2025 HOUSE JUDICIARY

HB 1561

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1561
2/4/2025

A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

10:05 a.m. Vice-Chairman Vetter opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Vice-Chairman Karls, Representatives Henderson, VanWinkle

Discussion Topics:

- Similar legislation in other states
- Age requirement to view online sexual material

10:05 a.m. Representative Steve Swiontek, North Dakota Representative for District 10, introduced the bill.

10:16 a.m. Lieutenant Governor Michelle Strinden, Lieutenant Governor for the State of North Dakota, testified in favor and provided testimony #34003.

10:22 a.m. Elin Alm, Director of Consumer Protection and Antitrust Division for the Office of the Attorney General, testified in favor and provided testimony #34389.

10:34 a.m. Mark Jorritsma, Executive Director of North Dakota Family Alliance Legislative Action, testified in favor and provided testimony #33506.

10:36 a.m. Rebecca Preussler and Katelyn Michelson, Psychologists at Sanford Health, testified in favor and provided testimony #34405.

Additional written testimony:
Andrea Placher, President of the North Dakota Library Association, submitted testimony in favor #34079
Cindy Aaser, Director of the Hazen Public Library, submitted testimony in opposition #33272
Pamela Carswell, Minot, North Dakota, submitted testimony in opposition #33938

10:43 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

HB1561

In opposition of this bill. Libraries already are mandated by federal law that there are filters on internet access for everyone using public computers. These filters already block sites that are inapporipate. There is no need to have another law in place since there is already a federal law in place.

Parents need to take responsibility for what their children are viewing or looking at.

NORTH DAKOTA Family Alliance LEGISLATIVE ACTION

Faith · Family · Freedom

Testimony Supporting House Bill 1561

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 4, 2025

Dear Chairman Klemin and honorable members of the House Judiciary Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1561 and respectfully request that you render a "DO PASS" on this bill.

Our organization and its constituents feel strongly that we must eliminate child access to obscene and pornographic materials from online sources. I have heard time and again that parents worry about what their children see on internet sites, despite ad blockers, malware suppression programs, and software designed to let parents prevent their child's access to these types of sites.

There is ample evidence of the harm from pornography and obscenity (hereafter collectively "pornography"), particularly as it relates to children, such as: "increased rates of depression, anxiety, acting out and violent behavior, younger age of sexual debut, sexual promiscuity, increased risk of teen pregnancy, child sex abuse, sexual trafficking, and a distorted view of relationships between men and women."[1] It would seem that ensuring our children do not have access to these materials, while simultaneously ensuring that companies producing and displaying it do not have their constitutional rights violated, would be the best possible solution. That is precisely what this bill seeks to do.

House Bill 1561 would require age verification for accessing pornographic materials. There are currently "age verification" mechanisms for internet pornography sites, but these are self-regulated by the companies and consist of no more than clicking a button that says the viewer is over 18 years of age. That is hardly any type of effective age verification. Instead, this bill would require a government-issued document or other independent digital source of age verification.

[1] American College of Pediatricians. https://acpeds.org/position-statements/the-impact-of-pornography-on-children

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A second major feature of this bill is that civil action may be brought against companies who violate this law. It puts teeth into the bill, which is refreshing and creates greater incentive for compliance.

That being said, I would like to address some of the concerns expressed about this bill. First, we have heard the adage that we should not get to decide what children read and see. However, we decide what children can read and see all the time. This includes restricting children from watching R-rated movies, seeing the covers of pornographic magazines in stores, deleting phishing scam emails at the server level before they ever reach your inbox, or even stopping threats to public safety such as shutting down internet sites that contain detailed plans on terrorist training. We (and our government) are able to, and in certain cases are morally obligated to, restrict what others can see or read. On top of all that is the fact that parents are the final arbiters of what happens to their children.

Another objection to this type of legislation is the assertion that it is the job of a parent/legal guardian to filter content for their child. We agree, however, children can be exposed to pornography their parents wouldn't approve of before the parents even discover it. In other words, you can't opt out your child from accessing pornographic materials if you don't know where it might exist, and companies who produce these materials have no compulsion nor incentive to inform parents of this. Further, if a child locates a source of pornography, it is very likely that they will at some point share that content with their best friend and perhaps others their age. In fact, experience and an understanding of child social dynamics suggests that the more enticing the subject matter, the higher the likelihood it will be shared.

This bill has nothing to do with trampling constitutional rights or trying to have our children grow up in a bubble. This bill has everything to do with protecting our children from pornography and having their innocence stolen from them by inappropriate materials.

Protecting children from this type of content is something that we at North Dakota Family Alliance Legislative Action agree with wholeheartedly. Because of this reason, we ask that you render a "DO PASS" on House Bill 1561.

Thank you for the opportunity to testify and I would be happy to stand for any questions.

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Against 1561

Dear: Rep. Swiontek, Sen. Axtman, Rep. Bosch, Rep. Fisher, Sen. Hogan, Rep. Karls, Sen. Lee, Sen. Myrdal, Rep. Nelson, Rep. Novak, Rep. Pyle

This bill aims to ensure minors don't see inappropriate things, but whose to say what inappropriate? THE PARENTS! If I feel something's inappropriate, I tell my children NO. I control my children's access to the Internet. Parents need to be parents. Kids are always going to be curious and do something they are not supposed to do. That should not lead to criminal charges for adults. Have you not heard of grounding the child? Taking away privileges? Asked to do more chores?

Will parents be sent to jail because their kid got around a filter and on to a porn site on their phone? Will movie theater workers be getting a criminal record over sneaky teenagers? Librarians jailed over a paperback novel a kid reads? What happens if a child gets into a cable channel not meant for their eyes? What happens if salacious news comes on the TV in public? Will we be jailing the newcaster, the cable installers or how about the Netflix stars of mature content? How will this be fairly applied? Where does it end?

This bill is ridiculous! Your political party claims to be one of individual rights. Stop stomping on mine and my childrens'.

If we truly wish to protect our children sexually, vote against HB1231 and not allowing sex offenders to get off registries early! Prosecute actual child abuse offenders like Ray Holmberg.

Pamela Carswell

Literate North Dakotan

Sensible Mother of three teenagers

9/11 Survivor Spouse

House Bill 1561
Lt. Governor Michelle Strinden
House Judiciary Committee
Rep. Lawrence Klemin, chair
February 4, 2025
Room 327 B

Good morning, Chair Klemin and members of the House Judiciary Committee. For the record, my name is Michelle Strinden, Lieutenant Governor for the State of North Dakota. I am here to provide our administration's support for House Bill 1561.

Ensuring the safety of our children from harmful sexual content is critically important to protect their innocence and long-term well-being. House Bill 1561 is about protecting our children and young adults under the age of 18 from exposure to harmful sexual content. This legislation addresses the liability of commercial entities in North Dakota for publishing or distributing sexual material harmful to minors. It also establishes age verification requirements for access to such materials, defines key terms, and outlines penalties for non-compliance.

House Bill 1561 ensures that commercial entities verify the age of individuals accessing explicit sexual material to be at least 18 years old, thereby protecting minors from inappropriate content. We support the efforts of Representative Swiontek in bringing this bill forward and we support a do pass recommendation on House Bill 1561.

NDLA
North Dakota Library Association
Advocacy | Growth | Community

February 3, 2025

Chairman Klemin and Members of the House Judiciary Committee,

My name is Andrea Placher, and I am the President of the North Dakota Library Association (NDLA). The NDLA is a professional organization that represents library employees and supporters from various types of libraries, including school, public, academic, and special libraries throughout North Dakota. Our membership is diverse and includes librarians, library staff, trustees, and friends associated with libraries of all types and sizes.

Today, I am testifying on behalf of our association in support of HB 1561. Library staff are dedicated to protecting minors from obscene content, a responsibility we take very seriously. We accomplish this through the development and implementation of policies and procedures related to internet access, computer use, collection development, and patron conduct.

As an association, we proudly advocate for libraries and the communities they serve.

Thank you for your consideration.

Andrea Placher

President | North Dakota Library Association

HOUSE JUDICIARY COMMITTEE
LAWRENCE R. KLEMIN, CHAIRMAN

TESTIMONY OF ELIN ALM
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1561

Mr. Chairman, members of the House Judiciary Committee.

I am Elin Alm, Director of the Consumer Protection and Antitrust Division of the Attorney General's Office, and I appear on behalf of the Attorney General in support of House Bill 1561.

This bill is about protecting North Dakota children from pornographic content online. If enacted, it will restrict children from accessing such websites, whether it is by accident, referral, curiosity, or purpose. This proposed legislation requires that an owner of a website containing harmful sexual material must verify, by using a reasonable age verification method, that the visitor is not a minor before allowing access to the website. Websites are not required to verify a visitor's *specific age*, but simply whether the individual falls above or below the 18-year-old threshold.

Online age verification before accessing websites is not a novel idea, as it is employed by other businesses such as gambling, alcohol, tobacco, or vaping retailers that are required to comply with applicable state laws regarding minimum age requirements. Retailers are restricted from distributing other harmful products to minors, and this bill will add a similar age restriction on the online distribution of sexual material that is harmful, inappropriate, or offensive to minors.

Nineteen other states[1] have recently passed laws mandating that pornography websites verify their users' ages. House Bill 1561 is primarily modeled on the law enacted in Utah that took effect in March of 2023 and that has withstood legal challenges.[2] This bill vests enforcement authority with private citizens, such as parents and guardians of a child that was allowed access to a pornography website or a user whose identifying information was unlawfully retained, through a private civil action. The bill does not provide for enforcement by the State.

This law will only apply to commercial entities that knowingly publish or distribute sexual material harmful to a minor, on the internet, from a website where one-third of the total material is sexual material harmful to a minor. It does not apply to any news or public interest broadcast, website video, report, or event. It also does not apply to internet service providers, search engines, app stores, or cloud service providers who solely provide access to internet content but who are not responsible for the creation of the content. This law is intended to apply only to what would be considered a pornographic website.

To comply with the bill, a website would have to use a "reasonable" age verification method. Online age verification or age check has historically been more of an honor system, where the user must click on a box that says "I'm over 18" to gain access to a website. However, digitized ID is now becoming more realistic through the

[1]Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, Utah, and Virginia.
[2]*Free Speech Coalition v. Anderson*, 685 F.Supp.3d 1299 (D. Utah 2023); *Free Speech Coalition v. Anderson*, 119 F.4th 732 (10th Cir. 2024).

development of applications that can interact with a website to provide remote verification of the website user's age. This bill requires the use of either (1) a digitized identification card, or (2) a commercial age verification system, as further defined in the bill. The idea is that digitized ID can be created through an age verification mobile app that can operate independently from the website where it is used. Such an app can also be agnostic to which website a person is using. Although North Dakota currently does not have digitized ID, it is anticipated and realistic that the demand for such IDs from this and similar types of legislation around the country will result in the development of mobile applications that can meet the demand and the requirements of the law. Additionally, the definition of "reasonable age verification methods" in House Bill 1561 includes the term "commercially reasonable method," which is a somewhat flexible term that has the ability to adjust with time and technology.

House Bill 1561 protects the user's privacy and security by prohibiting the entity performing the age verification from retaining the information used to verify age after access to the website has been granted. This prohibition will reduce the risk to the website user's privacy and security from potential data breaches. This provision also prevents the entity from using or selling the personal information for financial gain such as targeted advertisement. Further, it precludes disclosure of the website user's identity or personal information to government agencies.

This law is not intended to undermine the rights of adults who visit these websites. However, we know that children are accessing pornographic websites at an alarming

rate.[3] The Attorney General believes that this bill, if enacted, will help protect children from accessing harmful and inappropriate content, and from the variety of harmful effects that online pornography can have on underage viewers, including sexism and objectification, sexual aggression or violence, sexual promiscuity, negative self-esteem, and mental health issues.

Therefore, the Attorney General supports a "Do Pass" recommendation on House Bill No 1561. Thank you for your time and consideration.

[3]A Common Sense Media survey of teenagers aged 13-17 found 73% reporting seeing online pornography(https://www.commonsensemedia.org/kids-action/articles/teens-are-watching-pornography-and-its-time-to-talk-about-it)

SANFORD HEALTH

House Judiciary Committee
Representative Lawrence Klemin, Chair
February 4, 2025
HB 1561

Chairman Klemin and members of the House Judiciary Committee. I Rebecca Preussler, a board-certified pediatric psychologist with Sanford Health Fargo. I am testifying in support of House Bill 1561.

Thank you for your consideration of this legislation protecting minors from the harm caused by exposure to pornography at a young age.

According to a recent survey[1], 73 percent of adolescents aged 13-17 reported seeing pornography online and 15 percent reported they first saw online pornography at age 10 or younger. This is concerning. Childhood and adolescence are critical stages in the development of a healthy sexual identity. Pornography can interfere with this process by presenting overly sexualized, often objectified portrayals of people, which can affect how children and teens view themselves and others.

Research on the influences of pornography on young people show several negative outcomes, including:

- **Increased sexual aggression** (Wright, Paul & Herbenick, 2021). Early exposure to pornographic materials can create addictive behaviors or unrealistic sexual expectations, which may affect their emotional development and social relationships.
- **Anxiety, depression, and reduced well-being** (Kohut & Štulhofer, 2018). Early exposure to explicit content can be distressing for children, causing confusion, shame, or anxiety. It can also lead to increased feelings of guilt or fear, especially if the child feels they are doing something wrong.
- **Interpersonal relationship problems** (Wright et al., 2021). Pornography often depicts unrealistic and sometimes harmful portrayals of relationships and sex, which can distort a

[1] https://www.commonsensemedia.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf

child's understanding of healthy, consensual relationships. This can affect how they perceive intimacy and influence their future behaviors in relationships.

- **Dangerous sexual behaviors** (e.g., choking, name-calling, etc.), particularly among boys (Wright et al., 2021). Research suggests that exposure to pornography at a young age may lead to earlier sexual activity and risky sexual behaviors.

Enacting laws to protect children from the negative impacts of pornography is important and I encourage you to vote yes on HB 1561.

Thank you for your consideration. I would welcome any questions you might have.

Sincerely,
Rebecca Preussler, Psy.D.
Sanford Fargo Ethics Committee
Rebecca.Preussler@sanfordhealth.org

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1561
2/5/2025

A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

3:56 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, S. Olson, Satrom, Tveit, Wolff, Schneider

Members Absent: Representatives Johnston, McLeod, VanWinkle

Discussion Topics:

- Committee action

3:58 p.m. Representative Hoverson moved a Do Pass.

3:58 p.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	A
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

4:02 p.m. Motion passed 11-0-3

4:02 p.m. Representative Hoverson will carry

4:03 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1561 (25.0968.02000)

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1561 was placed on the Eleventh order on the calendar.

2025 SENATE INDUSTRY AND BUSINESS

HB 1561

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee
Fort Union Room, State Capitol

HB 1561
3/18/2025

A bill relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

2:30 p.m. Chairman Barta opened the hearing.

Members present: Chairman Barta, Vice-Chair Boehm, Senator Klein, Senator Kessel, Senator Enget

Discussion Topics:

- Adult entertainment sites
- Age-verification requirements
- Other state's statues
- Digitized ID and commercial age verification system
- User data privacy and protection
- Enforcement and civil legal action
- App store inclusion
- Harmful effects on child development
- Parental responsibility
- Addiction
- First amendment rights and infringement
- VPNs, proxy servers, and loopholes

2:30 p.m. Representative Swiontek, District 10, testified in favor and introduced the bill.

2:37 p.m. Michelle Strinden, Lieutenant Governor, Office of the Governor, testified in favor and submitted testimony #42361.

2:38 p.m. Elin Alm, Director of the Consumer Protection and Antitrust Division, Attorney General's Office, testified in favor and submitted testimony #42827.

2:51 p.m. Terri Effertz, Tech ND, testified in favor.

2:54 p.m. Mark Jorritsma, Executive Director, ND Family Alliance Legislative Action, testified in favor and submitted testimony #42568.

2:59 p.m. Anna Frissell, employee and board members, Youthworks and Children's Advocacy Centers of ND, testified in favor and submitted testimony #42694.

3:07 p.m. Dr. Kristi Cedars, Pediatric Psychologist, Sanford Health, testified in favor and submitted testimony #42507.

3:12 p.m. Cody Schuler, American Civil Liberties Union of ND, testified in opposition.

3:30 p.m. Representative Swiontek, District 10, answered the committee's questions.

Additional written testimony:

John Rodenbiker, resident of Fargo, ND, submitted testimony #42811 in opposition.

Brandon Prichard, Chair, ND Young Republicans, submitted testimony #42850 in favor.

3:37 p.m. Chairman Barta closed the hearing.

Audrey Oswald, Committee Clerk

House Bill 1561
Lt. Governor Michelle Strinden
Senate Industry & Business Committee
Sen. Jeff Barta, chair
March 18, 2025
Fort Union Room

Good afternoon, Chair Barta and members of the Senate Industry & Business Committee. For the record, my name is Michelle Strinden, Lieutenant Governor for the State of North Dakota. I am here to provide our administration's support for House Bill 1561.

Ensuring the safety of our children from harmful sexual content is critically important to protect their innocence and long-term well-being. House Bill 1561 is about protecting our children and young adults under the age of 18 from exposure to harmful sexual content. This legislation addresses the liability of commercial entities in North Dakota for publishing or distributing sexual material harmful to minors. It also establishes age verification requirements for access to such materials, defines key terms, and outlines penalties for non-compliance.

House Bill 1561 ensures that commercial entities verify the age of individuals accessing explicit sexual material to be at least 18 years old, thereby protecting minors from inappropriate content. We support the efforts of Representative Swiontek in bringing this bill forward and we support a do pass recommendation on House Bill 1561.

SANFORD HEALTH

Senate Industry and Business Committee
Senator Jeff Barta, Chair
March 18, 2025
HB 1561

Chairman Barta and members of the Senate Industry and Business Committee. I am Kristi Cedars, a licensed pediatric psychologist with Sanford Health Fargo. I am testifying in support of House Bill 1561.

Thank you for your consideration of this legislation protecting minors from the harm caused by exposure to pornography at a young age.

According to a recent survey[1], 73 percent of adolescents aged 13-17 reported seeing pornography online and 15 percent reported they first saw online pornography at age 10 or younger. This is concerning. Childhood and adolescence are critical stages in the development of a healthy sexual identity. Pornography can interfere with this process by presenting overly sexualized, often objectified portrayals of people, which can affect how children and teens view themselves and others.

Research on the influences of pornography on young people show several negative outcomes, including:

- **Increased sexual aggression** (Wright, Paul & Herbenick, 2021). Early exposure to pornographic materials can create addictive behaviors or unrealistic sexual expectations, which may affect their emotional development and social relationships.
- **Anxiety, depression, and reduced well-being** (Kohut & Štulhofer, 2018). Early exposure to explicit content can be distressing for children, causing confusion, shame, or anxiety. It can also lead to increased feelings of guilt or fear, especially if the child feels they are doing something wrong.
- **Interpersonal relationship problems** (Wright et al., 2021). Pornography often depicts unrealistic and sometimes harmful portrayals of relationships and sex, which can distort a child's understanding of healthy, consensual relationships. This can affect how they perceive intimacy and influence their future behaviors in relationships.
- **Dangerous sexual behaviors** (e.g., choking, name-calling, etc.), particularly among boys (Wright et al., 2021). Research suggests that exposure to pornography at a young age may lead to earlier sexual activity and risky sexual behaviors.

[1] https://www.commonsensemedia.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf

Enacting laws to protect children from the negative impacts of pornography is important and I encourage you to vote yes on HB 1561.

Thank you for your consideration. I would welcome any questions you might have.

Sincerely,
Kristi Cedars, Ph.D.
Sanford Health Fargo
Kristilynn.Cedars@SanfordHealth.org

NORTH DAKOTA Family Alliance LEGISLATIVE ACTION

Faith · Family · Freedom

Testimony Supporting House Bill 1561

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 18, 2025

Dear Chairman Barta and honorable members of the Senate Industry and Business Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1561 and respectfully request that you render a "DO PASS" on this bill.

Our organization and its constituents feel strongly that we must eliminate child access to obscene and pornographic materials from online sources. I have heard time and again that parents worry about what their children see on internet sites, despite ad blockers, malware suppression programs, and software designed to let parents prevent their child's access to these types of sites.

There is ample evidence of the harm from pornography and obscenity (hereafter collectively "pornography"), particularly as it relates to children, such as: "increased rates of depression, anxiety, acting out and violent behavior, younger age of sexual debut, sexual promiscuity, increased risk of teen pregnancy, child sex abuse, sexual trafficking, and a distorted view of relationships between men and women."[1] It would seem that ensuring our children do not have access to these materials, while simultaneously ensuring that companies producing and displaying it do not have their constitutional rights violated, would be the best possible solution. That is precisely what this bill seeks to do.

House Bill 1561 would require age verification for accessing pornographic materials. There are currently "age verification" mechanisms for internet pornography sites, but these are self-regulated by the companies and consist of no more than clicking a button that says the viewer is over 18 years of age. That is hardly any type of effective age verification. Instead, this bill would require a government-issued document or other independent digital source of age verification.

[1] American College of Pediatricians. https://acpeds.org/position-statements/the-impact-of-pornography-on-children

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A second major feature of this bill is that civil action may be brought against companies who violate this law. It puts teeth into the bill, which is refreshing and creates greater incentive for compliance.

That being said, I would like to address some of the concerns expressed about this bill. First, we have heard the adage that we should not get to decide what children read and see. However, we decide what children can read and see all the time. This includes restricting children from watching R-rated movies, seeing the covers of pornographic magazines in stores, deleting phishing scam emails at the server level before they ever reach your inbox, or even stopping threats to public safety such as shutting down internet sites that contain detailed plans on terrorist training. We (and our government) are able to, and in certain cases are morally obligated to, restrict what others can see or read. On top of all that is the fact that parents are the final arbiters of what happens to their children.

Another objection to this type of legislation is sometimes the assertion that it is the job of a parent/legal guardian to filter content for their child. We agree, however, children can be exposed to pornography their parents wouldn't approve of before the parents even discover it. In other words, you can't opt out your child from accessing pornographic materials if you don't know where it might exist, and companies who produce these materials have no compulsion nor incentive to inform parents of this. Further, if a child locates a source of pornography, it is very likely that they will at some point share that content with their best friend and perhaps others their age. In fact, experience and an understanding of child social dynamics suggests that the more enticing the subject matter, the higher the likelihood it will be shared.

This bill has nothing to do with trampling constitutional rights or trying to have our children grow up in a bubble. This bill has everything to do with protecting our children from pornography and having their innocence stolen from them by inappropriate materials.

Protecting children from this type of content is something that we at North Dakota Family Alliance Legislative Action agree with wholeheartedly. Because of this reason, we ask that you render a "DO PASS" on House Bill 1561.

Thank you for the opportunity to testify and I would be happy to stand for any questions.

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Senate Industry and Business Committee
House Bill 1561
Testimony In Favor
Anna Frissell
Youthworks and Children's Advocacy Centers of North Dakota

Honorable Chairman Barta, distinguished members of the Senate Industry and Business Committee, thank you for the opportunity to testify today. My name is Anna Frissell and I am here today as a representative of the Board of Children's Advocacy Centers of North Dakota and an employee of Youthworks of North Dakota, as well as, a member of the Legislative Task Force for the Prevention of Child Sexual Abuse. Finally, I am a past Executive Director of a North Dakota Children's Advocacy Center and a former North Dakota and Minnesota prosecutor. I am testifying in support of House Bill 1561.

The organizations that I represent work very hard to protect and heal children from injuries caused by the acts done to them by others. House Bill 1561 is an opportunity to set up a barrier between our children and pornographic material, by requiring commercial entities to verify the age of anyone accessing explicit sexual material to be at least 18 years of age. House Bill 1561 is a tool in our arsenal to protect kids from exposure to the publishing and distribution of harmful sexually explicit content.

At the February 4, 2025, House Judiciary hearing on this bill, Rebecca Preussler, Board Certified Pediatric Psychologist, Sanford, shared with the Committee that 73 percent of adolescents aged 13-17 reported seeing pornography online and 15 per cent said they saw it for the first time at age 10 or younger.

There is much research about the harm done to children from exposure to pornography, or sexually explicit material. Research tells us that early exposure to sexually explicit material leads to many negative problems for kids, including disruptive behaviors, anxiety, depression, and early, risky sexual activity, even

suicide attempts (Early Exposure to Pornography: A Form of Sexual Trauma, Journal of Psychiatry Reform, Vol. 10, #15, December 7, 2021).

At Children's Advocacy Centers, we see many situations where children are engaged in risky, problematic sexual behavior at young ages. Granted, one cannot always conclude that there is one identifiable "cause" for the behavior but exposure to sexually explicit material certainly may be involved.

In an article entitled, The Impact of Pornography on Children, pub. American College of Pediatricians, August 2004, the author noted, "that over the past decade there has been a large increase in the pornographic material that is available to adults and children". The article goes on to discuss the high number of youth exposed to pornography and its potential impact on these kids, not only those impacts mentioned above, but also that prolonged exposure to pornography can increase maladaptive sexual behavior, including sexually abusing children.

In the article mentioned above entitled, Early Exposure to Pornography: A Form of Sexual Trauma, the author opines the exposure to sexually explicit material by a young mind can cause trauma, leading to long-term problems like those mentioned earlier (depression, anxiety, etc.) and, ultimately leading to the need for psychotherapy or other interventions. It is difficult to generalize the consequences for all children and their families from the exposure to sexually explicit material, but we know there is an actual cost for interventions to try and help the child through the harm resulting from the exposure and research supports that the consequences can be severe.

I know of an adult male who had exposure to pornography at an early age. He said he spent his elementary and middle school years with access to sexually explicit material on his home computer when his parents thought he was studying. He reports as an adult to having difficulty with interpersonal relationships, self-esteem and self-loathing. I am not a therapist so I may be

over-simplifying his situation. I do know that he feels in adulthood he is paying a heavy price for those early years of unregulated access to sexually explicit material.

I believe that everyone has felt some concern about the content that their children or grandchildren can access on computers. I also know that some people feel that parents should monitor the online access of their children, and if so, laws like this would not be necessary. It is important to remember that if this bill passes, parents will still need to interact with their children about accessing computer information, and hopefully, give their kids the building blocks to make good decisions when away from home or as young adults. However, the statistics that Dr. Preussler testified to demonstrate that access to sexually explicit material on a computer by young children is not easy for parents to monitor and stop and the easy access to sexually explicit material is a pervasive and serious problem.

I want to thank the bill sponsor, Representative Swiontek, and co-sponsors, for presenting the legislature with an opportunity to attack this societal problem, using civil penalties to provide remedies or financial redress for the wrongs done when there is unregulated access is to sexually explicit material by our young children

Committee members: I write asking you to oppose HB1561.

There are no reasonable age verification methods for accessing the Internet. Age verification methods on the Internet attack the privacy and security of minors and adults.

HB1561 is bad for business. It demonstrates naive assumptions about how the Internet works. It is nanny-state overreach into business operations. It betrays a parochial mindset of how to do business. It is anti-free speech.

This type of legislation was found to be unconstitutional in 2004s Ashcroft vs ACLU. Nothing has fundamentally changed since that ruling.

Forward thinking companies will think twice about doing business in ND whether or not they produce adult content if HB1561 passes.

Additionally, HB1561 has the exact same energy as SB2307.

Both bills wants to put 1st-Amendment protected speech behind a locked door, creating unreasonable barriers to legal access.

Again: There are no reasonable age verification methods for accessing the Internet. Age verification methods on the Internet attack the privacy and security of minors and adults.

What this bill will do is force law-abiding businesses end service to North Dakota entirely. It will tell legitimate businesses to stay out, that North Dakota is not a good place to hang your shingle. Publishers and businesses that dont care about this law or who are not in jurisdiction wont change. Minors will still be able to access content from all over the Internet. And adults will have had unreasonable burdens placed on their lawful access to law abiding businesses content.

Once again: HB1561 is a bad for business, naive, nanny-state, parochial, anti-free speech bill.

Parents and guardians should educate their kids and take responsibility for how their kids use the Internet. Apple, Android, and Microsoft devices and services already provide sophisticated content and parental controls on their devices and software. This law is not necessary and will not achieve its goals.

Thank you for your time.

John Rodenbiker
Fargo, ND

SENATE INDUSTRY AND BUSINESS COMMITTEE
JEFF BARTA, CHAIRMAN

TESTIMONY OF ELIN ALM
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1561

Mr. Chairman, members of the Senate Industry and Business Committee.

I am Elin Alm, Director of the Consumer Protection and Antitrust Division of the Attorney General's Office, and I appear on behalf of the Attorney General in support of House Bill 1561.

This bill is about protecting North Dakota children from pornographic content online. If enacted, it will restrict children from accessing such websites, whether it is by accident, referral, curiosity, or purpose. This proposed legislation requires that an owner of a website containing harmful sexual material must verify, by using a reasonable age verification method, that the visitor is not a minor before allowing access to the website. Websites are not required to verify a visitor's *specific age*, but simply whether the individual falls above or below the 18-year-old threshold.

Online age verification before accessing websites is not a novel idea, as it is employed by other businesses such as gambling, alcohol, tobacco, or vaping retailers that are required to comply with applicable state laws regarding minimum age requirements. Retailers are restricted from distributing harmful products to

minors, and this bill will add a similar age restriction on the online distribution to minors of sexual material that is harmful, inappropriate, or offensive.

Twenty other states[1] have recently passed laws mandating that pornography websites verify their users' ages. House Bill 1561 is primarily modeled on the law enacted in Utah that took effect in March of 2023 and that has withstood legal challenges.[2] This bill vests enforcement authority with private citizens, such as parents and guardians of a child that was allowed access to a pornographic website or a user whose identifying information was unlawfully retained, through a private civil action. The bill does not provide for enforcement by the State.

This law will only apply to commercial entities that knowingly publish or distribute sexual material harmful to a minor, on the internet, from a website where one-third of the total material is sexual material harmful to a minor. It does not apply to any news or public interest broadcast, website video, report, or event. It also does not apply to internet service providers, search engines, app stores, or cloud service providers who solely provide access to internet content but who are not responsible for the creation of the content. This law is intended to apply only to what would be considered a pornographic website.

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[1]Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Oklahoma, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia.

[2]*Free Speech Coalition v. Anderson*, 685 F.Supp.3d 1299 (D. Utah 2023); *Free Speech Coalition v. Anderson*, 119 F.4th 732 (10th Cir. 2024).

To comply with the bill, a website would have to use a “reasonable” age verification method. Online age verification or age check has historically been more of an honor system, where the user must click on a box that says “I’m over 18” to gain access to a website. However, digitized ID is now becoming more realistic through the development of applications that can interact with a website to provide remote verification of the website user’s age. This bill requires the use of either (1) a digitized identification card, or (2) a commercial age verification system, as further defined in the bill. The idea is that digitized ID can be created through an age verification mobile app that can operate independently from the website where it is used. Such an app can also be agnostic to which website a person is using. Although North Dakota currently does not have digitized ID, it is anticipated and realistic that the demand for such IDs from this and similar types of legislation around the country will result in the development of mobile applications that can meet the demand and the requirements of the law. Additionally, the definition of "reasonable age verification methods" in House Bill 1561 includes the term “commercially reasonable method,” which is a somewhat flexible term that can adjust with time and technology.

House Bill 1561 protects the user’s privacy and security by prohibiting the entity performing the age verification from retaining the information used to verify age after access to the website has been granted. This prohibition will reduce the

risk to the website user's privacy and security from potential data breaches. This provision also prevents the entity from using or selling the personal information for financial gain such as targeted advertisement. Further, it precludes disclosure of the website user's identity or personal information to government agencies.

This law is not intended to undermine the rights of adults who visit these websites. However, we know that children are accessing pornographic websites at an alarming rate.[3] The Attorney General believes that this bill, if enacted, will help protect children from accessing harmful and inappropriate content, and from the variety of harmful effects that online pornography can have on underage viewers, including sexism and objectification, sexual aggression or violence, sexual promiscuity, negative self-esteem, and mental health issues.

Therefore, the Attorney General supports a "Do Pass" recommendation on House Bill No 1561. Thank you for your time and consideration.

[3]A Common Sense Media survey of teenagers aged 13-17 found 73% reporting seeing online pornography(https://www.commonsensemedia.org/kids-action/articles/teens-are-watching-pornography-and-its-time-to-talk-about-it)

NORTH DAKOTA
YOUNG REPUBLICANS

701-220-0624 P.O. Box 240, Bismarck, ND 58502 Leadership@NDYR.org

TESTIMONY IN SUPPORT OF HB 1561

Chairman Barta and Members of the Industry and Business Committee,

Thank you for the opportunity to testify in support of House Bill 1561, a commonsense and urgently needed piece of legislation that establishes reasonable safeguards to protect children from the harmful and pervasive influence of sexually explicit material on the internet.

As written, HB 1561 requires commercial websites that host content harmful to minors to implement reasonable age verification methods before granting access. It also provides civil recourse for parents and individuals when these protections are not honored.

This bill is not an attempt at censorship. It is a targeted and constitutionally sound effort to hold accountable commercial entities that knowingly profit from hosting or distributing content that is inappropriate and damaging to children—content that is far too easily accessed online with no gatekeeping whatsoever.

As a society, we recognize that children are vulnerable and impressionable. We restrict access to alcohol, tobacco, and even PG-13 and R-rated movies—yet we allow unfettered access to pornographic websites that often contain far more explicit and degrading material. Research has consistently shown that early exposure to such content can have lasting negative impacts on a child's mental, emotional, and relational development, contributing to issues like body image distortion, unhealthy sexual expectations, addiction, and increased risk of sexual exploitation.

Importantly, this bill also gives parents a legal avenue to seek justice if their children are harmed due to noncompliance, something currently lacking in our legal framework.

Children deserve better than a digital landscape where multimillion-dollar companies profit from their exposure to graphic content without consequence. Just as we expect brick-and-mortar establishments to check ID before selling age-restricted material, it is both reasonable and necessary to expect digital content distributors to do the same.

I respectfully urge you to give this bill a "DO PASS" recommendation, and help North Dakota lead the way in protecting our youth and restoring accountability in our online spaces.

Brandon Prichard

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee
Fort Union Room, State Capitol

HB 1561
3/24/2025

A bill relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

2:58 p.m. Chairman Barta opened the hearing.

Members present: Chairman Barta, Vice-Chair Boehm, Senator Klein, Senator Kessel, Senator Enget

Discussion Topics:

- Committee Action
- Age verification

2:58 p.m. Senator Boehm updated the committee on possible amendments proposed.

2:59 p.m. Senator Boehm moved a Do Pass.

2:59 p.m. Senator Klein seconded the motion.

Senators	Vote
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Greg Kessel	Y
Senator Jerry Klein	Y

Motion passed 5-0-0.

Senator Barta will carry the bill.

3:00 p.m. Chairman Barta closed the hearing.

Audrey Oswald, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1561 (25.0968.02000)

Industry and Business Committee (Sen. Barta, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1561 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.