

Senate Bill 2380 – Digital Age Assurance Act – 10:00 AM
Testimony of Dean Grigg, Director of Government Affairs, Enough Is Enough

Chairman Barta and members of the Industry and Business Committee,

Thank you for affording me the opportunity to speak to you today about such an important issue. My name is Dean Grigg. I am the Director of Government Affairs for Enough Is Enough, a national, nonpartisan, 501(C)(3) non-profit organization whose mission is to make the internet safer for children and families. EIE has been at the forefront of efforts to combat internet pornography, child sexual abuse material, sexual predation, sex trafficking and cyberbullying since launching America's internet safety movement in 1994.

Protecting children from the dangers of online obscenities, child sex abuse material (CSAM), material harmful to minors, and other exploitative content is of paramount importance and each day that we fail to act is a day that countless children are physically, emotionally, and mentally harmed by this toxic content. Bills like those you are considering today are vitally important to ensure that children are not exposed to the explicit and dangerous content awaiting them with every click of a button.

Since the 1990s, social media has exploded in popularity and accessibility as millions of American children use these platforms for entertainment, education, and communication purposes. As society grows increasingly reliant upon a variety of digital devices including cell phones, tablets, and gaming devices, children grow increasingly vulnerable to online risks. [Forty- three percent of kids](#) aged 8-12 own a smartphone (57% a tablet), while 88% of children aged 13-18 own a smartphone (36% a tablet). [Ninety- five percent](#) of 13–17-year-olds use social media. With this explosion in the use of such devices, evolving social media and app platforms, and expanded public Wi-Fi availability, children and teens have easy, free and unrestricted access to all kinds of harmful content including prosecutable obscenity like hard-core and extreme content depicting graphic sex acts, rape, strangulation, and violence; even material depicting the sexual abuse or rape of children.

Contrary to what many think, this harmful, explicit, and often illegal material doesn't exist only on the dark web or behind paywalls. Rather, this material is free, unfettered and easily accessible to every child with access to a smartphone, laptop, gaming console, or other internet enabled device. And it isn't just at home. Rather, anytime a child goes to a friend's house, the local coffee shop, restaurants, malls, and anywhere that has public WiFi, they have the potential to be exposed to harmful content. Children even have access to pornography in our schools. In a 2022 Common Sense Media study 31% of the teens surveyed said they watched porn while in school (in person); and 44% said they watched it on a school owned or issued device.

For decades, the pornography industry has been given a free pass to distribute obscene content online accessible to anyone, including children, thus profiting from the knowing distribution of this content; often, blatantly breaking federal obscenity laws. Obscene content that meets the three prong standard pursuant to [Miller v. California](#), 413 U.S. 15 (1973), is illegal under U.S. federal law and has no protection under the First Amendment. Title 18 U.S.C. Chapter 71 §§1460-1470, prohibits distribution of such obscenity, including via the internet and other digital means. In 1998, the Supreme Court affirmed in [Reno v ACLU](#) that “[t]ransmitting obscenity and child pornography (CSAM), whether via the internet or other means, is already illegal under federal law for both adults and juveniles.” In [Free Speech Coalition v. Paxton](#), a more recent argument before the Supreme Court, all parties acknowledged the existence of a “compelling government interest” in protecting the physical and psychological well-being of minors, which includes shielding them from indecent and obscene content. The parties further agreed that even explicit content that is

protected for consenting adults is harmful to minors, and thus, the government's "compelling interest" still exists, leading the attorneys for the adult entertainment industry to recognize the need for implementing filtering and other protective measures to protect minors from such harmful content.

The exposure of children to internet pornography is harming their developing brains. "Pornography consumption is associated with decreased brain volume in the right striatum, decreased left striatum activation, and lower functional connectivity to the prefrontal cortex." ([Journal of the American Medical Association Psychiatry – 2014](#)). [Peer-reviewed research](#) and medical science shows that internet pornography is a fueling factor in the sexual exploitation and abuse of children. Seventy- three percent of teens age 13 to 17 have watched pornography online. More than half (54%) reported first seeing pornography by the time they reached the age of 13 ([Common Sense Media, "Teens and Pornography, 2023](#)). Even more disturbing is the fact that 45% said porn gave them helpful information about sex; while 27% said porn showed an accurate representation of how people have sex.

The necessity of protecting minors from harmful content extends beyond just pornography. While that is certainly hugely important children are also exposed on these platforms to other harmful materials including body shaming, choking challenges, drug use, suicide, cutting and other harmful content, all leading to a mental health crisis in this country. Former U.S. Surgeon General Vivek Murthy recently stated that the risk of potential harm to children from the use of social media is the "defining public health challenge of our times"; a statement clearly supported by copious data. A JAMA Psychiatry [2019 study](#) showed that teens who spend more than 3 hours/day on social media are more likely to suffer from mental health issues like depression, anxiety, aggression, and antisocial behavior. This same study showed teens now spend up to 9 hours/day on social platforms.

Social media sites and web platforms push this information on our youth through algorithms and formulas designed to market this information to children based on searches, "likes", and other data collected on these children by web platforms. In 2022 alone, social media generated [\\$11 billion](#) in ad revenue from U.S. teens aged 13 to 17. Meta assigns a "lifetime value" of [\\$270](#) per 13-year-old user. With the amount of money these companies make off our children it is no wonder that [\\$90 million](#) has been spent in recent years to block legislation aimed at protecting minors from online harmful content.

Even if there were no national security issues with Tik Tok there would remain the fact that the content on the U.S. based version is not safe for minors. Compare, for example, Douyin, the Chinese version of Tik Tok, versus the U.S. version. Douyin uses age-verification requirements, sets time limits based on age, restricts creation of accounts based on age, shuts down after 10pm, and shows only the very best of Chinese culture, promotes education, and praises the Chinese government. Alternatively, the U.S. version pushes content to teens on how to date an older man, how to turn a super soaker into a bong, or how to use a sex toy. In an interview with [60 Minutes](#), Tristan Harris, co-founder of Center for Humane Technology, said "It's almost like [Chinese company Bytedance] recognize[s] that technology's influencing kids' development, and they make their domestic version a spinach TikTok, while they ship the opium version to the rest of the world".

Protecting our children from such harmful and exploitative material is no longer optional, rather an obligation we can no longer ignore. We will lose an entire generation of children. Age verification is required to purchase adult content, obtain a driver's license, buy alcohol and cigarettes, legally vote, and serve in our nation's military. Certainly, this same standard of care should be applied to protecting our most vulnerable citizens- namely children. And despite what

the pornography industry says, age verification technologies have improved throughout the years and are effective tools in the fight to protect children from the evils of pornographic online content. To date, [19 states](#) have enacted age verification laws, leading to PornHub's decision to cease operations in [13](#) of them. It is my hope that North Dakota will follow. I urge you to PASS Senate Bill 2380.

Thank you! I stand for questions.