



**International Centre for Missing and Exploited Children (ICMEC) - North Dakota SB 2380
Testimony**

Hearing Date: February 10, 2025

Thank you for the opportunity to speak today. My name is Bob Cunningham, and I am the Director of Policy Engagement for the International Centre for Missing & Exploited Children (ICMEC, see icmec.org). ICMEC is a global organization dedicated to protecting children from abduction, exploitation, and abuse. We have provided training to law enforcement agencies across the world, including more than 160,000 individuals from 128 countries, to combat the exploitation of children and work with governments, industry members, and NGOs to create a safer world for children.

The explosion of internet use by children, for better and worse, is a defining feature of our society today. Protecting children from online harm in our view should be a shared responsibility among families, governments, businesses, and nonprofit organizations. Debates on how best to protect children online are occurring around the world. Age verification is a foundational and fundamental element of online protection, as it serves as a critical first step in determining how online businesses should interact with their users and enables families and governments to hold companies accountable. Age verification is also a complex issue, key to child protection but also relevant to adult's rights, the conduct of business, and subject to the limitations of available technology. Adding even further to the complexity, there are different approaches to age verification, each of which has merits and challenges, and none of which represent a perfect or foolproof method. ICMEC is grateful to North Dakota for taking up this critical topic on behalf of children.

With recognition for both the importance and complexity of age verification, ICMEC strongly supports North Dakota Senate Bill No. 2380, which would implement a device-based age verification and assurance mechanism to protect children from accessing mature content.

We do not believe that any kind of age verification will on its own solve the problem of how we as a society can best protect children online. However, though it is far from a solution on its own, it is an important step in the right direction. At ICMEC we recognize that this is a complex issue and ultimately it is for others to weigh up all the wider implications of actions that as a society we take to protect children. However, our contribution to this debate and to your legislative deliberations is to give you our view on what is likely to be the most effective approach to age verification based on the simple test of how we expect it to support the effective protection of children from harm .



Every child deserves to grow up in a safe online environment, and we believe this bill is a significant step towards achieving that goal.

Device-based age verification is an industry-wide solution that holds all online services accountable in the online journey of a child. When it comes to child protection, it should be the responsibility of each member of the digital ecosystem to keep children safe online – from the device manufacturer and operating system, to the app and website – to ensure a uniform and effective age verification system that protects even the most vulnerable of children.

Device-based age verification required by SB 2380 is technically feasible. When a user activates their device, the user would be required to verify their age by the device's operating system. The device's operating system would then securely store the user's age locally on the individual device. Most modern smartphones already include what are known as "Secure Enclaves" to store our most sensitive information, which can easily deliver this age signal via an API when age verification is needed.

When a user attempts to access a website containing adult content, the user's operating system would share a user's age status with the applicable website or app through a secure Application Programming Interface (API), providing the website with a response on whether the user meets the defined age thresholds to access the platform. An API is a set of protocols that allow software programs to communicate and access specific data points from other operating systems, applications, or services. The API is a fundamental part of modern technology, invented in the 1950s and in common practice since the 1970s. This API integration provides websites with the functionality to request information, including age information, directly from the device's operating system without requiring the website to authenticate the personal information of the user, without disclosing their identity.

Additionally, current hardware and software systems are already beyond the maturity level required to deploy a device-based age assurance solution. Apple, Inc., one of the leading operating systems and technology companies, already maintains a Wallet API that is capable of age determination and signal sharing. Major operating systems and device manufacturers already have the technology in place to determine a user's age, and most even allow users to store their identification cards in digital wallets. In certain states, even the Transportation Security Administration (TSA) [accepts](#) Digital IDs stored in Apple Wallet, Google Wallet, and Samsung Wallet.

Device-based age assurance is technically feasible and relies on practices and technology that have been in place for decades. Keeping children safe online is a universal priority. This bill addresses a pressing need to protect children from mature content in a way that will be more



effective and less intrusive than traditional state -specific age verification laws that require verification on a per-website basis.

One of the biggest shortcomings of per-website age verification is the opportunity for circumvention. Through simple actions like using a basic VPN service, children can circumvent the anticipated protections and access prohibited sites.

Device-based age verification reduce these circumstances in which a minor can circumvent the anticipated protections.

This bill will provide a critical tool to protect vulnerable children in North Dakota. By requiring the verification of age through the device's operating system and providing websites with a digital signal, it presents a unified approach to age assurance that can help limit children's access to mature content on both adult content sites and social media sites and apps.

North Dakota's leadership in passing this bill will set an example for other states and will demonstrate a clear commitment to protecting children and upholding their rights while maintaining constitutionality.

ICMEC stands ready to support the implementation of this bill through our expertise, resources, and global network. We are committed to working with North Dakota to ensure its success.

I urge you to pass Senate Bill 2380 and prioritize the safety and wellbeing of children.

Thank you for your time and consideration. I am happy to answer any questions and provide further information on how this bill aligns with global practices in child protection. Let us work together to create a safer future for all children. Thank you.

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