

March 13, 2025

Arizona State Capitol Complex
1700 W Washington St
Phoenix, AZ 85007

Re: Opposition to HB 2112

Dear Senator,

We, the undersigned, strongly oppose the age-verification bills being put forward by state legislatures to prevent access to “material harmful to minors” online. These bills violate internet privacy and freedom and restrict access to legal content, including education and resources, through vague and subjective definitions. These bills mandate users upload IDs or otherwise verify identity through third parties to access legal content on the internet. **Let us be clear: we share the goal of protecting minors from content that is not age-appropriate.** However, these types of bills are too often just another strategy in a broader attack on free expression that includes book bans, censorship of reproductive health information, attacks on LGBTQ+ youth, and other violations of our constitutional rights.

The Supreme Court has repeatedly ruled that the First Amendment protects our right not only to speak online but also access ideas, information, and content online — including, and perhaps especially, politically disfavored content — anonymously. No matter how admirable their goals, laws that threaten exposure for accessing controversial but legal content can be as effective as direct censorship.¹ In fact, in states that have passed similar legislation, the simple act of asking for identity verification for such content has kept large numbers of adults from accessing the content at all.²

In our digital age, safeguarding personal information is paramount, yet these bills demand invasive measures such as ID uploads, facial scans, or background checks, leaving individuals rightfully apprehensive about the fate of their browser history, identity documents, and other sensitive data. The potential for cyberattacks looms large, with no

¹ “If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men’s minds.” *Stanley v. Georgia* (1969) <https://supreme.justia.com/cases/federal/us/394/557/>

² “For the states that we are requiring ID verification, the numbers drop drastically...As recently as May, only a quarter of people trying to access Ford’s site even clicked the link to verify their age and only 9 percent of those users completed the process.” Mekana Kelly, “Child Safety Bills are Reshaping the Internet for Everyone,” *The Verge*, August 29, 2023. <https://www.theverge.com/2023/8/29/23849375/kosa-child-safety-free-speech-louisiana-utah-parental-consent>

ironclad assurances of data security or non-storage provided. The risks inherent in accessing lawful content under such surveillance are immense. Even good actors and governments struggle to secure this type of data, as we've seen countless times in recent years.³ Promises that the information will not be stored or will be secure in transit can in no way be guaranteed,⁴ and the risks with accessing that content can be great.

We are deeply troubled by the broad strokes with which these bills paint the notion of material "harmful to minors," a brush that is already being applied to literature, art, and education in other states, especially when it concerns LGBTQ+ resources, sex education materials, and literature which addresses sex, gender, race or sexuality.

Furthermore, these bills fail to recognize the nuanced differences among minors, lumping together content suitable for a seventeen-year-old with that which may be wholly inappropriate for a much younger child. This lack of discernment places educators, creators, and platforms in a precarious position, unsure of what may trigger liability under the law.

The arbitrary threat of enforcement means that these bills, like others passed last year, have a chilling effect on those who produce or distribute significant amounts of content that deals with sex or sexuality. The cost of defending oneself against a civil lawsuit brought by a parent or caregiver is extremely high, as is the damage to a website's reputation. These laws offer no shield against frivolous claims, potentially weaponizing legislation against already marginalized voices and platforms.

There are common sense measures that can help keep minors from accessing adult content and other "material harmful to minors," including content filters and educational interventions to help them understand how to protect themselves online. Such measures are commonly used in schools and businesses and are easy to activate on a minor's phone, laptop, or tablet. No solution is perfect, but for our work to be effective, we need education — not intimidation.

In its current form, this legislation represents a dangerous overreach fraught with potential abuse. Even in the absence of enforcement, the chilling effect it casts on speech for both creators and consumers is palpable. We ask that you oppose the

³ Ramon Vargas, "Every Louisiana's License Exposed in Colossal Cyberattack," *The Guardian*, June 16, 2023 <https://www.theguardian.com/us-news/2023/jun/16/louisiana-drivers-license-hack-cyber-attack>

⁴ "Piper Hutchinson, "Age-Verification Law for Adults Comes with Privacy, Technical Concerns," *Louisiana Illuminator*, January 11, 2023. <https://lailluminator.com/2023/01/11/age-verification-law-for-adult-websites-comes-with-privacy-technical-concerns/>

age-verification bill before you and work with us and others to find effective solutions to protect minors in a way that is both effective and narrowly tailored.

Sincerely,

Center for LGBTQ Economic Advancement & Research (CLEAR)

OPEN (Organization for Polyamory and Ethical Non-monogamy)

Secular Student Alliance

SIECUS: Sex Ed for Social Change

The Cupcake Girls

Woodhull Freedom Foundation