques, Lopez (V), Melo, Plakon, Plasencia, Salzman, Temple, Yarkosky, Yeager

SB 1792 – Sponsor: Grall; Co-Sponsors: Garcia (I)

STATUS:

HB 3 – Passed Regulatory Reform & Economic Development Subcommittee (13-0), Passed Judiciary Committee (21-0), Passed House (119-0)

SB 1792 – On Judiciary Committee Agenda, 02/05/24; also referred to Fiscal Policy Committee

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