

**2025 SENATE INDUSTRY AND BUSINESS**

**SB 2380**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2380  
2/10/2025

A bill relating to a commercial entity's liability for publishing or distributing mature content; to provide a penalty; and to provide an effective date.

10:00 a.m. Chairman Barta opened the hearing.

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

### Discussion Topics:

- Minors and child impact
- Age verification and methods
- Attorney General and compliance
- Liability and constitutionality
- Parental controls
- Clinical research
- Accessibility and safeguards
- Technical feasibility
- Freedom of speech
- Device based method
- Trauma definition

10:00 a.m. Senator Keith Boehm, District 33, testified in favor and submitted testimony #36593, #36592, #36594, and #36595.

10:07 a.m. John Begeman, Development Manager of Pure Desire Ministries, testified in favor and submitted testimony #36270.

10:15 a.m. Maggie Blaylock, licensed professional counselor and a licensed sexual addiction counselor, testified in favor and submitted testimony #36495 and #36464.

10:24 a.m. Bob Cunningham, Director of Policy Engagement for the International Centre for Missing and Exploited Children, testified in favor and submitted testimony #36541.

10:35 a.m. Iain Corby, The Age Verification Providers Association testified in neutral and submitted testimony #36370.

10:38 a.m. Tom Tracey, testified in favor.

10:43 a.m. Mark Jorritsma, Executive Director of ND Family Alliance Legislative Action, testified in favor and submitted testimony #36460.

10:50 a.m. Deann Reed, resident of West Fargo, testified in favor and submitted testimony #36342.

10:54 a.m. Justin Hill, representing Net Choice, testified in opposition and submitted testimony #36388.

11:08 a.m. Carissa Swenson, Executive Director of the BroadBand Association of ND, testified in opposition and submitted testimony #36402.

11:12 a.m. Caleb Williamson, State Public Policy Council at ACT and the App Association, testified in opposition and submitted testimony #36545.

11:21 a.m. Terri Effertz, Executive Director of Tech ND, testified in opposition and submitted testimony #36395.

11:25 a.m. Kouri Marshall, Director of State and Local Public Policy, testified in opposition and submitted testimony #36550.

11:31 a.m. Dean Grigg, Director of Government Affairs for Enough is Enough, testified in opposition and submitted testimony #36410.

**Additional written testimony:**

Tami Rodriguez Brown, Director of Policy for Jaco Booyen Ministries, submitted testimony #36198 in favor.

Jill Manning, owner of Dr. Jill Manning, PLLC, submitted testimony #36306 and #36448 in favor.

Christy Dodd, Executive Director of Families Flourish ND (PCAND), submitted testimony #36416 in favor.

Kristin R. Sharbono, citizen of Fargo, ND, submitted testimony #36505 in favor.

Ilonka Deaton, survivor with Jaco Booyens Ministries, submitted testimony #36507 in favor.

Jon K. Uhler, Private Practice at the Clinical Therapist and Sex Offender Treatment Provider, submitted testimony #36546 in favor.

Arik Spencer, President and CEO of the Greater ND Chamber, submitted testimony #36590 in opposition.

Rose Feliciano, Executive Director of Technet, submitted testimony #36292 in opposition.

11:35 a.m. Chairman Barta closed the hearing.

*Audrey Oswald, Committee Clerk*

## Testimony Before the North Dakota Senate

*In Support of Senate Bill No. 2380*

Presented by: Tami Brown Rodriguez

Director of Policy, Jaco Booyens Ministries

Honorable Senators,

My name is Tami Brown Rodriguez and I stand before you today not just as the **Director of Policy for Jaco Booyens Ministries**, an organization that fights tirelessly against human trafficking, but as a family member of a **precious girl who was stolen from us, manipulated, and exploited for 15 years**—because our laws did not protect her.

My niece, Dakota, was groomed in school and online. What began as innocent interactions quickly turned into a predator's playground, where traffickers whispered lies, filled her mind with deception, and slowly broke down the barriers that should have kept her safe. She was only **14 years old** when she was taken, lured into a world no child should ever know. **She was trafficked for 15 years**—fifteen years of stolen innocence, fifteen years of unspeakable horror, fifteen years where she was nothing more than a commodity to evil men.

And the horrifying truth is—**she is not the only one.**

The internet has become the most dangerous tool in the hands of traffickers, giving them unrestricted access to our children. They no longer have to lurk in alleyways or parking lots. **Now, they enter our homes through smartphones and laptops.** With a few clicks, they gain direct access to the most vulnerable, exposing them to content that grooms them for exploitation and conditions them to accept abuse as normal.

That is why Senate Bill 2380 is not just **legislation—it is a moral imperative.** This bill is sweeping the nation because leaders across the country **recognize the urgency**—over **18 states have already adopted it.** They understand that **if we do not act, we are complicit in the destruction of our own children.**

North Dakota has a choice today: **stand up and defend your children, or turn a blind eye and allow traffickers to continue their work unchecked.**

I cannot change the past. I cannot erase the years of suffering Dakota endured. But you can **change the future** for the next child. You have the power to stop another family from enduring the agony of **losing their daughter, their son—to the hands of traffickers.** I am begging you—not as a policy director, not as an advocate, but as a heartbroken family member—**do the right thing. Pass Senate Bill 2380. Stand between the predators and the children they seek to destroy. Our kids cannot wait.**

Thank you.





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**Dear Chairman Barta and members of the Industry and Business Committee,**

My name's John Begeman. I'm 27 and I currently live in Portland, Oregon.

But I grew up in Selby, South Dakota, population 642, on a farm/ranch and had a wonderful childhood full of love and opportunities to become all God had created me to be.

**But at the age of nine I was exposed to online pornography** as my mom and I were doing a homework assignment on the one family computer. We were looking for a photo of a flower for a class assignment when an image of a topless woman appeared amidst the Google search. My mother quickly scrolled away as I asked, "what was that?" She replied, "Nothing you need to see."

I was confused and curious. So 30 minutes later, I went back upstairs breaking our family rule of not using the computer alone. I found the image, and as I did my mom walked up the stairs behind me to find me looking at the image again and responded quickly in anger. In honor, she wasn't prepared or equipped to respond in that moment, but in honesty it resulted in immense shame.

Looking back I can now see that I learned 3 things that day:

1. Whatever that was is bad.
2. If I go back, I am bad.
3. So, if I go back, she can never know.

This was my first, memorable experience of shame.

Then at the age of 13 I was given the best and worst gift of my life, in the form of an iPod Touch.

This promised freedom to the world, but only led to slavery as I went back to searching for online pornography as a minor using: Google images, YouTube videos and clicking random links until I came across hardcore porn (videos) for the first time.

Here as a Seventh Grader, I quickly became addicted to pornography and began living two lives, that of the Christian son my parents had raised and an addict behind closed doors. Experimenting with lust, fantasy and masturbation became a nightly experience. I knew that I was supposed to flee sexual immorality (1 Cor. 6:18), but yet I continued to do the very thing I hated. Pornography drove me into isolation and secrecy and kept me from the people I loved as I believed that:

- I was the only one.
- And no one would love me if they knew

It wasn't until I was a Sophomore in High School (16) that my parents found out.

I had written a prayer asking God to give me the courage to tell my father I watched pornography. Two weeks later he picked up the book, opened to the page, read my prayer silently, looked up at me, and asked if I watched people having sex.

Through tears I confessed my struggle and looked into the eyes of disappointment and rejection I had been running away from for four years. He committed to helping me and holding me accountable, but I fell back into using pornography to end high school. Hope faded and I thought I would be an addict the rest of my life.

But God, in His kindness and mercy, didn't give up on me. In fact, He was working on my restoration long before I knew I needed it.

After graduating high school, I attended a worldview conference called Summit Ministries in Colorado where Sean McDowell presented on the topic of pornography in the church. He shared that:

- 67% of Christian men struggle with porn
- 33% of Christian women
- and 25% of Internet searches were for pornography.

I seemingly couldn't believe what he was saying because I thought I was alone. I thought I was the only Christian man struggling. Nobody had ever talked about this.

Until that evening when we broke up into small groups and shared stories. The summer staff member, a college student, went first and shared his story of struggling with porn.

That moment shattered the lie that I was alone, and I shared my story next for the first time with others. Only to be followed by the rest of the room. Five out of the six guys had the exact same story. My heart broke and I committed to doing something about this injustice in our world.

I left that room righteously angry, as I realized that I had believed a lie for 6 years and that I was alone.

**It was at that two-week camp in Colorado that God performed heart surgery, removing my heart of stone and placing in me a heart of flesh and a new spirit. (Eze. 36:26) The old began to pass away, and the new began to come. (2 Cor. 5:17) Praise God for new life and redemption!**

I called my dad from camp and gave him an update that I wanted to be free from porn. So when I got home from camp, my mother installed **Accountable2You** on all devices in our house. I told my parents everything because though this was my story, it didn't have to be my three younger brothers. That summer I spent a lot of time on the phone calling other guys my age and telling them what God had done in my life and that there was freedom from pornography and healing on offer.

That summer I wrote on a 9x5 card a big dream - **that God would use me to speak out against pornography and change the way the world viewed it.**

During my three years at South Dakota State University studying communication, I joined an accountability group, stepped into leadership with two different campus ministries, and even led a purity group my senior year.

During college, I interned at Focus on the Family in Colorado Springs where I blogged openly about my story of addiction to pornography and the healing I had found through Jesus.

I graduated college in 2019 and moved to Dallas, TX, to work with Josh McDowell Ministry (a Campus Crusade for Christ apologetic ministry). It was here in the application process that I shared my story of pornography addiction and they required me to join an online recovery group through Pure Desire Ministries!

It was during this weekly meeting in 2020 that I began to see that porn wasn't my problem, it was my poor solution to the pain that I was running from.

It was that pain that God wanted to heal, but I had to be honest enough to reveal it in order for Him to heal it.

I named the most painful moments of my life and began to see that the roots of my struggle with pornography were so much deeper than simply 'not loving Jesus enough'. I had been hurt in relationship and it was in relationship with God and others I began to find healing and freedom.

I had never been more than one month without sexually acting out (porn use or masturbation) and it was here that I went 10 months without relapsing. I didn't know freedom like that was possible!

At the start of 2021, my friend and I launched two online Pure Desire groups for young adult men to find healing from pornography addiction, and we began to watch God heal and set other men free!

My friend and I dreamed of what God might do to set our entire generation free from porn and pitched the idea to the **Tim Tebow Foundation**. Those conversations then led us to connect with **Pure Desire** which is where I now work raising money to see men, women, and children protected, healed, and set free from porn addiction.

Last year (2024) we commissioned research with the Barna Group titled *Beyond the Porn Phenomenon* which revealed that:

- 61% of US adults report viewing pornography
- 70.5% of Gen Z (male/female) are using porn at least occasionally.

Other studies show:

- The majority of young people are exposed to porn by the age of 13.
- 88.2% of pornography is violent.

This is a pandemic and the **Digital Age Assurance Act** has a profound opportunity to protect the next generation from the dangerous harms of pornography.

If that wasn't enough, I want to leave you with a quote from **Pornhub's** annual review a couple years ago where they said,

*"If we have a customer by the age of 11, we'll have a life long customer"*

**I implore you to see an 11 year-old as a CHILD, not a customer, that is worth protecting.**

I believe in a world where destructive, violent pornography is no longer the sexual educator of kids, rather safe, educated parents!

**I urge a DO PASS on Senate Bill 2380.**

**Thank you.**

**I stand for questions.**



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February 5, 2025

The Honorable Jeff Barta, Chair  
Senate Committee on Business & Industry  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

**RE: SB 2380 relating to a commercial entity's liability for publishing or distributing mature content**

Dear Chairman Barta:

I understand the Senate Committee on Business & Industry may soon consider SB 2380 and I wanted to take the opportunity to explain why TechNet opposes this legislation. While TechNet supports efforts to ensure the safety and well-being of children online, we believe the requirements outlined in SB 2380 would impose negative impacts on app developers and hinder their ability to provide age-appropriate and secure online experiences for children.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We appreciate the intent of this bill and share the commitment to providing a safe and secure online experience for children. TechNet members strongly believe that children deserve a heightened level of security and privacy online, and the industry is actively working to incorporate protective design features into apps, websites, and platforms.

Age Verification

SB 2380 requires app store providers to "determine or estimate the age of the primary user upon activation of a device" and to "provide a website, application, application store, or online service with a digital signal notifying if a primary user is over or under eighteen years of age through a real-time applications programming

interface.” TechNet believes these requirements are vague, cumbersome and ineffective.

As drafted, this would create a digital target on a user that identifies them as a minor to all websites, which is a significant danger for safety, privacy, security, and undermines the intent. This conflicts with data privacy principles like privacy-by-design and data minimization, increases the risk of fraud, and undermines online anonymity.

Further, the bill would require this to be done for every app developer must implement complex age verification mechanisms, driving up development expenses and complicating the user onboarding process. These added costs and technical challenges could be especially prohibitive for smaller developers, potentially forcing them to exit the North Dakota market.

#### Constitutionality

We believe that there are potential constitutional issues with the bill that are like those identified by courts with other age verification bills. A number of other states that have passed legislation with similar requirements have had those laws challenged and enjoined due to constitutional concerns. Ohio’s *Social Media Parental Notification Act* and Arkansas’ SB 396 are recent examples where courts have enjoined the laws from going into effect due to constitutional deficiencies.

#### Inefficiencies

Finally, the proposed bill is inherently ineffective in that many of these same websites can be accessed by desktop web browsers or through the sideloading of apps. Targeting app-stores or devices are only one part of the ecosystem and the goal of helping kids keep safe online will not be achieved through this legislation.

For these reasons, TechNet respectfully opposes SB 2380. We welcome the opportunity to continue the conversation on how to better ensure minors have safe and positive online experiences while balancing the need for online safety with the realities of app development.

Please let me know if you have any questions. I appreciate your consideration.

Sincerely,



Rose Feliciano  
Executive Director  
Washington + Northwest

**Testimony of Jill Manning, Ph.D., LMFT, CCPS, EMDR, CCTP, BH-TMH**

Licensed Marital & Family Therapist and Researcher

February 10, 2025, 10:00 AM Central (Remote Testimony)

Before the House Industry and Business Committee

Senate Bill 2380: Requiring Age-Verification to Access Obscene Materials Online

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**Chairman Barta and members of the Industry and Business Committee,**

Thank you for the opportunity to testify in support of Senate Bill 2380.

I am Dr. Jill Manning, a Licensed Marriage and Family Therapist specializing in the impacts of pornography and sexual betrayal on individuals and families.

Drawing upon twenty-five years of clinical and research experience, I testify as a clinician, researcher, mother, and mental health advocate.

We face an alarming reality: *underage pornography exposure is now the norm.*

The Internet has not only made obscene content more accessible to children, but it also actively *pushes* it into their lives through algorithms, pop-ups, and deceptive marketing—targeting them before they have a chance to think or choose. Between 58 and 66 percent of adolescents report encountering pornography *unintentionally* due to these violating tactics.

Yet, decades of peer-reviewed research confirm that early exposure to pornography has severe and lasting consequences. The disconnect is unacceptable.

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**Documented Harms of Pornography Exposure on Youth**

To underscore the urgency of this issue, I will highlight five key categories of harm—harms that studies show adults grossly underestimate.

**First, the impact on neurological development:**

- Exposure to pornography structurally alters brain regions responsible for impulse control, decision-making, and emotional regulation while decreasing grey matter volume in the prefrontal cortex.
- It also increases susceptibility to compulsive behaviors, including addiction.

**Second, cognitive and behavioral risks:**

- Pornography normalizes aggression and misogyny, especially when violent content is consumed, and appallingly *most* mainstream pornography *is* violent according to content analyses.
- It also normalizes promiscuity and sexual violence, leading children to mimic what they see. A recent report out of the United Kingdom reveals children are now the largest group of perpetrators of child-on-child sexual abuse, with pornography identified as the leading factor in the quadrupling of such offenses.
- Additionally, pornography fosters mechanical views of sex and triggers earlier sexual initiation, increasing rates of sexually transmitted infections and the risk of relational dissatisfaction in adulthood.

**Third, emotional and relational harms:**

- Early exposure reduces empathy while increasing relational aggression and narcissistic tendencies.
- It lowers self-esteem, distorts body image, and diminishes the ability to form secure attachments.

**Fourth, mental health consequences:**

- Pornography consumption correlates with higher rates of depression, anxiety, ADHD, loneliness, delinquent behaviors, and suicidality.

**Fifth, academic performance:**

- Research links pornography use to impaired academic performance by disrupting attention, reducing focus, and slowing cognitive function.

Each of these harms reflects a grave failure to protect the well-being of our youth.



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## Expert Warnings on the Harm to Developing Brains

In a recent Amicus Brief submitted in an age-verification case heard by the Supreme Court last month, neurosurgeon Dr. Donald Hilton and biological psychology professor Dr. Frederick Toates stated:

*“Childhood is the exact worst time for someone to be exposed to pornography... The weight of medical evidence demonstrates pornography can become both addictive and compulsive... The compulsive and addictive potential of pornography is a serious public health issue—most dangerous for young people, who are most susceptible...”*

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## Why Senate Bill 2380 Is Essential

A 2018 study published in *The Journal of the American Medical Association* found that 8.6 percent of American adults struggle with compulsive sexual behaviors and urges, the majority of whom were first exposed to pornography as minors. To put this into perspective, this means one in every 11.6 adults struggles with sexual compulsivity.

As a clinician, I have treated countless individuals harmed by early exposure. I have also *never* met a sexually compulsive adult who did not begin consuming this material in their youth.

If we remain inactive, these numbers will only rise. I know this because I have seen it happen. Despite testifying before a federal Senate Sub-Committee in 2005, much has intensified with widespread smartphone use and increasingly coarse genres of pornography. Now, two decades later, the rate of compulsive sexual behavior has more than doubled.

Protecting minors from harmful content is not censorship—it is a fundamental responsibility of adults. The long-established practice of rating, filtering, and monitoring media—such as radio, film, video games, and television—for age appropriateness is both reasonable and widely supported.

Passing Senate Bill 2380 is a long-overdue step toward aligning policy with today's digital realities.

***Comparing the harm inflicted on minors to a minor delay for adults is a false equivalency.***

I urge a DO PASS on Senate Bill 2380 to protect the health and safety of our youth. Thank you. I stand for questions.

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## Outline - Impact of Porn on the Brain

- How Exposure to Porn Happens
- The Brain and Porn
- Porn Traumatizes Children

Chairman Barta and members of the Industry and Business Committee.

### 1. How Exposure to Porn Happens

Dr Jay Stringer in his book, “Unwanted”, surveyed 3817 individuals with unwanted sexual behavior (Stringer, Colorado Spring). Here are his findings.

1. 50% **Had a peer introduce them to pornography.**
2. 33% Had a peer touch them in a way that made them feel uncomfortable.
3. 32% **Had someone older introduce them to pornography.**
4. 35% Touched another peer or child inappropriately.
5. 21% Had an adult touch them in a way that made them feel uncomfortable.

Stringer writes, “Pornography is introduced in the context of relationships,” and the context of those relationship produces long-term emotional, psychological, and sexual attachments for a person. Exposure to porn produces two key bonding hormones called oxytocin and vasopressin which hard wires our brain to those images (Hilton, 2014) This creates what Dr. Patrick Carnes calls an arousal template (Carnes, 2008) This template will guide who an individual is attracted to and what stimulates them sexually for the rest of their life. Researchers now tell us the average of porn exposure is around eight years old with some estimates being even lower.

### 2. The Brain and Porn

Our brains are hardwired to learn. Dopamine drives learning and curiosity (Weinschenk, 2009) and learning changes our brain (Mengia-S. Rioult-Pedotti, 2000). Human sexuality is an important form of learning (Hilton, 2014). Our brains are highly visual, and we respond to sexual stimuli faster than anything else. This is one reason our eyes can become our own worst enemy because sex is highly visual.

FMRI scans now can show the differences between a healthy brain and an addictive brain. If you compare a cocaine brain with a sexually addicted brain, they look the same (Voon V, 2014) (see graphic 1-2). Why? Because our brains respond the same way to all forms of pleasure regardless of their source. Sexually addicted brains are creating the drug they are addicted to. They have no impulse control. Neuroscientist’s can now see a 10-12% reduction in brain matter due to this trauma (Meng, 2016). They become brain damaged over time. Researchers Kuhn and Gallinat study showed a reduction in gray matter with long-term exposure to porn (Kuhn, 2014) (see graphic 3). Gray matter shrinkage makes it difficult for sex addicts to calm themselves down because they rely on porn to do it. Over time, they must increase the kind and type of porn in order to get the needed dopamine high (Negash S, 2016). Each time they come off it, they will hit a lower and lower on the normal baseline and fall into more of a depressive state (See Progressive Drug Tolerance graphic 4).

### 3. Porn Traumatizes Kids

Sit in any sexual addiction recovery group, and adults will recall the first time they saw porn as a child. Many felt disgust, horror, shame, shocked, excited, confused, aroused, and they didn't know what to do with what they saw. This phenomena is also called like/want split (Anselme, 2016).

In Dr. Bessel van der Kolk's book, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*. He writes, "Trauma results in a fundamental reorganization of the way mind and brain manage perceptions. It changes not only how we think and what we think about, but also our very capacity to think." And "Being traumatized means continuing to organize your life as if the trauma were still going on—unchanged and immutable—as every new encounter or event is contaminated by the past." This sets us up for shame and bondage.

Ninety percent of critical brain development happens before the age of 5 (First, 2023 ). Exposure to porn traumatizes kids' brains. Porn stunts a child's emotional growth. A basic definition of trauma is the brain's inability to metabolize an event. Children have no way to process porn. The development of the prefrontal cortex, the front part of our brain behind our forehead that helps with decision making, planning, and impulse control, isn't complete until the age of 25. The brain cannot differentiate between explicit material whether it is in the form of a cartoon, drawings, pictures or video (Hilton, 2014). Our brain sees all sexual material in the same way (Voon V, 2014) (Meng, 2016) (Kuhn, 2014) (Negash S, 2016)

Dr. Caroline Giroux a psychiatrist who specializes in trauma, says "Exposing children to pornography should be forbidden and better regulated, as it is violating their spiritual boundaries and evolving beliefs around body, sexual development and intimate relationships, *in a similar way that direct sexual abuse on their body does. If this trauma is not identified and processed promptly, the survivor runs the risk of reenacting as an attempt to resolve what once left him or her powerless, or of even engaging in similar criminal behaviors* (Giroux, 2021)."

Children will become less empathetic adults and unable to affect regulate over time with exposure to porn (ARIEL KOR, 2021). They will seek out porn and act out the behavior they see with other kids (Ed.D., 2011).

Studies show children who are traumatized by sexually explicit material or sexual abuse are unable to have healthy relationships (Impact of Internet Pornography on Marriage and the Family: A Review of the Research, 2006).

Exposure to sexually explicit material destroys a child's life. I urge a DO PASS on Senate Bill 2380. Thank you. I stand for questions.

I urge a DO PASS on Senate Bill 2380 Thank you. I stand for questions.

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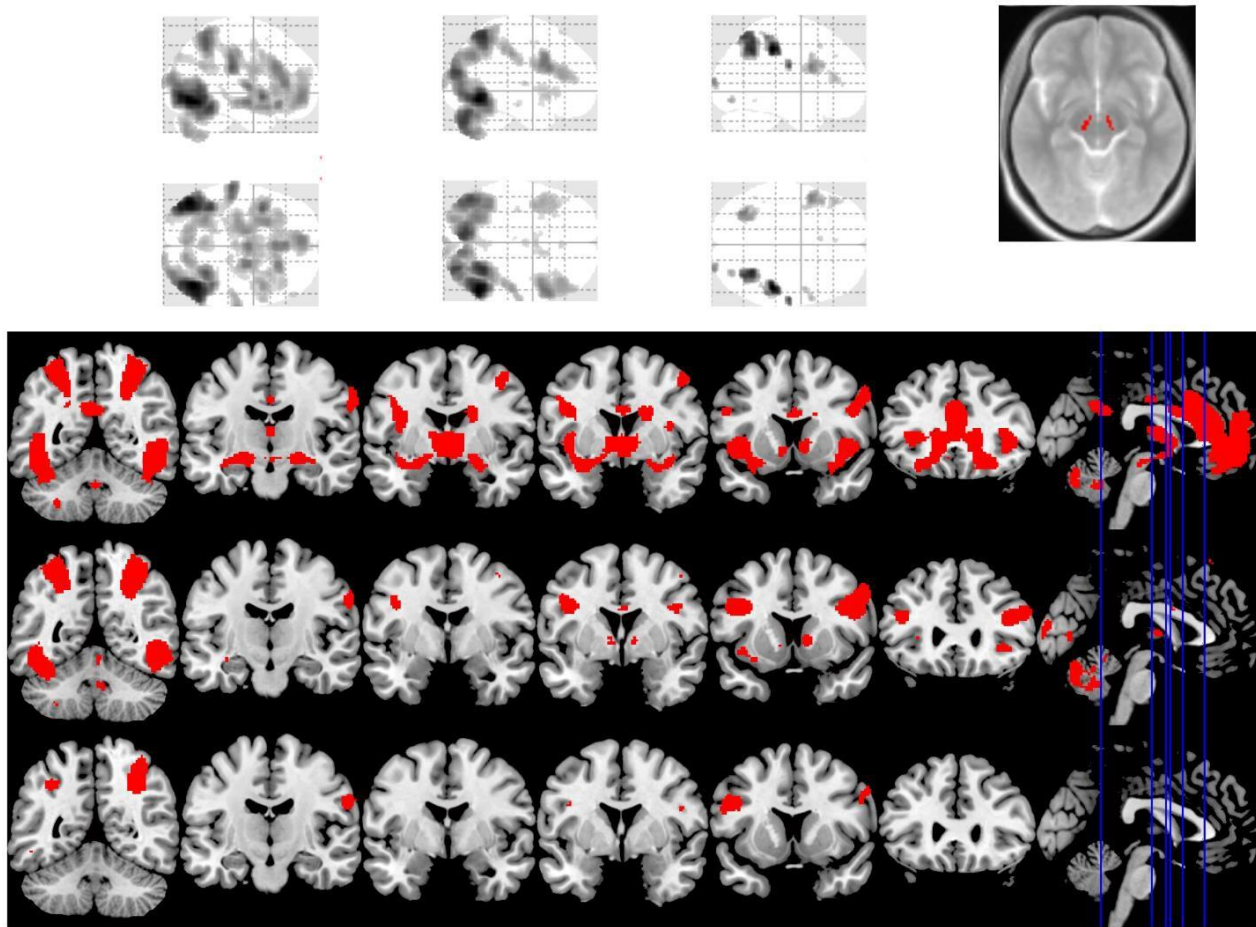


Image 1



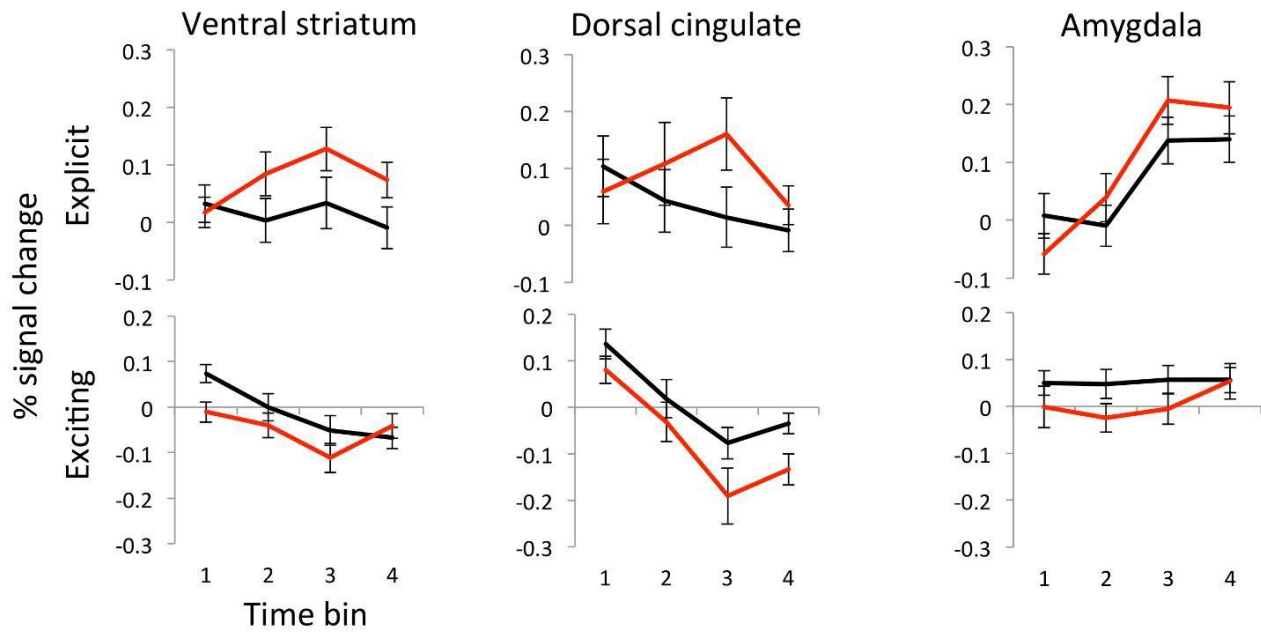
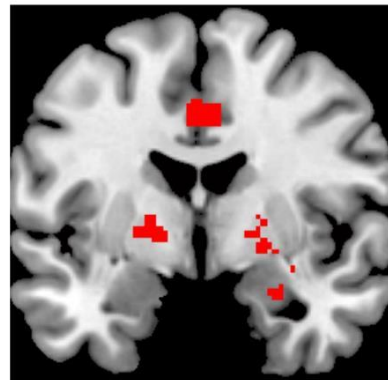
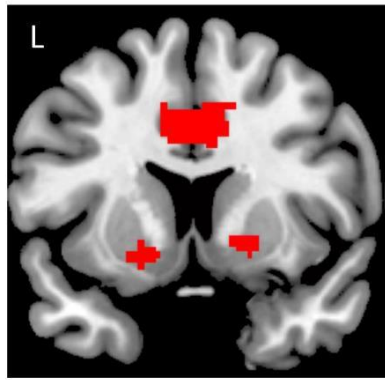


Image 2

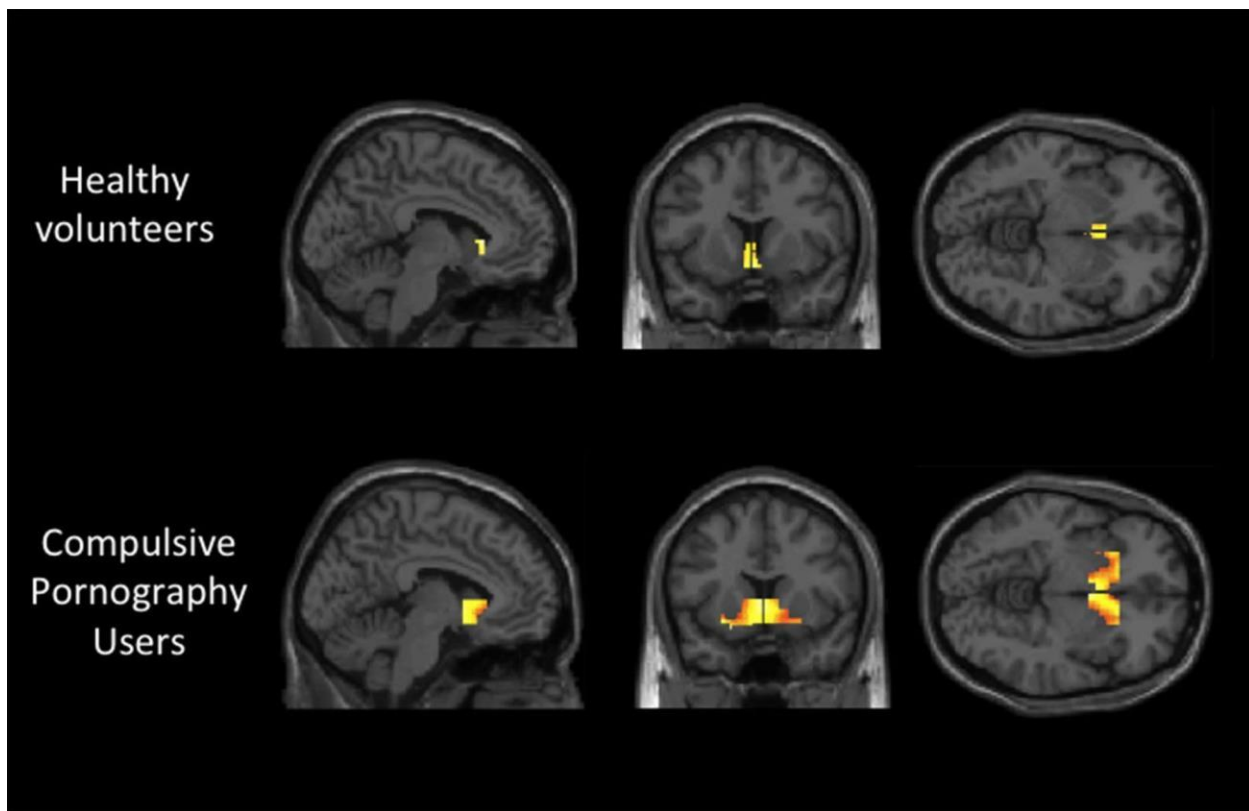
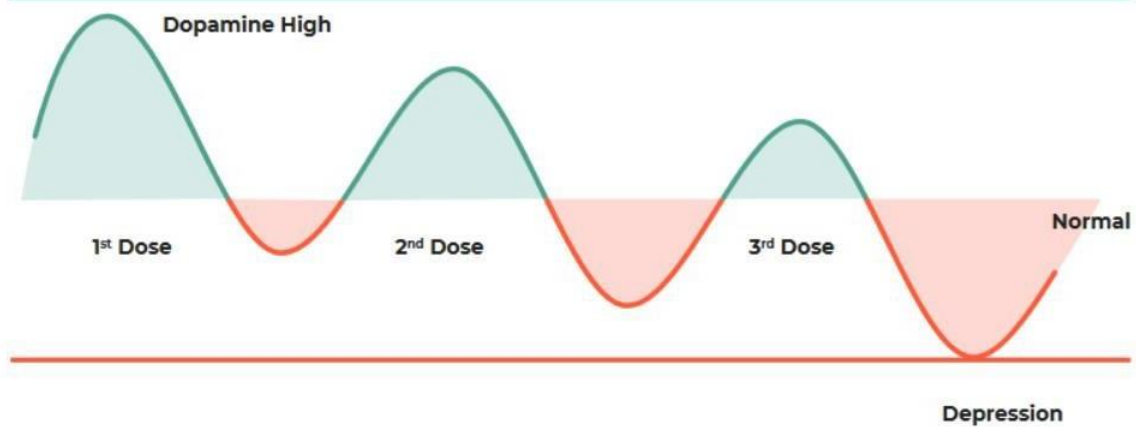


Image 3

# TOLERANCE

## PROGRESSIVE DRUG TOLERANCE



Progressive Drug Tolerance

Links to Podcasts and Videos on porn's impact on the Brain.

Valerie Voon Interview at Stanford

<https://neuroscience.stanford.edu/videos/valerie-voon-addictions-brain-network-disorder>

Effects Of Porn On Your Brain

[https://www.youtube.com/watch?v=IzduEttlC\\_g](https://www.youtube.com/watch?v=IzduEttlC_g)

Pornography and the Brain: Understanding the Science of Addiction and Recovery -- Dr. Donald Hilton

<https://www.youtube.com/watch?v=P2yKslvPfV4>

What does porn do to a kid's brain?

<https://www.youtube.com/watch?v=UK-kJWc6abI>

How Porn Corrupts the Brain's Reward System: Neurosurgeon Explains

<https://www.defendyoungminds.com/post/how-porn-corrupts-brains-reward-system-neurosurgeon-explains>

John D. Foubert, Ph.D., Simone Kühn, Ph.D., Donald Hilton, M.D.

<https://truthaboutporn.org/media/>

Chapter 3 - Effects of premature sexualization on child development

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Completed\\_inquiries/2008-10/sexualisationofchildren/report/c03](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/2008-10/sexualisationofchildren/report/c03)



Age Verification Providers Association  
557B Wandsworth Road, London, SW8 3JD  
+44 (0) 7811 409769 | iain@avpassociation.com

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Senator Jeff Barta  
Chairman  
Industry and Business Committee  
NORTH DAKOTA LEGISLATIVE ASSEMBLY

8<sup>th</sup> February 2025

Dear Senator Barta and Committee Members,

**SB 2380: Relating to a commercial entity's liability for publishing or distributing mature content; to provide a penalty; and to provide an effective date.**

We are the global trade body for suppliers of online age verification and age estimation technologies. We are a politically neutral organization, and write to the Committee to provide technical information in support of its consideration of the above Bill.

We generally support any measure that is effective in protecting children from harm. We are therefore reluctant to criticize this Bill and submit this brief as a neutral contribution. However, we do have significant technical concerns about its efficacy that we will share with the Committee to inform your deliberations.

It is important to note at the outset that this Bill takes a radically different approach from statutes with similar objectives in other states. Instead of placing the responsibility for preventing children from being exposed to pornography on the commercial websites which directly profit from it, the Bill seeks to give this task principally to Apple and Google.

We note that this Bill attracts the support of the Free Speech Coalition, the trade body representing the pornography industry and understand that one or more major adult websites are funding the heavy promotion of this Bill. It would be great to bring the adult industry on board in solving this problem, but their enthusiasm for this Bill may arise from the fact it requires no new action on their part. All the effort to comply is required of others – and those others will resist this strongly.

A more conventional age verification Bill requiring the adult sites to check the age of their users, was considered by the Supreme Court on January 15<sup>th</sup> 2025. While we do not yet have sight of their judgement, the questions they asked suggested they would be likely to agree that age verification can survive the strict scrutiny applied to measures that might touch on 1<sup>st</sup> Amendment issues. In particular, several Justices noted that the filtering approach they'd favored in a judgement 20 years ago, and is core to SB 2380, has failed to deliver the states' legitimate policy objectives.

We have a number of other concerns about this bill:

- Controls should be placed as close as possible to the harm they seek to prevent. Porn sites are not only accessed from smartphones, but also through laptops, PCs and other connected devices. This Bill only deals with phones.
- The Bill is unclear as to where responsibility falls listing three options - a manufacturer of a device, an operating system for a device, or an App Store.
- It only takes effect on “activation” of a phone. Phones are shared and handed down from adults to children but this Bill would define the device as an adult or child device indefinitely.
- It applies to sites with one third or more mature content – it could therefore apply to sites with a mix of harmless and harmful content, potentially burdening access to a lot of protected free speech.
- It is unclear how exact the age recorded by the device will be as the Bill allows the covered manufacturer to either “determine” or “estimate” the age of the device’s primary user. (Age Estimation is getting better all the time, but will never be able to tell if a user is exactly 18 years old – the best in class has a mean average error of just over +/- 1 year.)

We would, of course, make our technologies available to covered manufacturers if this Bill comes into force. They would need to fund that service, and are then liable for any failure. The Committee should anticipate strong objections from large global tech companies being asked to bear the costs and liabilities of age verification on behalf of the porn industry.

The technology for this approach does not exist today. It would need to be designed, built, tested, and rolled out, involving several, possibly many global players. It requires agreement across multiple stakeholders on the technical standards that will deliver it. You must assume this is a matter of years not months, even if all those involved were doing so enthusiastically without fundamental objections to the principle. By contrast, to give one notable example, Pornhub implemented age verification in France with just ten days’ notice.

This approach has not been tested in Federal courts. The conventional age verification bills have been considered already right up to the Supreme Court and observers are confident the Court will enable age verification that is well designed to protect privacy, be convenient and inexpensive, as our latest technology delivers.

The Committee may wish to be innovative and experiment with this new approach. We will certainly do our best to support its implementation if it becomes law. But we recommend carefully weighing this Bill against a more standard Bill that puts the obligation to keep kids off their sites squarely on the porn sites themselves.

Yours sincerely,

**Iain Corby**  
Executive Director

Amy Bos  
Director of State and Federal Affairs, NetChoice  
1401 K Street NW, Ste 502  
Washington, DC 20005

**NetChoice**

Defending Free Speech and Free Enterprise Online

## North Dakota SB 2380 as Amended

## OPPOSITION TESTIMONY

February 10, 2025

### North Dakota Senate Industry and Business Committee

Dear Chair Barta, Vice-Chair Boehm, and members of the Senate Industry and Business Committee:

NetChoice respectfully asks that you **oppose** SB 2380 [as amended this morning](#). This bill would mandate age verification on the device and in app stores, and would require all online services and websites to block access to mature content. While well-intentioned, the legislation presents significant policy and legal concerns:

- Violates the First Amendment and other constitutional protections;
- All North Dakota adults would have to prove they were over 18 just to use the internet (apps like browsers, social media, TV streaming, etc.);
- Would be ineffective at preventing access to obscene material.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members take teen safety seriously and have rolled out new features, settings, parental tools, and protections to better empower parents in monitoring their children's use of social media. We ask that you oppose SB 2380 and instead use this bill as a way to jumpstart a larger conversation about how best to protect minors online and consider alternatives that do not raise constitutional issues.

## **Age Verification—whether in app stores, devices or website— raises constitutional issues—and is already being litigated in other states.**

The Supreme Court and other federal courts have ruled that age verification mandates that block access to the exercise of First Amendment rights are unconstitutional. Age verification laws have recently failed to withstand legal scrutiny in California, Utah, Ohio, Arkansas, and Mississippi.<sup>1</sup> Implementing such a measure in North Dakota would likely meet the same fate and lead to costly legal challenges without providing any real benefits to the state's residents.

While states may (and should) protect minors, states lack, as Justice Scalia memorably put it, “a free-floating power to restrict the ideas to which children may be exposed.”<sup>2</sup> Indeed, the First Amendment’s protections are broad, even for minors. For example, the First Amendment prohibits the government from restricting speech or access to lawful information.<sup>3</sup> Information needn’t be high-brow to receive constitutional protection; mere data generated by pharmacies is protected speech (“information”) whose commercial dissemination is also constitutionally protected, for example.<sup>4</sup>

Because the First Amendment protects the right to disseminate<sup>5</sup> and to access lawful information *no matter the lawful dissemination method or commercial nature* age-verification requirements are unconstitutional. Indeed, the First Amendment’s protections “do not go on leave when [new] media are involved.”<sup>6</sup> “Like protected books, plays, and movies,” any lawful medium used to create, access, or “communicate ideas” are protected under the First Amendment, including the “devices and features distinctive to [their] medium.”<sup>7</sup>

Given that legal landscape, the proposals’ age-verification, and device filtering requirements cannot survive judicial review. Unlike regulating access to *physical products* no one has a constitutionally enumerated right to buy (cigarettes, alcohol), requiring ID (or similar “identity-based” burdens) for

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<sup>1</sup> See *NetChoice v. Reyes*, D.Utah (2023), <https://netchoice.org/netchoice-v-reyes/>; *NetChoice v. Yost*, S.D. Ohio (2024), <https://netchoice.org/netchoice-v-yost/>.

<sup>2</sup> *Brown v. Ent. Merchants Ass’n*, 564 U.S. 786, 794 (2011) (citations omitted).

<sup>3</sup> *Stanley v. Georgia*, 394 U.S. 557, 564 (1969).

<sup>4</sup> *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 567 (2011)

<sup>5</sup> The Supreme Court reaffirmed that “creation and dissemination of information are speech within the meaning of the First Amendment” no matter the “speech” (here, data) or purpose (here, commercial). *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 567 (2011) (“[T]he First Amendment does not prevent restrictions directed at commerce or conduct from imposing incidental burdens on speech.”).

<sup>6</sup> *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2394 (2024).

<sup>7</sup> *Brown v. Ent. Merchants Ass’n*, 564 U.S. 786, 790 (2011).

accessing lawful speech violates the First Amendment rights of adults, minors, and businesses alike. “Age-verification schemes,” a federal district court recently held in enjoining Arkansas’s similar age-verification requirements, “are not only an additional hassle, but they also require that website visitors forgo the anonymity otherwise available on the internet.”

The bill's requirements would effectively create a barrier to constitutionally protected speech, as platforms would be required to verify age before allowing access to any content. This constitutes a prior restraint on speech, which courts have traditionally viewed with particular skepticism.

To summarize, here are the constitutional problems with SB 2380 as amended:

1. The bill is a content-based distinction triggering strict scrutiny because it regulates speech based on its content—here, so-called “mature” content. Although the state has a compelling interest in protecting minors from harm, it does not have a compelling interest in censoring lawful speech. Even if it did, less restrictive alternatives exist.
2. The bill compels speech, running afoul of the First Amendment. The state may not require warnings or other labels based on lawful content.
3. The bill is overbroad because it is not limited only to blocking obscenity, which is unlawful for minors. Instead it targets a broader range of protected speech.
4. Because it is overbroad it will chill constitutionally protected speech—silencing both websites’ and their users’ speech.
5. The bill is unconstitutionally vague by failing to give adequate notice of what is required and thus encouraging arbitrary and discriminatory enforcement. For example, the bill leaves core questions unanswered: how is a primary user determined? What makes content “known” to be mature?
6. It is a prior restraint because it requires prohibiting access to lawful content before viewing. While the Supreme Court may allow that for obscenity, this bill targets protected speech beyond unlawful obscenity for minors.

### **SB 2380 would impact North Dakotans of all ages seeking to use the Internet**

As mentioned above, SB 2380 includes provisions that require "covered manufacturers" (those who produce devices, operating systems, or app stores) to implement age verification mechanisms. Specifically, these manufacturers would need to determine or estimate the age of the primary user upon activation of a device and provide a digital signal to websites, applications, and online services indicating whether the user is over 18 years old.



This would apply to all North Dakota users who use the internet, since it covers browser apps (Safari, Chrome, Mozilla, etc.) that are capable of viewing internet websites that might access any mature content.

It would apply to gaming consoles, and to smart TV appliances and streaming sticks, since these devices and apps let viewers access videos and trailers with mature content.

The bill provides for penalties of \$10,000 per violation by device makers (computers, laptops, tablets, phones, streaming sticks for TVs) app stores, social media platforms, and virtually every website in the world. While the bill allows device providers and app stores to rely on commercially reasonable means to assess the age of the user, there is no liability limit for penalties on websites, platforms, and streaming services if they fail to block access to all mature content on their service – even user-generated videos that are posted millions of times per day.

This could multiply to millions of dollars as lots of North Dakotans use their browser, smart TV, and any application or service that could access any mature content. This unlimited liability risk means that device providers, app stores, online services, and websites face two equally problematic scenarios:

First, they could choose to cease all sales and service to business and individual users in North Dakota. This would mean withdrawing device sales and service from North Dakota. Websites, online services, gaming sites, and streaming TV platforms might impose geo-fencing to block access from North Dakota IP addresses. Such a withdrawal would significantly impact adult users and businesses in North Dakota.

Alternatively, applications, websites, gaming platforms, social media sites, and streaming TV platforms would implement age-gated access restrictions *for all users* in North Dakota. That is, they would block access to all content unless they receive an “Adult” signal from the device.

Each communication point between devices and services creates potential security vulnerabilities, including opportunities for man-in-the-middle attacks to intercept or modify age signals. While the bill prohibits using the age data “for any other purpose,” it’s challenging to prevent services from storing or misusing these received age signals once they’re broadcast. The system would also struggle to handle common scenarios like shared family devices or multiple users, potentially broadcasting incorrect age

information. To prove compliance, device providers would need to retain an audit trail to prove that they sent the “Adult signal” to every website and app used on the device.

This mandatory age verification framework fundamentally alters the privacy landscape of online interactions by making age data a required component of all internet activity, rather than limiting age verification to specific services where it's most relevant. The cumulative privacy impact could be substantial given the sheer volume of services that would receive this data, effectively creating a new form of mandatory user tracking that could potentially be more privacy-invasive than the mature content issue it aims to address. The scale of this data exposure, affecting virtually every online interaction, makes it particularly concerning from a privacy perspective.

### **SB 2380 would be ineffective at preventing access to obscene material**

SB 2380 allows North Dakota’s Attorney General to prosecute websites and streaming services that don’t block access to mature content after receiving a signal that the user is under 18. But in reality, the AG cannot stop foreign websites and streaming services that choose to ignore the age signal. And many online platforms that host user-generated content will simply not be able to identify mature photos or videos among the millions that are uploaded by users every single day.

An awful but predictable side effect of SB 2380 is that the bill would create a false sense of security among North Dakota parents who would otherwise remain vigilant in supervising their children's online activity

### **There is a better approach**

The problem SB 2380 seeks to tackle is not without constitutional and practical policy solutions. Florida and Virginia have passed laws requiring specific online and social media education in the classroom. This helps arm young people with the information they need to keep their data more secure, focused on age appropriate content, and away from bad actors who would do them harm. North Dakota could take steps to publicize the resources that are available to filter content or monitor and control screen time. Solutions for families and kids don’t need to come in the form of government mandates.

For these reasons, we respectfully ask you to **oppose SB 2380**. As ever, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.<sup>8</sup>

Sincerely,

Amy Bos  
Director of State and Federal Affairs  
NetChoice

*NetChoice is a trade association that works to make the internet safe for free enterprise and free expression.*

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<sup>8</sup> The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.

**SB 2380 - Testimony in Opposition**  
Senate Industry and Business Committee  
February 10, 2025

Chairman Barta and Members of the Committee,

My name is Terry Effertz, and I serve as the Executive Director of TechND, North Dakota's technology trade association. I appreciate the opportunity to testify before you today in strong opposition to SB 2380.

TechND represents a diverse range of businesses across the technology sector in North Dakota, from software developers and IT firms to broadband providers and data centers. While we fully support efforts to protect minors from inappropriate online content, SB 2380 is deeply flawed in both its approach and its consequences. Rather than achieving its intended purpose, this bill imposes significant technological and legal burdens that will harm innovation, stifle small businesses, and ultimately fail to provide meaningful solutions.

## **1. SB 2380 Fails to Achieve Its Intended Goal**

The bill proposes a framework for age verification that is both untested and unworkable. Device-level age verification, as contemplated in this bill, is not a currently viable or standardized method in the technology sector. No other state has successfully implemented such a requirement, and for good reason—because it is not a practical or effective approach.

Additionally, shifting the burden of compliance to app stores instead of the platforms responsible for content moderation does not address the root of the issue. This bill allows the largest platforms—those with well-documented failures in child safety, such as Meta, Roblox, and Snapchat—to escape responsibility while placing the compliance burden on app stores that already have extensive parental control mechanisms in place. This is not a solution; it is a deflection of accountability.

## **2. Unintended Consequences for North Dakota's Tech Economy**

SB 2380 will have a disproportionate impact on small and mid-sized technology businesses—the very companies that drive innovation in North Dakota. By imposing burdensome compliance requirements on app developers, the bill will create unnecessary legal uncertainty and financial costs, forcing many small companies to exit the North Dakota market or limit their product offerings.

For example, educational apps, health tracking tools, and other beneficial applications that require minimal user data may be forced to comply with complex verification requirements designed for large-scale social media platforms. The compliance burden may lead to companies blocking access for all minors rather than risking liability, ultimately reducing access to safe, beneficial, and educational digital tools.

### 3. Legal and Constitutional Concerns

There are serious legal questions regarding the constitutionality of SB 2380. Courts have consistently struck down state laws that impose broad online restrictions under the First Amendment and the Commerce Clause. Furthermore, this bill raises concerns regarding the potential violation of federal laws such as the Children's Online Privacy Protection Act (COPPA), which already establishes a framework for protecting minors online.

Moreover, recent litigation suggests that the Supreme Court is likely to scrutinize laws mandating blanket age verification mechanisms, particularly when they shift enforcement responsibility away from content providers and onto broader digital infrastructure. North Dakota risks passing a law that will face immediate legal challenges and inevitable repeal, wasting taxpayer resources in the process.

### 4. Better Approaches Exist

Rather than imposing ineffective and legally dubious mandates, North Dakota should focus on proven solutions that empower parents, educators, and businesses to work together. This includes:

- **Promoting Existing Parental Control Tools:** Device manufacturers and app stores already offer robust parental control settings that allow parents to manage their children's online experience. These tools are continually improved through industry innovation, without the need for rigid and outdated legislative mandates.
- **Enhancing Digital Literacy Programs:** Educating parents and guardians on how to use existing safety tools and empowering them with resources is far more effective than a government-imposed age verification scheme.
- **Encouraging Industry-Led Best Practices:** Public-private partnerships can drive meaningful change without stifling innovation or placing small businesses at a competitive disadvantage.

### Conclusion: SB 2380 Should Receive a DO NOT PASS Recommendation

While the intent of this legislation is understandable, its execution is fundamentally flawed. SB 2380 places an undue burden on technology companies, undermines parental choice, and opens the state to legal challenges—all while failing to accomplish its core objective.

I urge this committee to give SB 2380 a **DO NOT PASS** recommendation and instead pursue alternative approaches that actually enhance online safety for minors without harming North Dakota's tech sector.

Thank you for your time and consideration. I am happy to answer any questions



broadband association of north dakota

P.O. Box 1144 · Mandan, ND 58554

Phone 701-663-1099

[www.broadbandnd.com](http://www.broadbandnd.com)

Feb 7, 2025

RE: SB 2380

Dear Senate Industry and Business Committee:

The members of the Broadband Association of North Dakota are opposed to SB 2380. We do not believe devices that access the Internet should be required to administer age verification.

1. This is an invasion of privacy to require everyone who uses technology to submit their personal information to the manufacturer of internet accessing devices. Providing personal information to technology manufacturers increases risk for identity theft and is an invasion of privacy.
2. It will come at a cost for technology companies to comply with these requirements. Companies could raise the price of the technology to consumers to cover those costs. They could also choose to not sell devices within North Dakota if they are forced to comply with these laws.
3. It's also important to note that nineteen states have passed laws with age verification requirements for adult websites to prevent minors from accessing inappropriate content. This approach makes sense as states across the country hold the directly responsible parties accountable for age verification for other age – regulated products or services. Consider alcohol, gambling, or cigarettes, all of which require age verification for those who wish to purchase those items.
4. SB 2380 is being supported by the adult entertainment industry as they do not want the burden of verifying age to visit their websites. It is concerning to support this group on an agenda they are promoting. (<https://www.freespeechcoalition.com/blog/fsc-supports-north-dakota-age-verification-bill>)

We are supportive of preventing minors from accessing inappropriate content; however, this bill is not the solution. We believe this bill is BAD policy and would rather see the burden of age verification be put on those websites who provide this explicit content.

Thank you for your time and I'm happy to answer any questions.

Sincerely,

A handwritten signature in purple ink that reads "Carissa M. Swenson".

Carissa Swenson  
Executive Director  
BAND

**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.



Empowering families to thrive by providing community-driven resources that foster safe and nurturing environments for children.

Senate Bill 2380

Senate Industry and Business Committee

Testimony Presented by Christy Dodd, MPH

Email: [cdodd@familiesflourishnd.org](mailto:cdodd@familiesflourishnd.org)

February 10, 2025

My name is Christy Dodd, and I am the Executive Director of Families Flourish ND, formerly known as Prevent Child Abuse North Dakota. I am testifying today on behalf of our organization's support of SB 2380.

This legislation would require manufacturers to make reasonable efforts to provide age verification for websites, apps, and online services, using a digital signal to notify them if a primary user is under or over the age of 18. Children are getting cell phones and devices at younger ages, and it is our duty to help protect their innocence. This age verification would be one step closer to creating a safer virtual world for our children.

According to a Common Sense Media survey of 1,300 teens aged 12-17, published in Psychology Today, more than half accidentally encountered sexually explicit content by clicking on a link, a video, or typing an innocent word. 71% of those who found it accidentally had watched it and 44% who sought it out intentionally watched it regularly.

While it is still our job as parents to monitor what our children are doing online to protect their innocence, sometimes things happen out of our sight. This bill would be another tool for parents to help protect our children and preserve their youth.



Empowering families to thrive by providing community-driven resources that foster safe and nurturing environments for children. For these reasons, Families Flourish ND would encourage the committee to give SB 2380 a Do-Pass recommendation. I appreciate your time and am happy to stand for any questions you may have. Thank you.

**\*\*CORRECTED COPY\*\***

**Testimony of Jill Manning, Ph.D., LMFT, CCPS, EMDR, CCTP, BH-TMH**

Licensed Marital & Family Therapist and Researcher

February 10, 2025, 10:00 AM Central (Remote Testimony)

Before the House Industry and Business Committee

Senate Bill 2380: Requiring Age-Verification to Access Obscene Materials Online

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**Chairman Barta and members of the Industry and Business Committee,**

Thank you for the opportunity to testify in support of Senate Bill 2380.

I am Dr. Jill Manning, a Licensed Marriage and Family Therapist specializing in the impacts of pornography and sexual betrayal on individuals and families.

Drawing upon twenty-five years of clinical and research experience, I testify as a clinician, researcher, mother of teens, and mental health advocate.

We face an alarming reality: *underage pornography exposure is now the norm* (Carroll et al., 2025).

The Internet has not only made obscene content accessible to children, but it also actively *pushes* it into their lives through algorithms, tracking cookies, and deceptive marketing—targeting them before they have a chance to think or to choose (Carroll et al., 2025; Manning, 2005). Between 58 and 66 percent of adolescents report encountering pornography *unintentionally* due to these violating and profit-driven tactics (Carroll et al., 2025; Mori et al., 2023; Common Sense Media, 2022; Braun-Courville, 2009).

Yet, decades of peer-reviewed research (Carroll et al., 2025; Owen et al., 2012; Manning, 2006) confirm that early exposure to pornography has severe and lasting consequences.

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### **Documented Harms of Pornography Exposure on Youth**

To underscore the urgency of this issue, I will highlight five categories of harm—which studies show adults grossly underestimate (Wright et al., 2023).

## **1. Neurological Development:**

- Exposure to pornography structurally alters brain regions responsible for impulse control, decision-making, and emotional regulation while also decreasing grey matter volume in the prefrontal cortex (Brief of Amici Curiae Scholars, 2024; Kühn et al., 2014; Draps et al., 2020).
- These structural changes then increase susceptibility to compulsive behaviors, including addiction (Brief of Amici Curiae Scholars, 2024).

## **2. Cognitive and Behavioral Risks:**

- Pornography normalizes aggression and misogyny, especially when violent content is consumed (Manning, 2006), and *most* mainstream pornography *is* violent according to content analyses (Bridges et al., 2012).
- It also normalizes promiscuity and sexual violence (Manning, 2006), leading children to mimic what they see. A recent report out of the U.K. reveals children are now the largest group of perpetrators of sexual abuse against children, with pornography identified as the leading factor in the quadrupling of such offenses in recent years (The Guardian, 2024).
- Additionally, exposure fosters mechanical views of sex and triggers earlier sexual initiation, increasing rates of sexually transmitted infections over the lifespan (Manning, 2006), and relational dissatisfaction in adulthood (Willoughby et al., 2022).

## **3. Emotional and Relational Harms:**

- Early exposure reduces empathy while increasing relational aggression and narcissistic tendencies (Kasper et al., 2014; Manning, 2006).
- It lowers self-esteem, distorts body image, and diminishes the ability to form secure attachments (Owen et al., 2012; Manning, 2006).

## **4. Mental Health Consequences:**

- Pornography consumption correlates with higher rates of depression, anxiety, loneliness, delinquent behaviors, suicidality, and lower life satisfaction (Altin et al., 2024; McGraw et al., 2024; Owen et al., 2012).

## 5. Academic Performance:

- Research links pornography use to impaired academic performance by disrupting attention, reducing focus, and slowing cognitive function (Šević et al., 2019; Beyens et al., 2015).

Each of these harms reflect a grave failure to protect the well-being of our youth.

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## Expert Warnings on the Harm to Developing Brains

In a recent Amicus Brief submitted in an age-verification case heard by the Supreme Court last month, neurosurgeon Dr. Donald Hilton and biological psychology professor Dr. Frederick Toates stated:

*“Childhood is the exact worst time for someone to be exposed to pornography... The weight of medical evidence demonstrates pornography can become both addictive and compulsive... The compulsive and addictive potential of pornography is a serious public health issue—most dangerous for young people, who are most susceptible... (Brief of Amici Curiae Scholars, 2024).”*

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## Why Senate Bill 2380 Is Essential

A 2018 study published in *The Journal of the American Medical Association* (Dickenson et al., 2018) found that 8.6 percent of American adults struggle with compulsive sexual behaviors and urges, the majority of whom were first exposed to pornography as minors. This means one in every 11.6 adults struggles with sexual compulsivity.

As a clinician, I have assessed and treated hundreds of children, teens, and adults harmed directly and indirectly by pornography exposure. I have yet to meet a sexually compulsive adult who did not begin consuming this material in their youth.

Since my testimony before a federal Senate Sub-Committee in 2005 (Manning, 2025), I have observed this situation worsening. The rise of smartphones and coarsening genres of pornography have contributed to a nearly threefold increase

in compulsive sexual behavior over the last twenty years (Carnes, 2010; Dickenson et al., 2018).

Protecting minors from obscenity is not “censorship” or “moral panic” but a fundamental responsibility of adults. The long-established practice of rating, restricting, and monitoring media for age appropriateness—as is done with radio, film, video games, and television (Solas, 2023)—is both reasonable and widely supported (Rasmussen Reports, 2022).

***Comparing the harm inflicted on minors to a minor delay or inconvenience for adults is a false equivalency.***

Passing Senate Bill 2380 is a long-overdue step toward aligning policy with today’s digital reality and to protect the health and safety of our youth.

As a result, I urge a DO PASS on Senate Bill 2380.

Thank you.

I stand for questions.

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## Testimony Supporting Senate Bill 2380

Mark Jorritsma, Executive Director  
North Dakota Family Alliance Legislative Action  
February 10, 2025

Good morning, 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 Senate Bill 2380 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 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, 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.”<sup>1</sup> 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.

Senate Bill 2380 would require age verification for accessing pornographic materials by requiring both the website and operating system/manufacturer to comply. 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 digital age verification that matches device software with website access.

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<sup>1</sup> American College of Pediatricians. <https://acpeds.org/position-statements/the-impact-of-pornography-on-children>



# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

I would like to address two of the concerns expressed about age verification bills like these. First, we have heard the adage that we should not get to decide what children read and see, but instead, children should be exposed to many different ideas and allowed to form their own opinions. 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 ultimately the job of a parent/legal guardian to filter content for their child, not the government. We agree, however, children can be exposed to pornography their parents wouldn't approve of before the parents even know about it. In other words, you can't opt out your child from accessing pornographic materials if you don't know where it might exist. The companies who produce these materials certainly 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 suggest 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, and we ask that you render a "DO PASS" on Senate Bill 2380.

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

Good morning Chairman Barta and members of the Industry and Business Committee-

My name is Maggie Blaylock and I am an Licensed Professional Counselor (LPC-MH) in the state of South Dakota. I am also a CSAT (Certified Sexual Addictions Therapist) and a CMAT (Certified Multiple Addictions Therapist). I own a price practice in Sioux Falls.

In my practice and with my specialty I work daily with the devastation of the aftermath on individual lives and marriages because of sexual addiction. In almost every case I work with, pornography use was an originating factor in their addiction. Sadly, I became a licensed and trained professional because 13 years ago my own marriage was devastated by sexual addiction. My husband was the child of a pastor, and his parents tried very hard to monitor the content that he consumed. Unfortunately, he had access to porn he found at his grandparents' home and at a friend's house. When high speed internet hit while he was in college this behavior turned into a major addiction in his life until he eventually could no longer hide it. I became a trained professional because there were no local therapists in my state dealing with such complex issues at the time. We had to travel to Colorado to find someone skilled enough to know how to help us get into recovery and eventually repair our broken relationship. Sadly, today, I am only 1 of 2 CSATs in my state and last I checked there more recently is one CSAT in North Dakota. Before there was a trained professional in North Dakota I have had clients who drive down into the state of SD to a location that they can find wifi to work with me.

In 2017 the state of South Dakota declared pornography a public health crisis. Here are three reasons (they stated) why pornography should be recognized as harmful to public health:

1) Exposure to pornography is unmanageable at the individual level: individuals and families are unable to "opt-out" of pornography, and 27% of children are being exposed to it before they've even reached puberty.

- Most recently Google even accepted the reality of this truth when they changed their safe search settings to default for people in an attempt to make the internet a safer place for young people.
- More and more younger children are accessing internet pornography. The average age of first exposure is 11 (Randel and Sanchez, "Huffington Post" - 2016). However, "children under 10 now account for 22% of online porn consumption under 18" (British Journal of School Nursing.)

2) Pornography use shrinks the brain: a 2014 study found that increased pornography use is linked to decreased brain matter in the areas of motivation and decision-making, impaired impulse control, and desensitization to sexual reward.

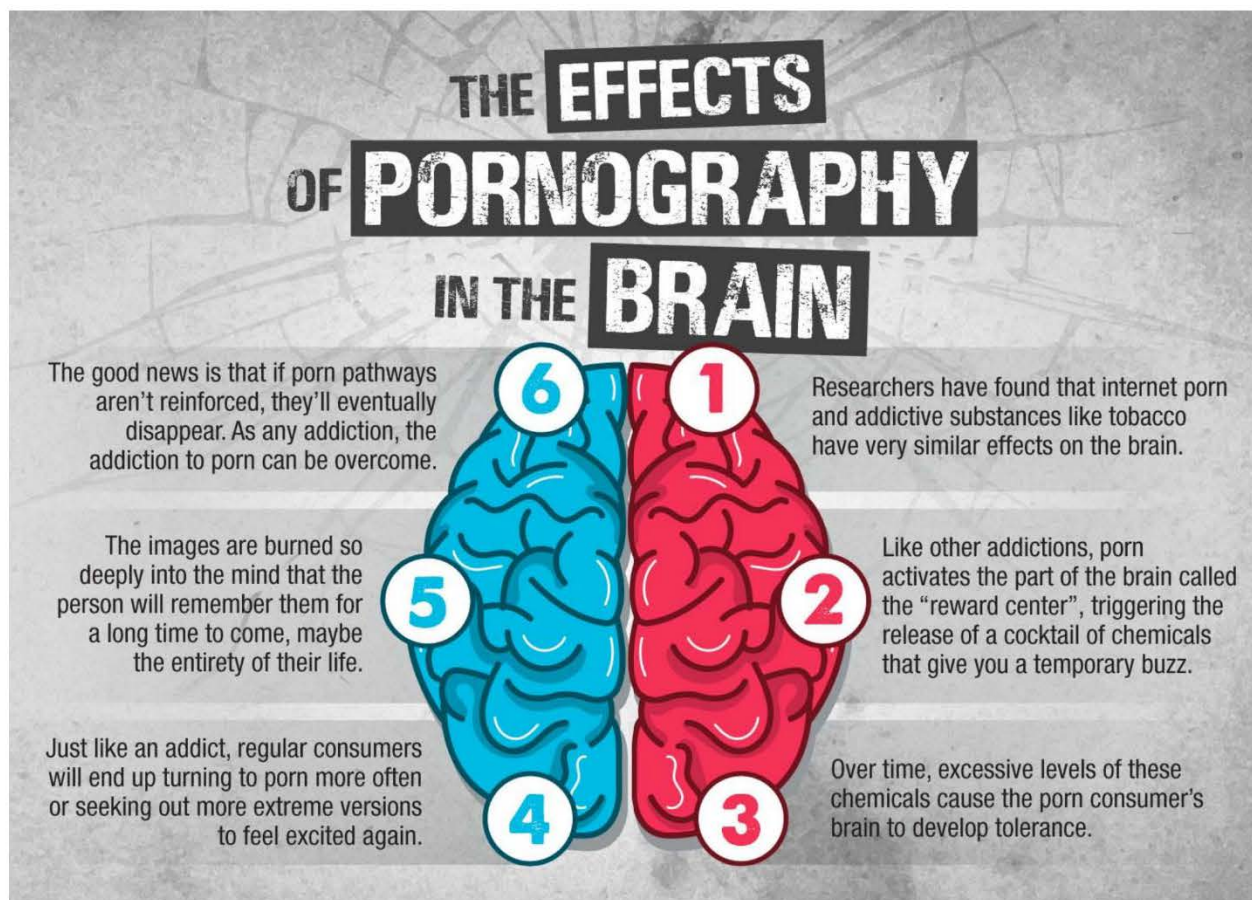
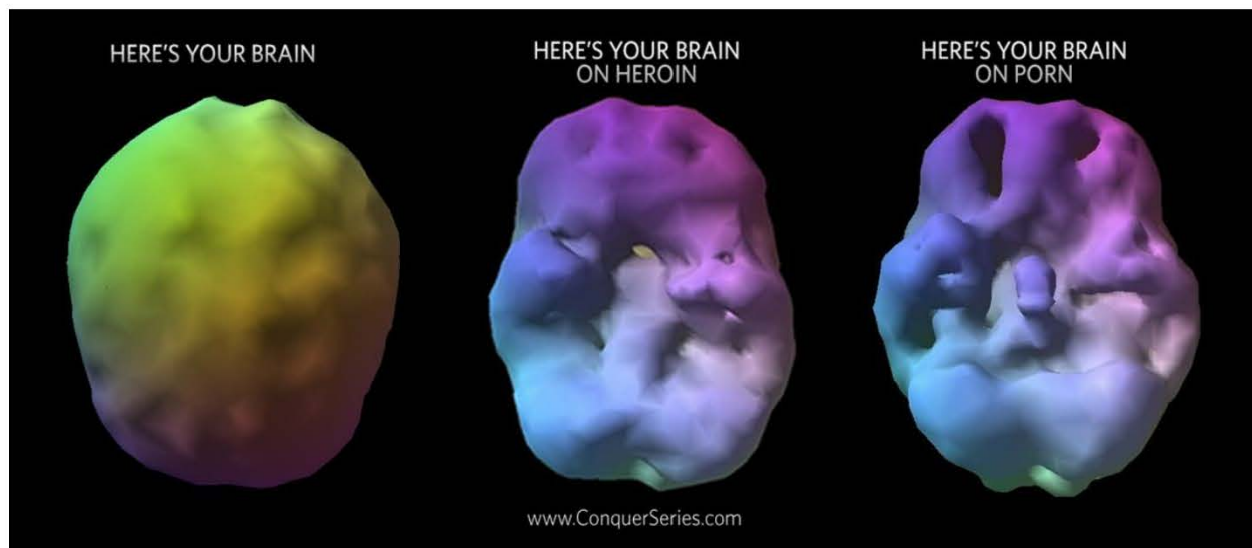
- See image- When one looks at pornography they are using the reward system part of their brain. This would be the limbic system of fight, flight or freeze. This area of the brain is also called the reptilian brain. Pornography or sexual content creates a supernatural stimuli that artificially enhances the release of chemicals in the reward system. The chemicals have a molecular structure very similar to

cocaine. We have found that habitual porn use create grey matter in the brain (brain shrinkage) in the prefrontal cortex.

3) Pornography is linked to increased sexual violence: a [2015 meta-analysis](#) of 22 studies from seven countries found that internationally the consumption of pornography was significantly associated with increases in verbal and physical aggression, among males and females alike.

Unfortunately, since 2017 the state of South Dakota has done little to no work to make more legislative actions of change or protection for children in this arena. I am honored to be here today to talk about a topic that I passionately believe is an issue that we need to take steps toward correcting. I cannot stress enough how big of a problem we are yet to see. I work daily with clients whose lives became unmanageable due to addiction and many of them are older and barley had access to porn or sexual content compared to what our youth in society has today. I truly believe that we are just beginning to see the impact on those who have had widespread access to porn or sexual content at an early age due to its availability. We have developed many different laws throughout our countries history as technology has advanced. We have speed limits and seat belt laws, we have building codes and such for the safety of the general public. The same fits here with the arena of pornography and sexual content. We need laws in place to protect the young minds of society until their brains are fully grown and they have been educated and can make their own decisions about what is healthy for them. Thank you for considering a step toward protection for the children of your state by passing Senate Bill 2380.





Good morning Chairman Barta and members of the Industry and Business Committee-

My name is Maggie Blaylock, and I am a Licensed professional counselor (LPC-MH) in the state of South Dakota. I am also a Certified Sexual Addictions Therapist (CSAT) and a Certified Multiple Addictions Therapist (CMAT). I own a private practice in Sioux Falls, SD. In my practice and with my specialty I work daily with the devastation of the aftermath on individual lives and marriages because of sexual addiction. In almost every case I work with, pornography use was an originating factor in their addiction.

Sadly, I became a licensed and trained professional because 13 years ago my own marriage was devastated by sexual addiction. My husband was the child of a pastor, and his parents tried very hard to monitor the content that he consumed. Unfortunately, he had access to porn he found at his grandparents' home and at a friend's house. When high speed internet hit while he was in college this behavior turned into a major addiction in his life until he eventually could no longer hide it. I became a trained professional because there were no local therapists in my state dealing with such complex issues at the time. We had to travel to Colorado to find someone skilled enough to know how to help us get into recovery and eventually repair our broken relationship. Sadly, today, I am only 1 of 2 CSATs in my state and last I checked there more recently is one CSAT in North Dakota. Before there was a trained professional in North Dakota I have had clients who drive down into the state of SD to a location that they can find wifi to work with me.

I want to take a minute to share a story with you guys from a client I have worked with. Sadly, this story is very common, and I have heard it many times before. This client came to me as a young adult who was newly married and having a difficult time stopping his compulsive use of pornography. It was wrecking his new marriage, and he was nearly suicidal. He was a local businessman and on paper very successful. He was an active member of his church. I enjoyed working with him because he was really a great guy who deeply wanted to do the right things in life. His history with pornography began when he was in the 5<sup>th</sup> grade, and he overheard a kid in his Christian school talking about sex using a slang term. This young boy did not know what this word was, and he was very developmentally appropriately curious. This curiosity led him to google the word and was first exposed to pornography. This caused normal curiosity to eventually become a repeated pattern of behavior that eventually turned into a full-blown sexual addiction.

While I primarily work with adults and the significant effects of pornography in their lives, its impact on children is particularly alarming. Research and clinical experience have shown that early exposure to pornography can shape a child's developing brain in harmful ways. Studies indicate that children who consume pornography at a young age are at greater risk for developing distorted views of sex, relationships, and consent. They are more likely to experience increased anxiety, depression, and difficulties in forming healthy relationships later in life. Repeated exposure can also desensitize young minds, leading to compulsive behaviors and, in some cases, addiction.



Furthermore, pornography often depicts unrealistic and even violent portrayals of sex, reinforcing unhealthy ideas about gender roles and consent. When children are exposed to such content without proper context or guidance, they may internalize damaging messages that influence their behavior and expectations in relationships. This not only puts their emotional and psychological well-being at risk but also increases the likelihood of engaging in risky sexual behaviors at an early age.

One of the most effective ways to protect children from the harmful effects of pornography is through age verification measures. The internet has made pornographic content more accessible than ever, and without safeguards, children can stumble upon or actively seek out this material with little to no barriers. Implementing strict age verification for pornographic websites is a critical step in creating a safer online environment—one that helps shield young minds from premature exposure to material that can have lifelong consequences.

Age verification does not aim to restrict adult access to legal content; rather, it serves to ensure that children are given the protection they deserve. Just as we implement age restrictions for alcohol, tobacco, and gambling to safeguard minors, we must apply the same logic to online pornography. This measure is not about censorship, it is about responsibility.

As a professional who has worked with individuals struggling with compulsive sexual behaviors, I strongly support age verification as a practical, necessary, and long-overdue step toward protecting our children's mental, emotional, and relational well-being. It is our duty as a society to provide safeguards that allow young people to develop healthy perspectives on relationships and intimacy without the distortions caused by premature exposure to pornography.

By voting for SB 2380 you are choosing to prioritize the safety and healthy development of your children over the convenience of unrestricted access to explicit content. This is a step forward in protecting future generations from the harm that I, and many other professionals in this field, see far too often.

February 9, 2025

Senate Judiciary Committee Members,

I am writing in support of SB 2380. I am an LPCC (Licensed Professional Clinical Counselor) in ND. I work with children and their families. It is the best interest of children to have the support of their parents and in some cases professionals in navigating questions about sexuality. Unfortunately, there is a significant number of children that have been sexually abused. Reading these materials can be detrimental to all children but poses an even greater risk to children that have a sexual abuse history. Seeing these materials can cause children to re-experience the abuse that has already happened. This creates an environment that makes it impossible for learning. Please help in protecting our young citizens of North Dakota by supporting SB 2380.

Respectfully Submitted,

Kristin Sharbono M. Ed., LPC

Chairman, Ranking Member, and Members of the Judiciary Committee,

Thank you for the opportunity to speak today. My name is ilonka Deaton and I am here not as a legal expert, but as a survivor—someone who has lived through the consequences of an internet that has prioritized profit over protection.

As a child, I was exposed to explicit online content at an age when I was far too young to understand it. Without safeguards, without barriers, I stumbled into a digital world that I was never meant to see. That exposure did more than just steal my innocence—it shaped my self-worth, my relationships, and my understanding of consent in ways that I am still working to heal from today.

Age verification is not censorship—it is common sense. It is the same principle we use when carding at bars, restricting R-rated movies, or keeping explicit magazines out of children's hands in brick-and-mortar stores. Why should the internet—a place that has become more accessible and more dangerous than ever—be exempt?

Critics argue that age verification is a burden on adults. But what about the burden on survivors like me? What about the millions of children who are being groomed, exploited, or conditioned by early exposure to harmful content? This is not hypothetical. It is happening. Right now.

I urge this Committee to consider what is truly at stake. We can debate legal frameworks, but what we cannot debate is the harm that is occurring every day to children who are left unprotected. It is time for lawmakers to stand up—not for corporations, not for the adult industry—but for kids. Because no child should have to give a testimony like mine in ten years.

Thank you.



**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](http://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.

Robert Cunningham  
Director of Policy Engagement  
International Centre for Missing & Exploited Children  
[bcunningham@icmec.org](mailto:bcunningham@icmec.org)



February 7, 2025

Honorable Senator Jeff Barta, Chairman  
Senate Industry and Business Committee  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

**RE: North Dakota SB 2380 – Opposition (as Drafted)**

Dear Chair Barta and members of the Committee:

ACT | The App Association is a global trade association for small and medium-sized technology companies. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology.

We appreciate the committee's consideration of our input as you work to address and protect limit minors' access to the harmful content found on the internet. We acknowledge the bill sponsors' and committee's concerns that the internet is a vastly complex arena, and children's access to the internet requires the utmost level of care. **We oppose SB 2380** and believe that the current language of North Dakota SB 2380 fails to achieve the legislative intent.

We also believe that **SB2380 directly shields known bad actors in the children's and youth privacy spaces such as Meta, Roblox, Snapchat, Epic Games, and Match Group by shifting the responsibility owed to their individual users and parents of younger users solely to the app stores.** We are hesitant to support proposed children's online safety legislation proposed and supported by companies facing millions of dollars in fines for violating children's privacy.<sup>1</sup>

**Section 1: Tools Currently Available and Alternative Solutions for Consideration**

While the intention behind SB2380 is to protect minors from accessing harmful online content and social media, the act would unintentionally create a state-wide obstacle for all users of mobile devices. The proposed approaches are both less effective and inadvertently less effective and more cumbersome than current methods of shielding minors from inappropriate content online.

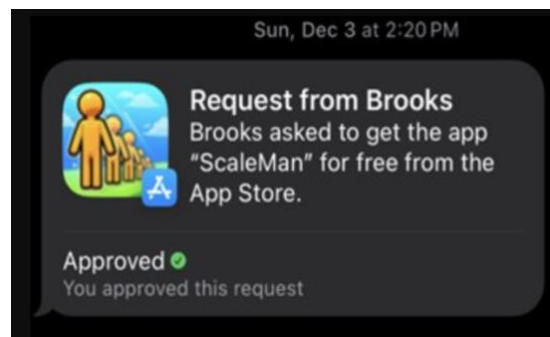
For example, when parents set up smart devices for their children now, they can configure the device so that access to certain online content is only possible via the parents' or guardians' permission (see example below). App stores enforce these preferences, blocking any downloads that parents and guardians disallow as well as any downloads of apps designated as outside the age range of the child user of the device, regardless of parental permission. Parents may adjust the settings that apply to the

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<sup>1</sup> <https://www.nytimes.com/2023/11/25/technology/instagram-meta-children-privacy.html>

device, including to allow a child that is close to their ninth birthday to download an app meant for children aged nine and above.

Under this framework, the parent is in charge of a device assigned to their child. They can parent as they see fit, and the developers providing these capabilities design their user interfaces according to parental preferences, rather than according to government officials' assessment of compliance. As such, parental control tools on offer today are in a constant process of improvement and refinement, which is better for parents and developers than freezing them in place to serve the goals of record-keeping and enforcement avoidance that come with a government regime contemplated in the legislative proposal.



*Figure 1: Screenshot of a notification sent to a parent of a request for their child to download an application to the child's device.*

**App developers currently must accurately indicate the age appropriateness of their apps when distributing through one of the official app stores—or else be subject to removal from the app stores.**

The internet is full of content that is harmful or inappropriate for minors. To mitigate the risk and limit access to harmful content, developers and device manufacturers implement tools that allow parents to configure devices for their children.

When configuring the device, parents can eliminate any possible access to the browser itself, confining their children's experience to apps that are approved for their ages (apps with browser access are strictly for 17 and over on the app stores).<sup>2, 3, 4</sup> Parents and guardians should not need to comply with layers of government red tape just to effectuate a much weaker level of control than what they currently have over their children's online experience.

To the extent the committee wishes to see a framework giving parents flexible, meaningful control over their kids' online experiences via their smart devices, this already exists, and any government

<sup>2</sup> Step-by-step guide to turning on device level filters currently available for Apple iPhones and tablets:

<https://support.apple.com/en-us/105121>

<sup>3</sup> Step-by-step guide to turning on device level filters currently available on Samsung Galaxy phones and tablets:

<https://www.samsung.com/us/support/answer/ANS10003399/>

<sup>4</sup> Step-by-step guide to turning on device level filters currently available for Apple iPhones and tablets on the Motorola phone - [https://en-us.support.motorola.com/app/answers/detail/a\\_id/156314/~parental-controls---moto-g-play](https://en-us.support.motorola.com/app/answers/detail/a_id/156314/~parental-controls---moto-g-play)



regime to change it would inevitably add costs for developers and headaches for parents. The failures to protect children's privacy that exist today—and which the proponents of the bills cite—are decidedly outside the purview of app stores and smart devices and solely on social platforms, including those the proponents provide. The solution is two-fold, but largely rests with more education to parents, guardians, and educators to know and deploy all tools that are currently available.

**SB2380 would produce a disproportionate impact on small and medium-sized tech companies.** Small and medium-sized tech companies and developers, like our members, play a crucial role in helping manufacturers turn an ordinary phone or tablet into a smart device – through the creation of the apps and other layers of software that work with the physical devices. These businesses are at the forefront of creating new ways of empowering parents and guardians to enable access to educational and beneficial content for their children via smart devices in a way that keeps parents at the center of their children's online experience and maximizes their ability to protect them. In the current ecosystem, a developer of a stargazing app with five employees can list their software as appropriate for children aged 12 and above (if on iOS)<sup>5</sup> or 10 and above (if on Google Play or another platform)<sup>6</sup> for example. Parents may wish to allow access for their 12-year-old, or they could decline access. This is solely at the parent's discretion.

If SB2380 is enacted, however, the parent has effectively no choice in the matter, the issue having been decided for them by the government. The child must be identified as “under 13,” pursuant to the app store's age verification requirement. On notice as to the child's status, the developer would then be obligated to follow the requirements laid out in SB2380.

For example, it would need to provide the parents with “profile visibility settings, including the ability to determine whether the child has limited the public visibility of their profile;” “reporting notices, including the ability to be notified when a child submits a report to the application concerning a potential violation of its terms and policies;” and various other mandates that are designed for social networks, not stargazing apps.

Even without the “developer” (social media) mandates in the bill, the actual knowledge as to a child's under-13 status effectively removes the ability for developers to offer things like stargazing apps to general audiences. They can either choose to market to “children,” subjecting themselves to verifiable parental consent (VPC) requirements under the Children's Online Privacy Protection Act (COPPA),<sup>7</sup> or they can completely shut off access to their services by children, setting the cutoff at age 18 just to be safe. Of course, the latter is much more likely to be the case, and there are two consequences of this:

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<sup>5</sup> <https://developer.apple.com/help/app-store-connect/reference/age-ratings/>

<sup>6</sup> <https://www.esrb.org/ratings-guide/>.

<sup>7</sup> COPPA applies to operators of commercial websites and online services “directed to children under 13,” <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>.

1) your 12-year-old no longer has the privilege of accessing high-quality stargazing apps that traverse bona fide app review and therefore are subject to meaningful parental controls via platform-level settings; and

2) 12-year-olds are unlikely to accept this fate and will access low-quality versions of the software operating in legal grey or black markets unchecked by app store constraints and completely outside this legislature's and parents' purview. Meanwhile, the good actor stargazing apps have likely lost much of their consumer base, left exclusively with consumers who have verified explicitly and pursuant to bureaucratic mandate that they are over 18. In a less likely scenario, they may have convinced their investors to allow them to become a VPC paperwork shop first and foremost, relegating the stargazing function to the backseat of their business plan priorities.

Adding to the VPC compliance costs, the bill itself would put the ball in the developer's court to maintain a paper trail on parents' consent to simply download the app (COPPA is not predicated on "downloads," it is predicated on collection of information—two completely separate things). Under the proposal, the app store's flag indicating parental consent only applies to the initial download. Parents often revoke consent, but this revocation must be effectuated between the parent and the developer under the proposal, since app stores have no functional ability to delete software from an individual's device. Under current law, parents effectuate this permission withdrawal by deleting the app—and decline permission for future downloads. But under SB2380, the developer would be the record-keeper for the entire age verification-predicated parental consent mechanism contemplated in the bill (even though deleting the app is a far easier method). This is an inevitable consequence of mandating age verification as a precondition of using the internet in the first place, since each link in the chain knows the age of the person and must act according to that knowledge. It follows that attempts to limit liability solely to app stores cannot succeed and would ultimately create significant legal uncertainty for small businesses in the app economy.

Whether the developer decides to exclude any consumer under 18 or not, under SB2380, the stargazing app would be less credibly competitive with larger rivals with big compliance budgets. It would be saddled with a new reality of frustrated parents, red tape, and legal uncertainty. This would be true for virtually all apps with high educational utility, including those used by school districts and therefore subject to the Family Educational Rights Privacy Act (FERPA), designed for kids, teens, and adults. It is simply unclear how SB2380 would conflict with or work around school district norms and FERPA requirements, and it is unlikely the resulting legal uncertainty could be waved away with savings clauses or rules of construction. The introduction of this level of legal uncertainty weighs far more heavily on small businesses like the five-employee stargazing app, providing a relative advantage to its larger competitors with legal departments and compliance resources.

The app store age verification language being considered by the committee, instead of supporting the innovative spirit in the digital ecosystem, undermine the ongoing progress that our businesses and developers are making.

**SB2380 incorrectly assume that homes are multi-device homes, and that all children and youth have their own devices.** One chief assumption in many of the age verification proposals is that all children

and all homes are multidevice homes. It is quite common for parents to use their own logins for a household laptop or tablet that they allow their kids to use. In instances like this, children may bypass all of the consent requirements that could be established by these proposals.

**App stores and social media platforms are not one in the same, and not all apps are social media apps.** App stores are like a mall filled with shops (apps) each selling various items for various audiences. Social media companies are a tiny fraction of the millions of individual businesses in this mall. The proposal to require the “mall” (app stores) to send a notification to every single shop (app and website) that a child entered the mall when only a small portion of shops have harmful or adult-specific items unnecessarily punishes all of the other shops in order to help solve a problem that is unique to a handful of stores (social media companies). That problem is the currently unchecked use by children under the age of 13 on social media platforms in violation of federal child privacy laws, for which social media platforms are liable. This [letter from Senators Bill Cassidy and Ed Markey](#) details the lengths to which some platforms go to skirt the law’s requirements and helps explain why proposals like the ones being considered by the committee would help bad actors evade this responsibility even as it would add costs for small business app developers and red tape for parents.<sup>8</sup>

**The legislative proposal mandating app store age verification is being pushed by huge platforms facilitating massive social networks with poor track records on protecting children’s privacy.** During an October 2, 2024, South Dakota hearing on this same legislative proposal, Nicole Lopez, the global director of youth safety policy at Meta (valued at ~\$1.5T), named Roblox (valued at ~\$28B), Match Group (valued at ~\$10B), and Snapchat (valued at ~\$17.5B) as the major industry supporters for app store level age verification. The unfortunate reality, is that these trillion- and billion-dollar companies have a history of violating various laws design to protect children who have used their platforms to access harmful content online.<sup>9, 10, 11</sup>

**Social media companies have their own community.** Social media companies are businesses that require each and every user to create an account to have access to a digital community where the users can communicate with each other through messaging, shared photos, and comments on posts, among other things intentionally created for both teen and adult crowds, and they have the responsibility to protect their users. This responsibility includes restricting account creation of minors and compliance with data governance laws and limiting targeted advertisements.

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<sup>8</sup> [https://www.markey.senate.gov/imo/media/doc/markey\\_cassidy\\_letter\\_to\\_meta\\_on\\_states\\_coppa\\_complaint\\_-\\_120523pdf.pdf](https://www.markey.senate.gov/imo/media/doc/markey_cassidy_letter_to_meta_on_states_coppa_complaint_-_120523pdf.pdf)

<sup>9</sup> <https://www.businesswire.com/news/home/20231107766120/en/Multiple-Families-Sue-Roblox-Corporation-for-Exploiting-Children-Online>

<sup>10</sup> <https://nmdoj.gov/press-release/attorney-general-raul-torrez-files-lawsuit-against-snap-inc-to-protect-children-from-sex-tortion-sexual-exploitation-and-other-harms/>

<sup>11</sup> <https://www.documentcloud.org/documents/24080032-state-ags-v-meta>

**Many of the social media companies are also standalone websites.** This means that that even if the social media companies leave an app store, laptop and smartphone users could still create social media accounts on these specific companies' websites. This proposal does not take this into account.

**Children are extremely tech savvy.** Most young children are tech savvy and can be one lunch discussion or sports practice away from learning how to bypass any kind of app store parental verification and age gating mechanisms.

### Possible Alternatives

- **Education, awareness, and activations.** We encourage consideration of allocating state resources into education and training programs to help spread awareness of built in parental monitoring and control features that already exist. We welcome the chance to partner with the state's startup and tech ecosystem by providing resources that can assist in training parents, grandparents, and others on current apps and tools that limit and monitor minors' access online. We believe efforts like these would help enable better protections without imposing impractical requirements on parents, developers, and manufacturers.
- **Public-private partnerships and standards development:** The internet and technology are global by nature, and it is nearly impossible to geofence requirements on parents, developers, students, and children in a state's border. To this end, the tech sector has historically worked to develop mutually agreed upon industry practices at a global level. This allows agreements and complete solutions to move at the speed of innovation, rather than the speed of government. We believe that it will take the entire ecosystem joining forces to properly create an online environment where children can be protected. This would also include state specific public-private partnership between government agencies, school districts, the legislature, and more small businesses building tools that facilitate the protection of privacy and kids' online safety.

We encourage the committee to explore these alternative approaches, and we offer to be an active contributor to these solutions. By working together to foster digital literacy, awareness, and parental empowerment, we can create a safer environment for minors without stifling innovation or burdening small businesses.

Thank you for your time and consideration. We trust that you will carefully evaluate the points raised and remove the bill from consideration while focusing alternative ways to support both the protection of minors and the growth of the app economy in North Dakota.

Sincerely,

Caleb D. Williamson  
State Public Policy Counsel  
ACT | The App Association

25.1138.02000

Sixty-ninth  
Legislative Assembly  
of North Dakota

**BILL NO.**

Introduced by

Senator Boehm

1 A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota  
2 Century Code, relating to a commercial entity's liability for publishing or distributing mature  
3 content; to provide a penalty; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Liability for publishing or distributing mature content - Age verification requirement -**  
8 **Penalty.**

9 1. As used in this section:

- 10 a. "Covered manufacturer" means a manufacturer of a device, operating system for  
11 a device, or an application store.
- 12 b. "Device" means an electronic tool or gadget designed for and capable of  
13 communicating with other computers or devices across a computer network for  
14 the purpose of transmitting, receiving, or storing data, including a desktop  
15 computer, laptop computer, tablet, or cell phone.
- 16 c. "Mature content" means actual or simulated sexual intercourse, sodomy,  
17 bestiality, oral copulation, flagellation, or excretory functions or exhibitions, or any  
18 other sexual act or sexually explicit conduct defined in 18 U.S.C. 2256.
- 19 d. "Minor" means an individual under eighteen years of age.
- 20 e. "Operating system provider" means an entity that develops, distributes, or  
21 maintains an operating system for a device. The term includes the design,  
22 programming, and supply of an operating system for various devices, including a  
23 smartphone, tablet, or other digital equipment.

- 1           f. "Substantial portion" means more than one-third of the total material on a  
2           website, application, or online service.
- 3       2. A covered manufacturer shall take commercially reasonable and technically feasible  
4       steps to:
- 5           a. Determine or estimate the age of the primary user upon activation of a device;  
6           and
- 7           b. Provide a website, application, application store, or online service with a digital  
8           signal notifying if a primary user is over or under eighteen years of age through a  
9           real-time applications programming interface.
- 10       3. A covered manufacturer shall include in operating system updates the provisions of  
11       subdivision a of subsection 2 for any device sold before August 1, 2026.
- 12       4. When a website, application, or online service makes available a substantial portion of  
13       mature content, the website, application, or online service shall:
- 14           a. Recognize and receive digital age signals and block access to the website,  
15           application, or online service if an age signal is received indicating a user is  
16           under eighteen years of age.
- 17           b. Provide a disclaimer that the website, application, or online service contains  
18           mature content; and
- 19           c. Label the website, application, or online service as restricted to adults.
- 20       5. When a website, application, or online service makes available less than a substantial  
21       portion of mature content, the website, application, or online service shall:
- 22           a. Recognize and receive digital age signals and block access to any known mature  
23           content on the website, application, or online service if an age signal is received  
24           indicating a user is under eighteen years of age; and
- 25           b. Provide a disclaimer the website, application, or online service contains mature  
26           content.
- 27       6. A covered manufacturer shall impose the same restrictions and obligations on a  
28       website, application, or online service as the covered manufacturer is required to  
29       impose on third parties. A covered manufacturer may not use any data collected under  
30       this section for any other purpose.
- 31       7. The attorney general may adopt rules as necessary to enforce this section.

1       8. The attorney general has exclusive authority to enforce this section.

2       9. If the attorney general believes a covered manufacturer is in violation of this section,  
3       the attorney general shall provide written notice to the covered manufacturer  
4       identifying the specific provision of this section alleged in the violation. The covered  
5       manufacturer has forty-five days from the date of receipt to correct the violation and  
6       provide the attorney general a written statement informing the alleged violation has  
7       been corrected. The attorney general may initiate an action under this section if the  
8       covered manufacturer continues to violate this section or fails to correct a violation and  
9       provide a written statement within forty-five days.

10      10. A covered manufacturer that violates this section is subject to a fine of ten thousand  
11      dollars for each violation.

12      11. A covered manufacturer is not subject to liability for failure to comply with this section if  
13      the covered manufacturer has taken commercially reasonable and technically feasible  
14      steps to determine or estimate the age of a user.

15      11. This section does not create a private right of action.

16      12. This section does not apply to any bona fide news or public interest broadcast,  
17      website video, report, or event, and does not affect the rights of any news-gathering  
18      organization.

19      13. An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud  
20      service provider may not be held to have violated this section solely for providing  
21      access or connection to or from a website or other information or content on the  
22      internet or a facility, system, or network not under the provider's control, including  
23      transmission, downloading, intermediate storage, access software, or other forms of  
24      access or storage to the extent the provider is not responsible for the creation of the  
25      content of the communication that constitutes mature content.

26      **SECTION 2. EFFECTIVE DATE.** This Act becomes effective August 1, 2026.



February 10, 2025

The Honorable Jeff Barta  
815 South 21st Street  
Grand Forks, ND 58201-4135

**Re: Oppose SB 2380**

Dear Chair X and members of the Committee:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advancements – I urge you to **oppose SB 2380**, which would compromise online privacy. One of the Chamber of Progress's top priorities is protecting online privacy. We support rules to prevent particularly sensitive data from being used in harmful ways, and we are staunch supporters of efforts to create comprehensive privacy protections. We also strongly support making the internet safe for young people.

**SB 2380 would undermine the privacy and online experiences for all users**

As written, SB 2380 would effectively require covered manufacturers to verify the identity and age of ALL users - a tremendous encroachment of individual privacy. In fact, estimating the age of a user will require *more* data, acting contrary to data minimization efforts. Moreover, many adult users reasonably would prefer not to share their identifying information with online services - creating an unpleasant dilemma for adult users: turn over sensitive personal data to access protected speech online, or forego enjoyment of that device entirely.

SB 2380 may lead to online services opting out of gathering identifying information and opting instead to treat all users as minors. This would cause the curation of online content accordingly: in other words, covered platforms may turn entirely to children's programming and eliminate all content for adults, turning YouTube into YouTube kids for everyone.

**App providers are better suited than app store developers to implement customized safety measures**

SB 2380 places the burden on online safety on app store providers. However, app developers are better positioned to implement tailored safety measures as they have a



deeper understanding of their apps' features, audiences, and risks. The Legislature should not relieve developers' of their responsibility to do so.

Moreover, mistakenly assumes that mere access to an online service or application threatens young people's safety. When in fact, any online harms come from the experiences they have on online platforms. Thus, online platforms like Meta and Snap have worked diligently to create safety tools and parental controls.

Age verification at the app store or device level creates a false sense of security, when the real issue is what developers are doing to make their products safe for users of all ages.

By enforcing age verification, SB 2380 could effectively cut young people off from the benefits of the internet - including educational enrichment, community, etc - , without meaningfully making them or the internet safer. For these reasons, we urge you to **oppose SB 2380** to protect online privacy.

Sincerely,

A handwritten signature in black ink, appearing to read "K. C. Marshall", enclosed within a large, loopy oval shape.

Kouri Marshall

Director of State & Local Public Policy, Central/Southern Region

[www.progresschamber.org](http://www.progresschamber.org)

**GREATER NORTH DAKOTA CHAMBER**  
**SB 2380**  
**Senate Industry & Business Committee**  
**Chair Jeff Barta**  
**Feb. 10, 2025**

Mr. Chairman and members of the Committee, my name is Arik Spencer, and I am the President and CEO of the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. GNDC is also the state affiliate for the National Association of Manufacturers. We stand in **opposition** to Senate Bill 2380.

GNDC's opposition to SB 2380 is based upon the overly burdensome requirements this bill imposes on all technology manufacturers to age-verify any user in real-time, regardless of whether the user is accessing mature content.

We are concerned the term "device" is overly broad as the sheer number of manufactured electronics covered by that definition is immense and includes vehicles, appliances, watches, glasses, security systems, and many other manufactured goods beyond computers and phones.

In addition, the term "commercially reasonable and technically feasible" is not defined, opening manufacturers up to unneeded legal liabilities and steep fines. This language may be especially problematic for small technology manufacturers and entrepreneurs who don't have the business scale or technical expertise to offer real-time age verification, which could be especially harmful to ND-based technology developers and manufacturers.

Finally, GNDC is concerned about the impact of user-generated content, which may be considered "mature" on E-commerce sites, digital marketplaces, fitness/wellness platforms, and discussion forums that could expose a covered manufacturer to a \$10,000 fine per occurrence.

Ultimately, SB 2380 creates significant regulatory and financial burdens on businesses, threatens innovation and investment, and fails to protect minors in the digital space effectively. While we appreciate the goal of the sponsors, GNDC strongly urges lawmakers to reject SB 2380 in favor of business-friendly, practical solutions such as HB 1561 that empower parents and consumers without stifling economic growth.

## **Senate Bill 2307 and SB 2380**

### **Pornography Causes Depression and Mental Health Problems**

- Youth who are depressed or have delinquent tendencies are known to have higher levels of pornography exposure.
- Pornography use is a recognized predictor of depression.
- Younger age at first pornography viewing is associated with frequency of adult mental health problems.

### **Pornography Causes Permissive Sexual Attitudes and Behaviors**

- Pornography use, even when infrequent, is associated with abnormal behaviors.
- In males, early exposure to pornography predicted "permissive sexual norms, sexual harassment perpetration" and various forms of sexual behavior.
- Even when controlling for other factors, pornography consumption influences sexual behaviors.
- Adolescents who are exposed to pornography are more likely to have multiple sexual partners.
- Early exposure to pornography is associated with initiation of sexual behavior at a younger age.
- In young men, pornography viewing is associated with higher rates of sexual coercion and violent or abusive behavior.
- Pornography consumption is associated with negative gender attitudes.
- Pornography exposure is associated with substance abuse.

### **Pornography Contributes to Poor Academic Performance**

- Exposure to pornography has been shown to interfere with working memory in a way not seen with exposure to other stimuli, including negative stimuli.
- Sexually explicit images affect the brain's emotion/attention processing.
- In early adolescent boys, pornography exposure was associated with reduced academic performance.

## **SB2380 and SB2307**

### **The Research-Backed Links Between Pornography & Child Sexual Abuse**

- Pornography Feeds the Growing Appetites of Child Sexual Abusers
- Child Sexual Abusers Use Pornography to Create Plans of Action
- Child Sexual Abusers' Tastes for Pornographic Content Depicting Younger Performers Increase Over Time
- Abusers Point Children to Pornography as a Way to Groom and "Train" Their Victims
- Pornography Normalizes Deviant and Dangerous Sexual Behaviors
- Pornography Has Been Found to Be Connected to a Rise in Child-on-Child Harmful Sexual Behavior

Source:

<https://endsexualexploitation.org/articles/the-research-backed-connections-betweenpornography-and-child-sexual-abuse>

**"In this day and age, you will never find a man who has sexually offended who is not deeply steeped in pornography prior to offending. So pornography is the common denominator among all sexual offenses."**

**Jon Uhler**

Therapist with 30 years experience counseling both victims and perpetrators

Full interview:

<https://rumble.com/v27luo0-is-pedophilia-becoming-normalized-a-therapist-for-sexualoffenders-weighs-i.html>



## The Brain on Porn

- Brains are hardwired to learn, and learning changes the brain
- Dopamine, produced by the brain, drives learning and curiosity and can become addictive
- Addiction changes the brain; cocaine brain and sexually-addicted brain look the same
- The brain sees explicit material the same way whether cartoon, drawing, picture, or video
- Exposure to pornography traumatizes children's brains
- Trauma reduces brain matter by 10-12%
- Long-term porn exposure reduces brain gray matter

“Exposing children to pornography should be forbidden and better regulated, as it is violating their spiritual boundaries and evolving beliefs around body, sexual development and intimate relationships, in a similar way that direct sexual abuse on their body does. If this trauma is not identified and processed promptly, the survivor runs the risk of reenacting as an attempt to resolve what once left him or her powerless, or of even engaging in similar criminal behaviors”

--Dr. Caroline Giroux, psychiatrist (2021)

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## **Device-Based Age Assurance: A Safer Approach to Ensuring Access to Age-Appropriate Content**

Last Updated Date: July 31, 2024

### **Executive Summary**

Age verification has become a priority for lawmakers in their efforts to make the internet a safer space. Unfortunately, current efforts to enact age verification laws to prevent minors from accessing adult content pose significant data privacy and security concerns, present Constitutional challenges to First Amendment free speech rights, increase barriers to proper platform compliance and enforcement by dissuading user retention, and can lead to negative outcomes from unintended user behavior. Age verification solutions must be properly implemented to achieve the primary goal of protecting children, while simultaneously preserving the privacy and Constitutional rights of adult consumers.

As such, there is a significant need for legislation that places the age assurance mandate at the source, on the device, to resolve these challenges. Device-based technology as a method of age assurance is technically feasible to implement and relies on elements that are already a common practice across industries. Device-based age assurance verifies a user's age through their device's operating system and shares the user's verified age or age range with the application, service, or website the user is attempting to reach, creating a safer, privacy preserving approach to age verification, while also addressing the various Constitutional and compliance challenges posed by existing iterations of current legislation.

### **Implications of Current Online Age Verification Laws**

The current age verification requirements under recent legislation are ineffective and pose significant implications to the privacy and Constitutional rights of adults. In June 2022, Louisiana passed an age verification law requiring platforms and websites that contain "a substantial amount of adult material" to implement an age verification method prior to granting users access to the website's content. Since then, eighteen (18) additional states have followed suit. Requirements vary largely across states for what constitutes a reasonable age verification method, ranging from highly invasive methods such as uploading a government-issued identification (ID) card, to vague methods so long as they are "commercially reasonable."

While these age verification laws may be well-intentioned in protecting minors from accessing age-inappropriate content, they fail to do so. Additionally, they aim to subject adult users to upload personal information and sensitive data prior to accessing content, posing adverse consequences to user privacy and constitutionally protected speech. As current legislation





requires verification to occur on a per platform basis, adult users are required to upload or provide personal information numerous times across multiple platforms, significantly increasing the risk of misuse and phishing, to their information being compromised in data breaches, and potential widespread identity theft. Additionally, existing age verification mandates burden adult users' access to Constitutionally protected speech. Existing age verification laws, including Texas' [H.B.1181](#), are actively undergoing challenges in district and appellate courts as well as the Supreme Court for harming the speech rights of adults by creating a government mandated, restrictive barrier to access.

Though some companies with a genuine interest in protecting children and the privacy of adult users may comply with these regulations and take users' safety and privacy into account, many companies and sites may not have the resources or desire to comply in a comprehensive manner. This results in a patchwork approach to compliance with age verification laws – each of the potentially hundreds of thousands of platforms may have their own systems or third-party vendors with a high degree of variance on how securely they store information, how much due diligence they have for third-party vendors, and how strongly they or their third parties uphold data deletion policies.

Additionally, existing age verification laws dissuade compliance. Compliant sites that implement proper verification protocols have experienced a significant exodus of users since adult users that do not want to share personal information will seek out non-compliant sites, many of which are located outside the jurisdictions of the states. This has the effect of naturally redistributing users to non-compliant platforms and websites. Many smaller platforms and websites who are not compliant continue operating without effective processes to verify the age of users, or without proper safeguards in place to protect the personal information collected from users. In the end, the goal of protecting minors online falls woefully short.

### **What is Device-Based Age Assurance**

The most effective, secure, and equitable solution for protecting all users, both minors and adults alike, is to implement a mechanism that verifies a user's age only once and at the point of access to the internet: on the device. The user's age or age range can be shared with the application, online service, or website they are attempting to reach. This approach, otherwise known as device-based age assurance, would require a user's age to be independently verified one time by the device's operating system, and would securely store the user's age locally on the individual device.

When a user attempts to access a website containing adult content, the user's operating system would then share a user's verification status with the applicable website through a



secure Application Programming Interface (API), which would provide the website with a response on whether the user meets the defined age thresholds to access the platform. This approach ensures a seamless experience between the user and the platform that user is trying to access, eliminating the need to upload personal information to a third-party verification system or to each adult content platform visited, removing the barriers to access Constitutionally protected speech.

Device-based age assurance is straightforward and effective. The technology already exists and standardizes the age verification process, reducing potential points of failure including privacy, Constitutional, and compliance concerns with existing age verification laws. The crux of the approach requires collaboration with operating system companies, such as Apple (iOS), Google (Android), and Microsoft (Windows), to leverage existing infrastructure and technology to deploy a secure method to validate and store a user's age, and create a secure API in which a user's age or age range can be shared with the adult website in an anonymized and secure manner.

### **Technical Feasibility of Device-Based Age Assurance**

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, can be examined as a case study to demonstrate the existing technological feasibility of device-based age assurance. More recently, Google has deployed age assurance functionality in the United Kingdom.

Secure data stored by device manufacturers and operating systems can be accessed through readily available, trusted, and developed APIs. 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. 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. This allows platforms and websites to request and access data stored within the device without needing to directly interact with the backend architecture of the device's operating system.

As an example, Apple already maintains a Wallet API that is capable of the functionalities required for device-based age assurance. The Verify by Wallet is an example of an API that allows integrations that share verified, authenticated age information to approved third party applications. The data shared is limited only to the integration's use case, ensuring the privacy of the device user. This prevents device manufacturers from oversharing user data beyond the approved use case and allows websites to minimize the amount of data they collect. Though



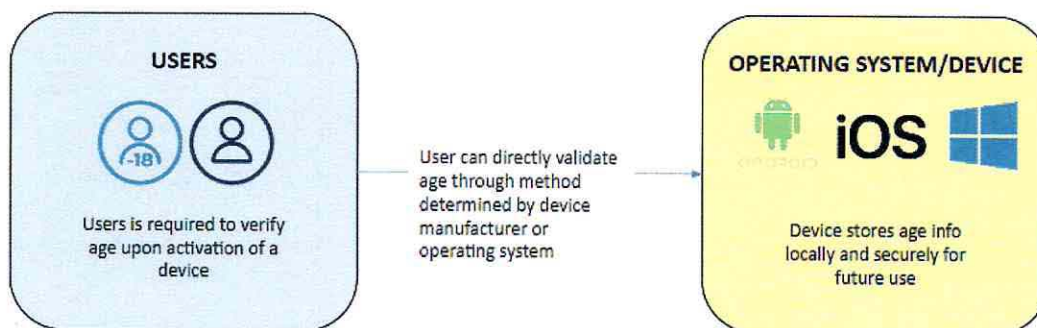
the method in which device manufacturers and operating systems may perform and collect age verification information can vary, the Verify by Wallet API demonstrates an example of the existing technology entities have in place to share limited personal data with third parties.

### **A Potential Implementation of Device-Based Age Assurance**

By leveraging the above technology to securely store and share verified age information through APIs, it is possible to implement a highly effective device-based age assurance mechanism that addresses the unintended privacy risks of current, mandated platform-level age verification requirements. The user, device/operating system, and platforms/websites are all able to safely interact, verify ages using privacy-preserving approaches, and protect minors from accessing age-inappropriate content.

#### **Step 1: Age Verification of the User**

Upon activation of a device, a user will validate their age through commercially reasonable methods put into place by the operating system, such as inputting the required information on the local device.



Once the age information is verified, it can be stored locally on the device or by other secure methods implemented by the operating system. Storage on the device can be done so securely, similarly to how government-issued IDs are currently stored on devices.

#### **Step 2: Websites Requiring Age Verification Must Implement Sufficient API Integrations**

Any website that is legally required to verify the ages of their users must implement a sufficient API integration with operating systems. The API integration must be reviewed and approved by the operating system before the site can request and receive any age data.

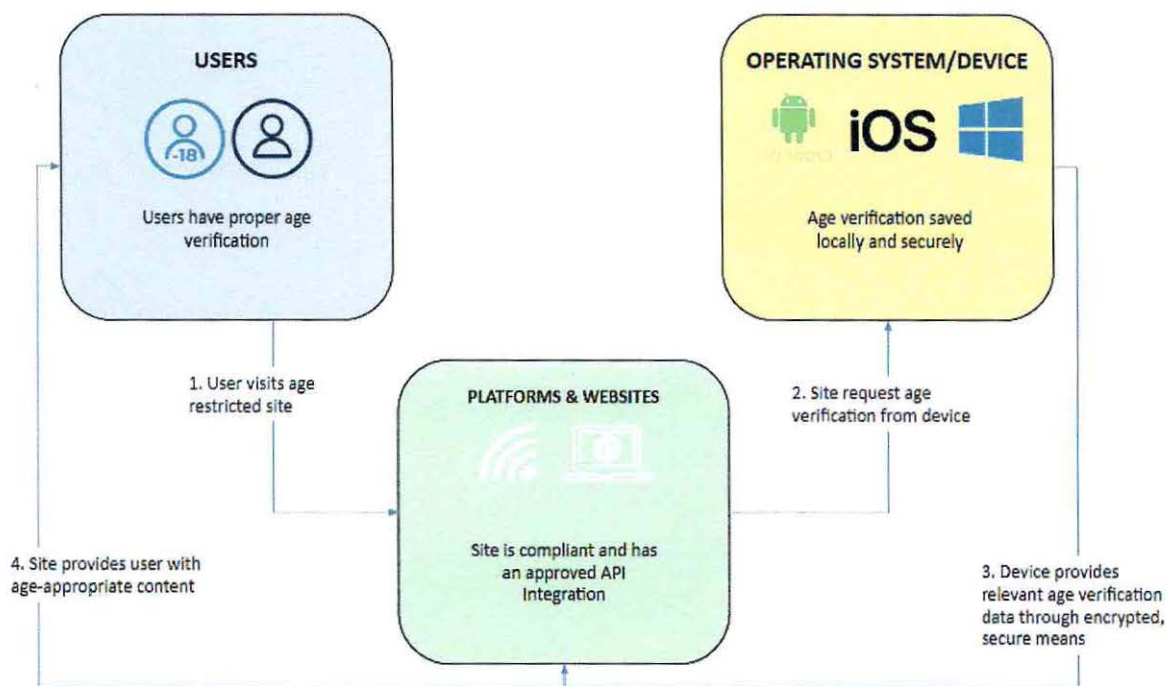
APIs are a common practice and already exist on devices, major operating systems, websites, and applications. Websites and applications use APIs on a daily basis in order to communicate with other services without needing to access the other's codebase or backend architecture. Each API integration use case is tracked by the operating systems as standard procedure to ensure the traceability and accountability of websites using these APIs. Websites are required to provide full transparency into the identity information the app requests.



### Step 3: User Attempts to Access Age Restricted Site

When a user attempts to visit a site using such an API, the site will send a request for the age verified data through the approved API. The API then receives and processes the request. Based on the agreed upon terms of the API integration, such as the use case for this information and the age data needed, the API will retrieve the necessary information from the operating system. The operating system could provide either the exact age of the user, or provide signals based on the legal thresholds (<13, <16, 18+, 18-) defined within the state. The device will then provide the verified age data to the site.

After obtaining age data, the site can then allow access or display permitted content to the user as per the site's age restriction policies. If a site is properly compliant, the user will not be able to access the site if the user's age is determined to be below the threshold to access.



### Effective, Secure, and Equitable Age Assurance

Device-based age assurance is an effective, easy to implement, and technically feasible solution for preventing minors from accessing age-inappropriate material while protecting the privacy and Constitutional rights of adult users. By verifying a user's age through the device's operating system and securely sharing through an API to approved websites and platforms, device-based age assurance mitigates the inherent privacy risks, Constitutional challenges, and patchwork nature of compliance currently posed by existing age verification laws. In addition, a device-based age assurance mechanism does not dissuade users from visiting compliant platforms and websites. Compliance with device-based age assurance would be considered better for business, reducing the number of non-compliant websites and therefore the opportunities for minors to access age-inappropriate content. Overall, the common goal of protecting minors online would be achieved.

Device-based age assurance is technically feasible to implement and can be securely leveraged across all platforms, apps, and websites. As demonstrated by Apple, one of the three major operating system companies, the innovations and technologies required to implement device-based age assurance are already widely in use and could be easily updated to enable this assurance mechanism globally within a short time horizon. Users would only need to validate and share their personal information with their operating system, which many users already





trust with a high level of privacy and security. Device-based age assurance creates a simpler, more transparent and secure ecosystem for all parties, and fulfills its main purpose of protecting minors from accessing inappropriate content online.

///

## **Hearing Speech on the Sixty-ninth Legislative Assembly Act Regarding App Stores and Online Content Regulation**

I am here to introduce a pivotal piece of legislation introduced in the Sixty-ninth Legislative Assembly. This act addresses a growing concern in our digital age: the regulation of app stores, operating systems, and online services to protect minors from mature content. This legislation takes critical steps to ensure responsible digital governance and safeguard our younger generation from exposure to inappropriate online material.

With the rise of technology, minors have unprecedented access to digital content through various devices, including mobile phones, tablets, and computers. While these advancements offer numerous educational and social benefits, they also expose minors to explicit content that may not be suitable for their age. This legislation seeks to hold covered manufacturers, operating system providers, and app store providers accountable for enforcing proper age verification and content restrictions.

This legislation introduces several mandates to create a safer online environment:

### **1. Age Verification Mechanism**

- Covered manufacturers must take commercially reasonable and technically feasible steps to determine or estimate the primary user's age upon activation of a device.
- A real-time application programming interface (API) must be implemented to indicate whether a primary user is over or under eighteen years of age.

### **2. Content Restriction Requirements**

- Websites, applications, or online services that provide a substantial portion (more than one-third) of mature content must recognize digital age signals and block access for minors.
- They must display disclaimers indicating the presence of mature content and label their platforms as restricted to adults.

### **3. App Store Provider Responsibilities**

- App stores must determine and verify the age of individuals purchasing or using apps within the state.
- Verifiable parental consent must be obtained before allowing minors to download or make in-app purchases.
- A commercially available mechanism must be provided for parents to block the download of age-inappropriate apps.

### **4. Parental Control Measures**

- If an app store provider advertises parental controls, it must ensure clear and easily accessible mechanisms for parents to filter content and limit app usage for minors.
- Developers must also provide features enabling parents to set time restrictions and monitor app usage.

#### **5. Enforcement and Compliance**

- The Attorney General is granted exclusive authority to enforce this legislation.
- Violators will receive a written notice and have 45 days to correct non-compliance before legal action is taken.
- A fine of \$10,000 will be imposed for each violation.
- The legislation ensures that compliance efforts are commercially reasonable and technically feasible to prevent undue burden on businesses.

While this act prioritizes child safety, it also takes care not to hinder innovation, competitiveness, or free speech. The legislation does not apply to bona fide news or public interest broadcasts and does not impose liability on internet service providers or search engines for content beyond their control. The goal is not censorship but the responsible dissemination of age-appropriate content

This legislation is a necessary step toward a safer digital landscape for minors. By enforcing strict age verification, enabling parental controls, and ensuring content providers act responsibly, we can create an online ecosystem that respects both freedom and accountability.

I urge my fellow legislators to support this bill and uphold our duty to protect the well-being of our children in the digital world.

25.1138.02001  
Title.

Prepared by the Legislative Council  
staff for Senator Boehm  
February 7, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2380

Introduced by

Senators Boehm, Beard, Paulson

Representatives VanWinkle, Steiner, Klemin

- 1 A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota
- 2 Century Code, relating to a commercial entity's liability for publishing or distributing mature
- 3 content; to provide a penalty; and to provide an effective date.

#### 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created
- 6 and enacted as follows:

#### 7 Liability for publishing or distributing mature content - Age verification requirement -

#### 8 Penalty.

##### 9 1. As used in this section:

- 10 a. "Age category" means the category of an individual based on the individual's age,
- 11 including the following age-based categories:

12 (1) A legal adult who is at least twenty-one years of age;

13 (2) An adult who is at least eighteen years of age and under twenty-one years  
14 of age;

15 (3) An older teenager who is seventeen years of age;

16 (4) A teenager who is at least thirteen years of age and under seventeen years  
17 of age; and

18 (5) A child who is under thirteen years of age.

- 19 b. "App" means a software application or electronic service that may be used on a
- 20 computer, tablet, mobile device, or any other general purpose computing device.

- 1 c. "App store" means a publicly available website, software application, or other
- 2 electronic service that distributes apps from a third-party developer to a user of a
- 3 computer, tablet, mobile device, or any other general purpose computing device.
- 4 d. "Covered manufacturer" means a manufacturer of a device, operating system for
- 5 a device, or an application store.
- 6 b.e. "Device" means an electronic tool or gadget designed for and capable of
- 7 communicating with other computers or devices across a computer network for
- 8 the purpose of transmitting, receiving, or storing data, including a desktop
- 9 computer, laptop computer, tablet, or cell phone.
- 10 e.f. "Mature content" means actual or simulated sexual intercourse, sodomy,
- 11 bestiality, oral copulation, flagellation, or excretory functions or exhibitions, or any
- 12 other sexual act or sexually explicit conduct defined in 18 U.S.C. 2256.
- 13 d.g. "Minor" means an individual under eighteen years of age.
- 14 e.h. "Operating system provider" means an entity that develops, distributes, or
- 15 maintains an operating system for a device. The term includes the design,
- 16 programming, and supply of an operating system for various devices, including a
- 17 smartphone, tablet, or other digital equipment.
- 18 f.i. "Substantial portion" means more than one-third of the total material on a
- 19 website, application, or online service.
- 20 2. A covered manufacturer shall take commercially reasonable and technically feasible
- 21 steps to:
- 22 a. Determine or estimate the age of the primary user upon activation of a device;
- 23 and
- 24 b. Provide a website, application, application store, or online service with a digital
- 25 signal notifying if a primary user is over or under eighteen years of age through a
- 26 real-time applications programming interface.
- 27 3. A covered manufacturer shall include in operating system updates the provisions of
- 28 subdivision a of subsection 2 for any device sold before August 1, 2026.
- 29 4. When a website, application, or online service makes available a substantial portion of
- 30 mature content, the website, application, or online service shall:



- 1           a. Recognize and receive digital age signals and block access to the website,
- 2           application, or online service if an age signal is received indicating a user is
- 3           under eighteen years of age.
- 4           b. Provide a disclaimer that the website, application, or online service contains
- 5           mature content; and
- 6           c. Label the website, application, or online service as restricted to adults.
- 7       5. When a website, application, or online service makes available less than a substantial
- 8       portion of mature content, the website, application, or online service shall:
- 9           a. Recognize and receive digital age signals and block access to any known mature
- 10          content on the website, application, or online service if an age signal is received
- 11          indicating a user is under eighteen years of age; and
- 12          b. Provide a disclaimer the website, application, or online service contains mature
- 13          content.
- 14       6. An app store provider shall:
- 15           a. Determine the age category and verify the age of each individual located in the
- 16           state who purchases or uses an app from the app store of the provider by the
- 17           age verification provided under subsection 2.
- 18           b. Obtain verifiable parental consent before allowing a minor located in the state to
- 19           download, use, or purchase any app or in-app purchase from an app store of the
- 20           provider. Verifiable parental consent must be obtained by the app store provider
- 21           for every purchase or download of an app or in-app purchase.
- 22           c. Provide a commercially available mechanism for a parent to block the download
- 23           of any app sold or downloaded by the app store in this state unsuitable for the
- 24           age category of the minor.
- 25           d. Provide a developer the ability to determine, consistent with the provider's current
- 26           data collection practices:
- 27               (1) The age category of any user located within the state; and
- 28               (2) If the app store has obtained verifiable parental consent through a real-time
- 29               application programming interface when a minor located in the state uses a
- 30               developer's app.

- 1        7. An app store provider that operates in the state, owns or controls a mobile operating  
2        system of a mobile device, and offers and advertises parental controls must provide a  
3        parent with clear and easy to find mechanisms to access the parental controls,  
4        including parental controls advertised as:
  - 5        a. Providing filters for a mobile device to prevent a minor from accessing sexually  
6        explicit websites on the device's mobile website browser; or
  - 7        b. Allowing a parent to control and limit the use of an app on the mobile device.
- 8        8. If an app store provider displays an age rating consistent with the age categories and  
9        content description, the app store provider must display the age rating and content  
10       description clearly, accurately, and prominently.
- 11       9. If a developer displays an age rating consistent with the age categories and content  
12       descriptions, the developer must display the age rating and content description clearly,  
13       accurately, and prominently. If an app rating or the nature of a service of the developer  
14       changes, a developer must notify each parent and app store provider and obtain  
15       additional verifiable parental consent.
- 16       10. A developer shall:
  - 17       a. Use the application programming interface of a covered app store provider, when  
18       available, to verify the age category of a user located in the state, or in the case  
19       of a minor, to determine if verifiable parental consent has been obtained before  
20       allowing the use of the app or in-app purchase.
  - 21       b. Provide readily available features to a parent located in the state to implement  
22       time restrictions for the mobile device, including the ability to view metrics  
23       reflecting the amount of time a minor is using an app and to set daily limits on the  
24       use of an app by a minor.
- 25       11. Nothing in this section may be construed to:
  - 26       a. Require an app store provider to display any information about a user to a  
27       developer other than the age category of the user and if the app store provider  
28       has obtained verifiable parental consent; or
  - 29       b. Allow an app store provider to use any information required by this section in a  
30       way that is arbitrary, capricious, anticompetitive, or unlawful.



- 1 12. A covered manufacturer shall impose the same restrictions and obligations on a  
2 website, application, or online service as the covered manufacturer is required to  
3 impose on third parties. A covered manufacturer may not use any data collected under  
4 this section for any other purpose.
- 5 7.13. The attorney general may adopt rules as necessary to enforce this section.
- 6 8.14. The attorney general has exclusive authority to enforce this section.
- 7 9.15. If the attorney general believes a covered manufacturer or app store is in violation of  
8 this section, the attorney general shall provide written notice to the covered  
9 manufacturer or app store identifying the specific provision of this section alleged in  
10 the violation. The covered manufacturer or app store has forty-five days from the date  
11 of receipt to correct the violation and provide the attorney general a written statement  
12 informing the alleged violation has been corrected. The attorney general may initiate  
13 an action under this section if the covered manufacturer or app store continues to  
14 violate this section or fails to correct a violation and provide a written statement within  
15 forty-five days.
- 16 10.16. A covered manufacturer or app store that violates this section is subject to a fine of ten  
17 thousand dollars for each violation.
- 18 11.17. A covered manufacturer or app store is not subject to liability for failure to comply with  
19 this section if the covered manufacturer or app store has taken commercially  
20 reasonable and technically feasible steps to determine or estimate the age of a user.
- 21 11.18. This section does not create a private right of action.
- 22 12.19. This section does not apply to any bona fide news or public interest broadcast,  
23 website video, report, or event, and does not affect the rights of any news-gathering  
24 organization.
- 25 13.20. An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud  
26 service provider may not be held to have violated this section solely for providing  
27 access or connection to or from a website or other information or content on the  
28 internet or a facility, system, or network not under the provider's control, including  
29 transmission, downloading, intermediate storage, access software, or other forms of  
30 access or storage to the extent the provider is not responsible for the creation of the  
31 content of the communication that constitutes mature content.

1 | **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on August 1, 2026.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2380  
2/12/2025

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.

10:25 a.m. Chairman Barta opened the hearing.

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

### **Discussion Topics:**

- ID and device-based language
- Methods of verification
- Litigation
- Technology maturity
- BAND and communications
- Contract providers
- National issue
- Texas and Utah plans

10:26 a.m. Vice-Chair Boehm updated the committee on proposed amendments.

10:35 a.m. Chairman Barta closed the hearing.

*Audrey Oswald, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2380  
2/17/2025

A bill relating to a commercial entity's liability for publishing or distributing mature content; to provide a penalty; and to provide an effective date.

11:18 a.m. Chairman Barta opened the hearing.

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

### Discussion Topics:

- Age-verification methods

11:23 a.m. Senator Boehm moved to adopt the Amendment LC #25.1138.02004.

11:23 a.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.

11:24 a.m. Senator Enget moved a Do Pass As Amended.

11:24 a.m. Senator Kessel 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 Boehm will carry the bill.

11:24 a.m. Chairman Barta closed the hearing.

*Audrey Oswald, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2380**

Introduced by

Senators Boehm, Beard, Paulson

Representatives VanWinkle, Steiner, Klemin

NAT 2/17

1 of 6

1 A BILL ~~for an Act to create and enact a new section to chapter 51-07 of the North Dakota~~  
2 ~~Century Code, relating to a commercial entity's liability for publishing or distributing mature~~  
3 ~~content; to provide a penalty; and to provide an effective date.~~ for an Act to create and enact a  
4 new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial  
5 entity's liability for publishing or distributing sexual material harmful to a minor; to provide a  
6 penalty; and to provide for application.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~— **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created~~  
9 ~~and enacted as follows:~~

10 ~~— Liability for publishing or distributing mature content – Age verification requirement –~~  
11 ~~Penalty.~~

12 ~~— 1. As used in this section:~~

13 ~~— a. "Covered manufacturer" means a manufacturer of a device, operating system for~~  
14 ~~a device, or an application store.~~

15 ~~— b. "Device" means an electronic tool or gadget designed for and capable of~~  
16 ~~communicating with other computers or devices across a computer network for~~  
17 ~~the purpose of transmitting, receiving, or storing data, including a desktop~~  
18 ~~computer, laptop computer, tablet, or cell phone.~~



- 1 ~~c. "Mature content" means actual or simulated sexual intercourse, sodomy,~~  
2 ~~bestiality, oral copulation, flagellation, or excretory functions or exhibitions, or any~~  
3 ~~other sexual act or sexually explicit conduct defined in 18 U.S.C. 2256.~~
- 4 ~~d. "Minor" means an individual under eighteen years of age.~~
- 5 ~~e. "Operating system provider" means an entity that develops, distributes, or~~  
6 ~~maintains an operating system for a device. The term includes the design,~~  
7 ~~programming, and supply of an operating system for various devices, including a~~  
8 ~~smartphone, tablet, or other digital equipment.~~
- 9 ~~f. "Substantial portion" means more than one-third of the total material on a~~  
10 ~~website, application, or online service.~~
- 11 ~~2. A covered manufacturer shall take commercially reasonable and technically feasible~~  
12 ~~steps to:~~
- 13 ~~a. Determine or estimate the age of the primary user upon activation of a device;~~  
14 ~~and~~
- 15 ~~b. Provide a website, application, application store, or online service with a digital~~  
16 ~~signal notifying if a primary user is over or under eighteen years of age through a~~  
17 ~~real-time applications programming interface.~~
- 18 ~~3. A covered manufacturer shall include in operating system updates the provisions of~~  
19 ~~subdivision a of subsection 2 for any device sold before August 1, 2026.~~
- 20 ~~4. When a website, application, or online service makes available a substantial portion of~~  
21 ~~mature content, the website, application, or online service shall:~~
- 22 ~~a. Recognize and receive digital age signals and block access to the website,~~  
23 ~~application, or online service if an age signal is received indicating a user is~~  
24 ~~under eighteen years of age.~~
- 25 ~~b. Provide a disclaimer that the website, application, or online service contains~~  
26 ~~mature content; and~~
- 27 ~~c. Label the website, application, or online service as restricted to adults.~~
- 28 ~~5. When a website, application, or online service makes available less than a substantial~~  
29 ~~portion of mature content, the website, application, or online service shall:~~



- 1 ~~a. Recognize and receive digital age signals and block access to any known mature~~
- 2 ~~content on the website, application, or online service if an age signal is received~~
- 3 ~~indicating a user is under eighteen years of age; and~~
- 4 ~~b. Provide a disclaimer the website, application, or online service contains mature~~
- 5 ~~content.~~
- 6 ~~6. A covered manufacturer shall impose the same restrictions and obligations on a~~
- 7 ~~website, application, or online service as the covered manufacturer is required to~~
- 8 ~~impose on third parties. A covered manufacturer may not use any data collected under~~
- 9 ~~this section for any other purpose.~~
- 10 ~~7. The attorney general may adopt rules as necessary to enforce this section.~~
- 11 ~~8. The attorney general has exclusive authority to enforce this section.~~
- 12 ~~9. If the attorney general believes a covered manufacturer is in violation of this section,~~
- 13 ~~the attorney general shall provide written notice to the covered manufacturer~~
- 14 ~~identifying the specific provision of this section alleged in the violation. The covered~~
- 15 ~~manufacturer has forty five days from the date of receipt to correct the violation and~~
- 16 ~~provide the attorney general a written statement informing the alleged violation has~~
- 17 ~~been corrected. The attorney general may initiate an action under this section if the~~
- 18 ~~covered manufacturer continues to violate this section or fails to correct a violation and~~
- 19 ~~provide a written statement within forty five days.~~
- 20 ~~10. A covered manufacturer that violates this section is subject to a fine of ten thousand~~
- 21 ~~dollars for each violation.~~
- 22 ~~11. A covered manufacturer is not subject to liability for failure to comply with this section if~~
- 23 ~~the covered manufacturer has taken commercially reasonable and technically feasible~~
- 24 ~~steps to determine or estimate the age of a user.~~
- 25 ~~11. This section does not create a private right of action.~~
- 26 ~~12. This section does not apply to any bona fide news or public interest broadcast,~~
- 27 ~~website video, report, or event, and does not affect the rights of any news-gathering~~
- 28 ~~organization.~~
- 29 ~~13. An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud~~
- 30 ~~service provider may not be held to have violated this section solely for providing~~
- 31 ~~access or connection to or from a website or other information or content on the~~



internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes mature content.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective August 1, 2026.

**SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

**Liability for publishing or distributing sexual material harmful to minors - Age verification requirement - Damages.**

1. As used in this section:

a. "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

c. "Minor" means an individual under eighteen years of age.

d. "News-gathering organization" means an employee of a:

(1) Newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the scope of employment and can provide documentation of employment with the newspaper, news publication, or news source; or

(2) Radio broadcast station, television broadcast station, cable television operator, or wire service, who is acting within the scope of employment and can provide documentation of employment with the radio broadcast station, television broadcast station, cable television operator, or wire service.

e. "Publish" means to communicate or make information available to another person on a publicly available internet website.

f. "Reasonable age verification methods" includes verifying the individual seeking to access the material is eighteen years of age or older by using:

(1) A digitized identification card; or



(2) Requiring the individual attempting to access the material to comply with a commercial age verification system including the use of:

(a) Government-issued identification;

(b) A commercially available database regularly used by a business or government entity for the purpose of age and identity verification; or

(c) Any commercially reasonable method that relies on public or private transactional data to verify the age of the individual attempting to access the information is eighteen years of age or older.

g. "Sexual material harmful to a minor" includes material that:

(1) The average individual applying contemporary community standards would find, taking the material as a whole and with respect to a minor, is designed to appeal to or pander to the prurient interest;

(2) In a manner patently offensive with respect to a minor, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:

(a) An individual's pubic hair, anus, genitals, or the nipple of the female breast;

(b) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(c) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(3) Taken as a whole, lacks serious literary, artistic, political, or scientific value for a minor.

h. "Substantial portion" means if more than thirty-three and one-third percent of total material on a website is sexual material harmful to a minor.

i. "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.



2. A commercial entity that knowingly publishes or distributes sexual material harmful to a minor on the internet from a website that contains a substantial portion of the material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.

3. A commercial entity or third party that performs the required age verification may not retain any identifying information of the individual after access has been granted to the material.

4. A commercial entity found to have violated subsection 2 or 3 is liable for damages.

5. A civil action may be brought against any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, by:

a. A parent or guardian whose minor child was allowed access to the material in violation of subsection 2; or

b. An individual whose identifying information is retained in violation of subsection 3.

6. An individual authorized to bring a civil action under subsection 5 may seek and the court may award:

a. An injunction to enjoin continued violation of this section;

b. Compensatory and exemplary damages; and

c. Costs and fees, including reasonable attorney fees.

7. This section does not apply to any bona fide news or public interest broadcast, website video, report, or event, and may not be construed to affect the rights of any news-gathering organization.

8. An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes sexual material harmful to a minor.

**SECTION 2. APPLICATION.** This Act applies to websites accessed on or after the effective date of this Act.

**REPORT OF STANDING COMMITTEE  
SB 2380**

**Industry and Business Committee (Sen. Barta, Chairman)** recommends **AMENDMENTS** ([25.1138.02004](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2380 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

**2025 HOUSE JUDICIARY**

**SB 2380**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

SB 2380  
3/26/2025

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.

9:15 a.m. Vice-Chairman Vetter opened the hearing.

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

Members Absent: Representative Johnston

## **Discussion Topics:**

- Online age verification methods
- Online privacy
- Digitalized identification cards
- Psychological effects of pornographic material

9:15 a.m. Senator Keith Boehm, North Dakota Senator for District 33, introduced the bill and provided testimony #44149.

9:27 a.m. Mark Jorritsma, Executive Director of North Dakota Family Alliance Legislative Action, testified in favor and provided testimony #43770.

9:32 a.m. Senator Keith Boehm, North Dakota Senator for District 33, answered committee questions.

9:34 a.m. John Begeman, Portland, Oregon, testified in favor and provided testimony #43808.

9:40 a.m. Dr. Jill Manning, Owner of Dr. Jill Manning, PLLC, testified in favor and provided testimony #43969.

9:56 a.m. Terry Effertz, TechND, provided neutral testimony.

10:08 a.m. Representative Wolff moved to adopt Amendment LC:25.1138.03002, testimony #44149.

10:08 a.m. Representative Tveit seconded the motion.

<b>Representatives</b>	<b>Vote</b>
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	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

10:09 a.m. Motion passed 13-0-1

10:10 a.m. Representative Tveit moved a Do Pass as Amended.

10:10 a.m. Representative VanWinkle seconded the motion.

<b>Representatives</b>	<b>Vote</b>
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	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

10:11 a.m. Motion passed 13-0-1

10:11 a.m. Representative S. Olson will carry the bill.

**Additional written testimony:**

Dean Grigg, Director of Government Affairs for Enough is Enough, submitted testimony in favor #43773.

10:14 a.m. Chairman Klemin closed the hearing.



Judiciary Committee

SB 2380

March 26, 2025

Page 3

*Wyatt Armstrong, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

3/26/25 VC  
1 of 4

**ENGROSSED SENATE BILL NO. 2380**

Introduced by

Senators Boehm, Beard, Paulson

Representatives VanWinkle, Steiner, Klemin

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

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Liability for publishing or distributing sexual material harmful to minors - Age**  
8 **verification requirement - Damages.**

9 1. As used in this section:

- 10 a. "Commercial entity" includes a corporation, limited liability company, partnership,  
11 limited partnership, sole proprietorship, or other legally recognized business  
12 entity.
- 13 b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute,  
14 circulate, or disseminate by any means.
- 15 c. "Minor" means an individual under eighteen years of age.
- 16 d. "News-gathering organization" means an employee of a:  
17 (1) Newspaper, news publication, or news source, printed or on an online or  
18 mobile platform, of current news and public interest, who is acting within the  
19 scope of employment and can provide documentation of employment with  
20 the newspaper, news publication, or news source; or

- (2) Radio broadcast station, television broadcast station, cable television operator, or wire service, who is acting within the scope of employment and can provide documentation of employment with the radio broadcast station, television broadcast station, cable television operator, or wire service.
- e. "Publish" means to communicate or make information available to another person on a publicly available internet website.
- f. "Reasonable age verification methods" includes verifying the individual seeking to access the material is eighteen years of age or older by using:
- (1) A digitized identification card; or
- (2) Requiring the individual attempting to access the material to comply with a commercial age verification system including the use of:
- (a) Government-issued identification;
- (b) A commercially available database regularly used by a business or government entity for the purpose of age and identity verification; or
- (c) Any commercially reasonable method that relies on public or private transactional data to verify the age of the individual attempting to access the information is eighteen years of age or older.
- g. "Sexual material harmful to a minor" includes material that:
- (1) The average individual applying contemporary community standards would find, taking the material as a whole and with respect to a minor, is designed to appeal to or pander to the prurient interest;
- (2) In a manner patently offensive with respect to a minor, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:
- (a) An individual's pubic hair, anus, genitals, or the nipple of the female breast;
- (b) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
- (c) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act;  
and

- 1                   (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value  
2                   for a minor.
- 3           h. "Substantial portion" means if more than thirty-three and one-third percent of total  
4           material on a website is sexual material harmful to a minor.
- 5           i. "Transactional data" means a sequence of information that documents an  
6           exchange, agreement, or transfer between an individual, commercial entity, or  
7           third party used for the purpose of satisfying a request or event. The term  
8           includes records from mortgage, education, and employment entities.
- 9           2. A commercial entity that knowingly publishes or distributes sexual material harmful to  
10           a minor on the internet from a website that contains a substantial portion of the  
11           material must be held liable if the entity fails to perform reasonable age verification  
12           methods to verify the age of an individual attempting to access the material.
- 13           3. A commercial entity or third party that performs the required age verification may not  
14           retain any identifying information of the individual after access has been granted to the  
15           material.
- 16           4. A commercial entity found to have violated subsection 2 or 3 is liable for damages.
- 17           5. A civil action may be brought against any commercial entity, or third party that  
18           performs the required age verification on behalf of the commercial entity, by:
- 19           a. A parent or guardian whose minor child was allowed access to the material in  
20           violation of subsection 2; or
- 21           b. An individual whose identifying information is retained in violation of subsection 3.
- 22           6. An individual authorized to bring a civil action under subsection 5 may seek and the  
23           court may award:
- 24           a. An injunction to enjoin continued violation of this section;
- 25           b. Compensatory and exemplary damages; and
- 26           c. Costs and fees, including reasonable attorney fees.
- 27           7. This section does not apply to any bona fide news or public interest broadcast,  
28           website video, report, or event, and may not be construed to affect the rights of any  
29           news-gathering organization.
- 30           8. An internet service provider or its affiliates or subsidiaries, a search engine, ~~or a cloud~~  
31           service provider, or an application store, may not be held to have violated this section



1 solely for providing access or connection to or from a website or other information or  
2 content on the internet or a facility, system, or network not under the provider's control,  
3 including transmission, downloading, intermediate storage, access software, or other  
4 forms of access or storage to the extent the provider is not responsible for the creation  
5 of the content of the communication that constitutes sexual material harmful to a  
6 minor.

7 **SECTION 2. APPLICATION.** This Act applies to websites accessed on or after the effective  
8 date of this Act.

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2380**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.1138.03002](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2380 was placed on the Sixth order on the calendar.



## Testimony Supporting Senate Bill 2380

Mark Jorritsma, Executive Director  
North Dakota Family Alliance Legislative Action  
March 26, 2025

Good morning, 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 Senate Bill 2380 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 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, 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."<sup>1</sup> 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.

Senate Bill 2380 would require age verification for accessing pornographic materials by requiring both the website and operating system/manufacturer to comply. 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 digital age verification that matches device software with website access.

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<sup>1</sup> American College of Pediatricians. <https://acpeds.org/position-statements/the-impact-of-pornography-on-children>





# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

I would like to address two of the concerns expressed about age verification bills like these. First, we have heard the adage that we should not get to decide what children read and see, but instead, children should be exposed to many different ideas and allowed to form their own opinions. 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 ultimately the job of a parent/legal guardian to filter content for their child, not the government. We agree, however, children can be exposed to pornography their parents wouldn't approve of before the parents even know about it. In other words, you can't opt out your child from accessing pornographic materials if you don't know where it might exist. The companies who produce these materials certainly 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 suggest 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, and we ask that you render a "DO PASS" on Senate Bill 2380.

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

**Senate Bill 2380 – Age Verification- 3/26/25**  
**Testimony of Dean Grigg, Director of Government Affairs, Enough Is Enough**

Chairman Klemin and members of the House Judiciary,

Thank you for affording me the opportunity to submit testimony 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 SB2380 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.



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**Dear Chairman Klemin (Kla - MEEN) and members of the Judiciary Committee,**

My name's John Begeman. I'm 27 and I currently live in Portland, Oregon.

But I grew up in Selby, South Dakota, population 642, on a farm/ranch and had a wonderful childhood full of love and opportunities to become all God had created me to be.

**But at the age of nine I was exposed to online pornography** as my mom and I were doing a homework assignment on the one family computer. We were looking for a photo of a flower for a class assignment when an image of a topless woman appeared amidst the Google search. My mother quickly scrolled away as I asked, "what was that?" She replied, "Nothing you need to see."

I was confused and curious. So I went back and found the image, and as I did my mom found me and responded in a lot of anger and fear.

Looking back I can now see that I learned 3 things that day:

1. Sexuality is bad.
2. I am bad if I engage in it.
3. So hide.

This was my first, memorable experience of porn and the shame that ensued.

Then at the age of 13, I was given the best and worst gift of my life – an iPod Touch.

Which became a porn shop in my pocket as I went back to porn as a minor using: Google images, YouTube videos and clicking random links until I came across hardcore porn (videos) for the first time.

I quickly became addicted to porn and began living two lives, that of the perfect son my parents had raised and an addict behind closed doors. Porn drove me into isolation and secrecy and kept me from the people I loved most because I believed:

- I was the only one struggling with addiction
- And no one would love me if they knew

I was hopeless and slowly dying socially.

It wasn't until I was 16 that my parents found out.

Through tears I shared about my addiction and my dad committed to helping me, but I fell back into using porn to end high school.

Hope faded and I thought I would be an addict the rest of my life.

But God, in His kindness, didn't give up on me. In fact, He was working on my restoration long before I knew I needed it.

While attending a summer camp before college a camp counselor shared his story of porn addiction with our small group, which gave me the courage to **share my story for the first time** with others.

To my shock, **5 out of the 6 guys in the room had the exact same story.** My heart broke and I committed to doing something about this injustice in our world.

I left that room righteously angry knowing that others were struggling in silence too.

**It was at that camp in Colorado that God began restoring my life and identity.**

I got home and told my parents my story because **I didn't want this to be my three younger brothers stories.** That's why I'm here this morning. Because we have the chance to protect the next generation from destructive, addictive, harmful online pornography.

**The next generation deserves better.**

They deserve a better story of the goodness of their bodies and the good gift of sexuality that doesn't look like abuse, violence, exploitation or human trafficking.

I now work for a nonprofit called Pure Desire that helps men and women out of pornography addiction and betrayal trauma.

We believe that the road of healing is a 2-5 year process of rewiring the brain.

Why?

Because PET scans of the damage to the brain from cocaine use and porn are very similar.

This is so much more than just a moral problem, this is a brain problem.

**In the same way that the state of North Dakota views cocaine as a Scheduled II controlled substance, I would implore you to see pornography the same way.**



My healing journey truly began in 2020 as I began to meet in a Pure Desire group weekly, and it was here that after struggling with porn monthly from age 13-22 that I went 10 months without using porn for the first time. I didn't know that was possible.

It took a commitment to the equivalent of an AA group for me to really find traction and freedom from this substance called porn that had taken so many years of my life.

I have now been sober from porn for 5 years and have been leading groups weekly fighting for other Gen Z to find freedom from crippling porn addictions.

It's hard work, but I won't stop because I believe all men and women deserve a life of freedom!

I would like to end with some stats as just last year (2024) we at Pure Desire commissioned research with the Barna Group titled *Beyond the Porn Phenomenon* which revealed that:

- 61% of US adults report viewing pornography
- 70.5% of Gen Z (male/female) are using porn at least occasionally.

Other studies show:

- The majority of young people are exposed to porn by the age of 13.
- 88.2% of pornography is violent.

This is a pandemic and the **Digital Age Assurance Act** has a profound opportunity to protect the next generation from the dangerous harms of pornography.

If that wasn't enough, I want to leave you with a quote from **Pornhub's** annual review a couple years ago where they said,

*"If we have a customer by the age of 11, we'll have a life long customer"*

**I implore you to see an 11 year-old as a CHILD, not a customer, that is worth protecting.**

I believe in a world where destructive, violent pornography is no longer the sexual educator of kids, rather safe, educated parents!

**I urge a DO PASS on Senate Bill 2380.**

**Thank you.**

**I stand for questions.**



Testimony of Jill Manning, Ph.D., LMFT, CCPS, EMDR, CCTP, BH-TMH  
Licensed Marital & Family Therapist and Researcher  
March 26, 2025, 9:00 AM Central (Remote Testimony)  
Before the House Judiciary Committee  
Senate Bill 2380: Requiring Age-Verification to Access Obscene Materials Online

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**Chairman Klemin and members of the Judiciary Committee,**

Thank you for the opportunity to testify in support of Senate Bill 2380.

I am Dr. Jill Manning, a Licensed Marriage and Family Therapist with twenty-five years of clinical and research experience specializing in the effects of pornography and sexual betrayal.

We face an alarming reality: underage pornography exposure is now the norm (Carroll et al., 2025). One scholar correctly called this phenomenon, “*the largest unregulated social experiment in history*.” Three decades into this experiment, it is clear the status quo is failing, and we are paying a steep price for inaction.

The Internet not only makes obscene content accessible to children—it actively *pushes it* into their lives through algorithms, tracking cookies, and deceptive marketing (Carroll et al., 2025; Manning, 2005). Between 58 and 66 percent of adolescents report unintentionally encountering pornography due to these predatory tactics (Carroll et al., 2025; Mori et al., 2023; Common Sense Media, 2022; Braun-Courville, 2009). Age verification policies and laws are a crucial step toward restoring protective buffers that existed before the advent of the Internet.

Decades of peer-reviewed research and *hundreds* of studies confirm that early exposure to pornography has severe and lasting consequences in five key areas:

1. **Neurological Development:** Exposure structurally alters brain regions responsible for impulse control, decision-making, and emotional regulation, while decreasing grey matter volume in the prefrontal cortex (Brief of Amici Curiae Scholars, 2024; Kühn et al., 2014; Draps et al., 2020). These changes increase susceptibility to compulsive behaviors, including addiction (Brief of Amici Curiae Scholars, 2024). Since my testimony before a federal Senate Sub-Committee in 2005 (Manning, 2005), the rise of smartphones and coarsening genres of pornography have contributed to a nearly *threefold increase* in compulsive sexual behavior over the last twenty years (Carnes, 2010; Dickenson et al., 2018).
2. **Cognitive and Behavioral Risks:** Pornography normalizes aggression and misogyny, particularly when violent content is consumed (Manning, 2006; Bridges et al., 2012). Most mainstream pornography, however, contains violence or degradation, according to content analyses (Bridges et al., 2012).  
  
Pornography consumption also promotes promiscuity and sexual violence, contributing to the mimicry of these behaviors by minors. In the U.K., children are now the largest group of perpetrators of sexual abuse against other children, with pornography identified as the leading factor in the quadrupling of such offenses (The Guardian, 2024).
3. **Emotional and Relational Harms:** Early exposure reduces empathy while increasing relational aggression and narcissistic tendencies (Kasper et al., 2014; Manning, 2006). It also distorts body image and handicaps one's ability to form secure and healthy attachments with others (Owen et al., 2012).
4. **Mental Health Consequences:** Pornography consumption correlates with higher rates of depression, anxiety, loneliness, delinquency, suicidality, and lower life satisfaction (Altin et al., 2024; McGraw et al., 2024; Owen et al., 2012).
5. **Academic Performance:** Research links pornography use to impaired academic performance by disrupting attention, reducing focus, and slowing cognitive function (Šević et al., 2019; Beyens et al., 2015).

In a recent Amicus Brief submitted in an age-verification case before the Supreme Court, neurosurgeon Dr. Donald Hilton and biological psychology professor Dr. Frederick Toates warned:

*“Childhood is the exact worst time for someone to be exposed to pornography... The compulsive and addictive potential of pornography is a serious public health issue—most dangerous for young people, who are most susceptible”* (Brief of Amici Curiae Scholars, 2024).

As a clinician, I have assessed and treated hundreds of children, teens, and adults harmed by pornography exposure. I have yet to meet a sexually compulsive adult who did not begin consuming this material as a minor.

Protecting minors from obscenity is a fundamental responsibility of adults. Anything we can do to delay or postpone exposure will help. The long-standing practice of enforcing age restrictions and verifications for media and substances is reasonable and widely supported (Rasmussen Reports, 2022).

Senate Bill 2380 is a long-overdue step toward aligning policy with today’s digital reality and protecting the health and safety of our youth.

I strongly urge a DO PASS on Senate Bill 2380.

Thank you.

I stand for questions.

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Prepared by the Legislative Council  
staff for Senator Boehm  
March 26, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2380

Introduced by

Senators Boehm, Beard, Paulson

Representatives VanWinkle, Steiner, Klemin

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

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Liability for publishing or distributing sexual material harmful to minors - Age**  
8 **verification requirement - Damages.**

9 **1. As used in this section:**

- 10 **a. "Commercial entity" includes a corporation, limited liability company, partnership,**  
11 **limited partnership, sole proprietorship, or other legally recognized business**  
12 **entity.**
- 13 **b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute,**  
14 **circulate, or disseminate by any means.**
- 15 **c. "Minor" means an individual under eighteen years of age.**
- 16 **d. "News-gathering organization" means an employee of a:**  
17 **(1) Newspaper, news publication, or news source, printed or on an online or**  
18 **mobile platform, of current news and public interest, who is acting within the**  
19 **scope of employment and can provide documentation of employment with**  
20 **the newspaper, news publication, or news source; or**

- 1           (2) Radio broadcast station, television broadcast station, cable television  
2           operator, or wire service, who is acting within the scope of employment and  
3           can provide documentation of employment with the radio broadcast station,  
4           television broadcast station, cable television operator, or wire service.
- 5       e. "Publish" means to communicate or make information available to another person  
6       on a publicly available internet website.
- 7       f. "Reasonable age verification methods" includes verifying the individual seeking to  
8       access the material is eighteen years of age or older by using:
- 9           (1) A digitized identification card; or  
10          (2) Requiring the individual attempting to access the material to comply with a  
11          commercial age verification system including the use of:
- 12               (a) Government-issued identification;  
13               (b) A commercially available database regularly used by a business or  
14               government entity for the purpose of age and identity verification; or  
15               (c) Any commercially reasonable method that relies on public or private  
16               transactional data to verify the age of the individual attempting to  
17               access the information is eighteen years of age or older.
- 18       g. "Sexual material harmful to a minor" includes material that:
- 19           (1) The average individual applying contemporary community standards would  
20           find, taking the material as a whole and with respect to a minor, is designed  
21           to appeal to or pander to the prurient interest;
- 22           (2) In a manner patently offensive with respect to a minor, exploits, is devoted  
23           to, or principally consists of descriptions of actual, simulated, or animated  
24           displays or depictions of:
- 25               (a) An individual's pubic hair, anus, genitals, or the nipple of the female  
26               breast;  
27               (b) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses,  
28               or genitals; or  
29               (c) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation,  
30               flagellation, excretory functions, exhibitions, or any other sexual act;  
31               and

- 1                   (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value  
2                   for a minor.
- 3           h. "Substantial portion" means if more than thirty-three and one-third percent of total  
4           material on a website is sexual material harmful to a minor.
- 5           i. "Transactional data" means a sequence of information that documents an  
6           exchange, agreement, or transfer between an individual, commercial entity, or  
7           third party used for the purpose of satisfying a request or event. The term  
8           includes records from mortgage, education, and employment entities.
- 9           2. A commercial entity that knowingly publishes or distributes sexual material harmful to  
10           a minor on the internet from a website that contains a substantial portion of the  
11           material must be held liable if the entity fails to perform reasonable age verification  
12           methods to verify the age of an individual attempting to access the material.
- 13           3. A commercial entity or third party that performs the required age verification may not  
14           retain any identifying information of the individual after access has been granted to the  
15           material.
- 16           4. A commercial entity found to have violated subsection 2 or 3 is liable for damages.
- 17           5. A civil action may be brought against any commercial entity, or third party that  
18           performs the required age verification on behalf of the commercial entity, by:
- 19           a. A parent or guardian whose minor child was allowed access to the material in  
20           violation of subsection 2; or
- 21           b. An individual whose identifying information is retained in violation of subsection 3.
- 22           6. An individual authorized to bring a civil action under subsection 5 may seek and the  
23           court may award:
- 24           a. An injunction to enjoin continued violation of this section;
- 25           b. Compensatory and exemplary damages; and
- 26           c. Costs and fees, including reasonable attorney fees.
- 27           7. This section does not apply to any bona fide news or public interest broadcast,  
28           website video, report, or event, and may not be construed to affect the rights of any  
29           news-gathering organization.
- 30           8. An internet service provider or its affiliates or subsidiaries, a search engine, ~~or~~ a cloud  
31           service provider, or an application store, may not be held to have violated this section

1           solely for providing access or connection to or from a website or other information or  
2           content on the internet or a facility, system, or network not under the provider's control,  
3           including transmission, downloading, intermediate storage, access software, or other  
4           forms of access or storage to the extent the provider is not responsible for the creation  
5           of the content of the communication that constitutes sexual material harmful to a  
6           minor.

7           **SECTION 2. APPLICATION.** This Act applies to websites accessed on or after the effective  
8           date of this Act.