

**DeAsia\_testimonyHB772Fav.pdf.pdf**

Uploaded by: Deasia Wiggins

Position: FAV

## **TESTIMONY IN SUPPORT OF HB 722**

### **Internet–Connected Devices and Internet Service Providers – Default Filtering of Obscene Content (Maryland Online Child Protection Act)**

Chair C. T. Wilson  
Vice Chair Brian M. Crosby  
Room 231  
House Office Building  
Annapolis, Maryland 21401

#### **Members of the Economic Matters Committee**

My name is De’Asia Wiggins. In 2020, I moved from Prince George’s County, Maryland to Houston where I attend Texas Southern University. I’m 21 years old.

I am here to support HB 772, the Maryland Online Child Protection Act, a commonsense bill that mandates safety settings on cell phones and tablets activated in Maryland. Specifically, this bill requires filters blocking hardcore pornography to be automatically turned on, providing essential protection for minors against exposure to harmful online content.

I learned about this bill from the National Center on Sexual Exploitation, a group based in Washington, DC. I worked with NCOSE in 2019.

One of the realities that NCOSE talks about – and I have lived – is that many forms of sexual exploitation are connected to each other.

So, for example, the constant exposure kids are getting to very violent pornography through phones has led to an increase in sexual violence that kids are committing against each other. Nurses in Emergency Rooms across the country are reporting this.

Everyone has these phones, but not everyone has parents to put filters on them or to limit their use of the devices.

My adopted Mother died when I was 11 years old. After that, I lived with many different relatives, then foster families I wasn’t related to, then many group homes. Due to the lack of supervision, I explored hardcore pornography which created unrealistic ideas. I tried to imitate those scenes which put me in very dangerous situations.

Plenty of kids I knew, and lived with, accessed hardcore pornography at a young age. This material is very violent and very degrading. I also believe that there is a link between pornography and bullying.

Adults have NO IDEA what we are seeing. And kids act out on other kids as a result. I have friends who have been choked, slapped, spanked, and raped because that's what people using pornography think sex is about. This is also happening to boys not just girls.

The situation could be quickly improved if it was harder to access pornography on our devices—AUTOMATICALLY, as HB 772 would require.

Don't tell me it is hard for these multi-zillion dollar companies to figure it out. That's a joke.

The current situation is creating real danger and pain.

I sincerely hope you vote for the KIDS in this case, not the BIG TECH LOBBYISTS paid to distract you from real people like me.

Thank you

De'Asia Wiggins

**Del.HensonSB780\_TestimonyFAV .pdf**

Uploaded by: Delegate Henson

Position: FAV

SHANEKA HENSON  
Legislative District 30A  
Anne Arundel County

Ways and Means Committee

Joint Committee on  
Children, Youth, and Families



The Maryland House of Delegates  
6 Bladen Street, Room 154  
Annapolis, Maryland 21401  
410-841-3045 · 301-858-3045  
800-492-7122 Ext. 3045  
Shaneka.Henson@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY IN SUPPORT OF SB 780**

**Internet-Connected Devices and Internet Service Providers – Default Filtering  
of Obscene Content (Maryland Online Child Protection Act)**

Chair Pamela Beidle  
Vice Chair Katherine Klausmeier  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Members of the Finance Committee**

As the cross-filer of SB 780, the Maryland Online Child Protection Act, I am honored to address you today. This bill is of utmost importance to me, as it seeks to safeguard the well-being of our state's youth in an increasingly digital world.

The National Center on Sexual Exploitation (NCOSE) conducted a study that paints a stark picture of the dangers our children face online. Their findings, drawn from a comprehensive review of over 100 research articles, surveys, and reports, highlight the detrimental effects of adolescent exposure to pornography. These effects include addiction, the objectification of women and girls, risky sexual behaviors, increased victimization, and sexually aggressive behavior. Shockingly, a recent survey revealed that over half of adolescents exposed to pornography had witnessed violent content, depicting scenes of choking, individuals in pain, or situations resembling rape.

In light of these alarming statistics, SB 780 mandates that phones, tablets, and game devices marketed to minors be defaulted to "On" safety settings. It capitalizes on existing resources to ensure that our children are protected from the harmful effects of explicit online content.

Some may argue that such government-mandated filters and privacy rules infringe upon parental rights and restrict access to information. However, it's crucial to understand that these measures are carefully balanced to empower parents while still preserving access for consenting adults. Modern filtering software minimizes the risk of overblocking educational content, and parental controls offer flexibility for adjustments. Ultimately, SB 780 prioritizes the well-being of children while respecting parental discretion.

It's essential to recognize that this legislation is not about censorship but about safeguarding vulnerable individuals from harmful content. Similar protections already exist in various contexts, such as in schools and broadcast television. SB 780 merely extends these safeguards to the digital realm, ensuring that our children can explore online spaces safely.

I implore you to support SB 780 and prioritize the safety of Maryland's youth. Together, we can make a profound impact on the lives of our children and safeguard their innocence in an increasingly complex online landscape.

Thank you for your attention to this vital matter, and I trust that you will give careful consideration to the merits of SB 780.

Sincerely,

A handwritten signature in black ink, appearing to read 'SH' with a large flourish underneath.

Hon. Delegate Shaneka Henson

District 30A- Anne Arundel County

**SB 780 Peggy Cairns FAV.pdf**

Uploaded by: Peggy Cairns

Position: FAV

# Maryland Coalition Against Pornography, Inc.

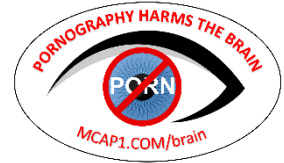
P.O. Box 2868

Silver Spring, MD 20915-2868

mcapinc@mcap1.com

www.mcap1.com

(301) 439-8475



TOGETHER WE CARE

March 13, 2024

## Advisory Board

*Dave Brown*  
Director

Washington Area  
Christian Men's  
Ministries

*Donna Rice Hughes*  
President  
"Enough Is Enough"

*Dr. Jerry Kirk*  
Chairman and Founder  
pureHOPE

*Bishop David Perrin*  
Senior Pastor  
Christ Kingdom Church

*Roberta Roper*  
Maryland Crime Victims'  
Resource Center, Inc.

*Patrick A. Trueman*  
President Emeritus  
National Center on  
Sexual Exploitation

*Dr. Ann Yeck*  
Marriage and Family  
Therapist  
Licensed Psychologist

*The Rev. Curtis Young*  
Pastor Emeritus  
Presbyterian Church  
of the Atonement

Chair Pamela Beidle, Senate Finance Committee  
Maryland Senate

## **In support of SB 780**

MCAP appreciates this bill which seeks to solve a huge problem facing families today that is beyond solving by parents alone - the dangers to the safety of children presented by unfiltered internet-connected devices.

The approach taken by this bill offers a technically simple, elegant solution: turn **on** filtering by default.

To grasp the problem, I recommend that you watch a **free** 2020 documentary video entitled [CHILDHOOD 2.0](#). Here's a sample of disturbing trends and statistics:

53% of American children get a cell phone by age **11**. They spend many hours daily on these devices which are worse, addictively, than slot machines. 27% of all unfiltered Internet content is explicit or pornographic, and nearly 50% of children have been exposed to it by age **8**. In 2019, porn sites received more Internet traffic than Amazon, Twitter and Netflix combined. Social media apps are saturated with explicit material that can be shared via back door methods like chats.

In 2021 alone, the National Center for Missing and Exploited Children received nearly 85 **million** images, videos, and other files related to child sexual abuse and exploitation – and those are only what were **reported**. Much of today's porn contains physical and verbal aggression and violence.

Opponents of age verification requirements claim such laws are unconstitutional, but court decisions are not trending that way. See:

**Judge tosses challenge to Louisiana's age verification law.** [Federal District judge]  
<https://apnews.com/article/porn-lawsuit-age-verification-louisiana-bbdf1afdc5c09feb104fe4199e20c22d>

and

**Judge dismisses lawsuit against Utah's new age-verification porn law** [Federal District Judge]

<https://www.ksl.com/article/50699897/judge-dismisses-lawsuit-against-utahs-new-age-verification-porn-law>

Regarding smart phones and tablets - technology is best when it's easy and intuitive to use. This is NOT the case with filtering technology today. Families need help.

We parents know that manufacturers **can** turn on the filtering. Government regulates safety for other materials harmful to minors, like tobacco and alcohol. We don't put those potentially dangerous products freely in the hands of minors? No. Why should internet connectivity for minors be so **unregulated**?

We urge a favorable report on SB 780.

Respectfully submitted,  
Peggy Cairns  
Education Chairperson  
Maryland Coalition Against Pornography



**Tibbals\_ SUPPORT SB 780\_HB 772\_ Internet-Connecte**

Uploaded by: Trudy Tibbals

Position: FAV

SB 780/B 772: Internet-Connected Devices and Internet Service Providers - Default Filtering of Obscene Content (**Maryland Online Child Protection Act**): Please support this bill!!

Dear Finance Committee Chair Beidle, Vice Chair Klausmeier, and all other esteemed Committee Members:

We all know how damaging pornographic and obscene material is for our minor children. Actually, studies have shown that the developing brain is not fully mature until age 25, so obscene material is damaging to young people up until their mid-20s. There are not a lot of studies out there advocating for pornographic and obscene materials to be distributed to minors or young adults because it is beneficial. At least not that I've ever seen, and I doubt that any of you have run across that either.

I am including in this written testimony a copy of my previous written testimony on **Senate Bill 355: Display of Obscene Material to Minors**. It will demonstrate why we have to be vigilant in trying to keep pornographic and obscene material away from our minor children.

In this bill, SB 780/HB 772, the **Synopsis** states **“Prohibiting a person from selling an Internet-connected device that is intended for minors unless the device is sold with a certain filter, certain privacy settings, and other features; making a violation of the prohibition an unfair, abusive, or deceptive trade practice that is subject to the enforcement and penalties under the Maryland Consumer Protection Act; requiring that preference be given to certain grant applications that include the use of broadband providers that implement the use of certain filters; etc...”**

Thank you for your courtesy and cooperation in SUPPORTING this bill to make certain that obscene material is not going to be able to be viewed by our minor children and, if it is, there are penalties for not having the required “filters”, “privacy settings”, and “other features” in place as required by this bill.

Trudy Tibbals  
A Very Concerned Mother and maryland resident

P.S. This is a copy of my written testimony on SB 355:

## Senate Bill 355: Criminal Law - Display of Obscene Material to Minors - Prohibition: Please support this bill!!

Dear Chair Smith & Vice Chair Waldstreicher and all other esteemed Committee Members:

Regardless of your political affiliation, I think we can all agree that pornographic, obscene, inappropriate material, whatever term you want to use, is very damaging to minor children! Here are a few objective resources and their citations.

“Pornographic content can harm children. Exposure to pornography at a young age may lead to poor mental health, sexism and objectification, sexual violence, and other negative outcomes. Among other risks, when children view pornography that portrays abusive and misogynistic acts, they may come to view such behaviour as normal and acceptable.”

<https://www.unicef.org/harmful-content-online#:~:text=Pornographic%20content%20can%20harm%20children&text=Exposure%20to%20pornography%20at%20a.violence%2C%20and%20other%20negative%20outcomes.>

“Consumption of pornography is associated with many negative emotional, psychological, and physical health outcomes. These include increased rates of depression, anxiety, acting out and violent behavior, younger age of sexual debut, sexual promiscuity, increased risk of teen pregnancy, and a distorted view of relationships between men and women. For adults, pornography results in an increased likelihood of divorce which is also harmful to children. The American College of Pediatricians urges healthcare professionals to communicate the risks of pornography use to patients and their families and to offer resources both to protect children from viewing pornography and to treat individuals suffering from its negative effects...

Sexual predators have purposefully exposed young children to pornography for the purpose of grooming the children for sexual exploitation.<sup>14</sup> Pornography exposure at these young ages often results in anxiety for the child.<sup>15</sup> Children also report feelings of disgust, shock, embarrassment, anger, fear, and sadness after viewing pornography.<sup>16</sup> These children can suffer all of the symptoms of anxiety and depression. They may become obsessed with acting out adult sexual acts that they have seen, and this can be very disruptive and disturbing to the child’s peers who

witness or are victimized by this behavior. Children under twelve years old who have viewed pornography are statistically more likely to sexually assault their peers.<sup>17</sup> In sum, children exposed to pornographic material are at risk for a broad range of maladaptive behaviors and psychopathology...

There is evidence that society's acceptance of pornography creates unique problems for women. The use of pornography can result in violent and sexually aggressive attitudes towards women. Men who consume pornography are more likely to adopt rape myth ideology, which is that women cause rape or actually enjoy rape or sexual assault...

Pornography use by adolescents and young adults often leads to a distorted view of sexuality and its role in fostering healthy personal relationships. These distortions include the overestimation of the prevalence of sexual activity in the community, the belief that sexual promiscuity is normal, and the belief that sexual abstinence is unhealthy.<sup>34</sup> These perspectives are likely to make it more difficult for young people to form lasting, meaningful relationships with the opposite sex, which will ultimately result in more anxiety, depression, and overall life dissatisfaction...

Children suffer many negative effects due to modern society's exposure to and acceptance of pornography. These negative effects include mental disturbance and unrest for the young school age child, including acting out and violent behavior. Because of its harmfulness to children, pornography must never be used as a tool to teach children human sexuality. For older adolescents and young adults, pornography teaches a false narrative regarding human sexuality and how men and women form healthy sexual relationships. This makes it more difficult for young men and women to form authentic, stable relationships. For parents, pornography is divisive resulting in a decreased quality of marriage and increasing the likelihood of divorce and separation which has been well documented to be harmful to children..."

<https://acpeds.org/position-statements/the-impact-of-pornography-on-children>

According to an article from The Bark Team date January 30, 2023:

**“Here are just a few of the effects porn has on young brains:**

- **Porn alters the structure and development of immature brains.** Studies show that porn can [damage a developing prefrontal cortex](#). The area of your brain is critical for decision-making and impulse control—when damaged, children are more likely to act impulsive and make rash decisions. Porn can also damage the dopamine reward system, making it more difficult to find excitement or fulfillment in healthy relationships.
- **Viewing porn skews reality thanks to mirror neurons.** Dr. Sharon Cooper, a forensic pediatrician and faculty member at the University of North Carolina School of Medicine, argues that children are more vulnerable to pornographic images than adults because of [mirror neurons in the brain](#). Mirror neurons play an important role in how children learn and convince people that they are actually experiencing what they see. Because these observed encounters seem so real to children, they are likely to believe this is how sex and relationships work in the real world—when that’s often far from the truth.
- **Mainstream porn normalizes and reinforces sexist ideas and harmful gender roles.** Experts say that [by age 10, gender stereotypes are established](#) in the minds of children. Considering the average age kids are exposed to porn is between 9-11 years old, much of what they see can be cemented into their long-lasting ideas on gender roles. Unfortunately, these images aren’t usually positive. A study of adolescent porn use concluded that the [major messages presented by porn](#) are male domination, hypermasculinity and making male sexual pleasure the top priority. These stereotypes, when pushed to the extreme, as they often are in porn, include men being dominating, unemotional and controlling and women being submissive, emotional and weak. When acted upon, these gender stereotypes can lead to an increase in violent and risky behavior for boys and depression and exposure to violence for girls.

## The Dangers of Porn

The effects of porn on the brain can lead to real dangers and damages in the present and long term. Surveys show that the earlier children are exposed to porn, the more likely they will regularly view it and experience more of its effects and dangers.

**Here are a few of the potential dangers that come from early exposure to porn:**

- **Porn can keep people from forming and maintaining healthy relationships.** Because porn skews children's view of what a normal relationship, sexually and otherwise, looks like, they are often bound to expect things that aren't reasonable or healthy from their partner. When these expectations aren't met or enforced without consent, one or both sides of the relationship will fail.

**Sexual violence is perpetuated by porn.** A review of mainstream porn has shown that [physical aggression occurred in 88.2% of scenes and verbal aggression in 48.7%](#). Men committed 70.3% of all aggressive acts and 94.4% of aggression was directed toward women. This repetitive reinforcement of gender stereotypes, violence and a male-centered narrative in pornography can lead to an increase in sexual violence toward women in the future.

- **Brains that have been rewired by viewing porn can lead to poor decision-making.** In relationships and beyond, desensitization to high dopamine levels can make even the highest-best moments a little less exciting. Plus, increased impulsivity means that when important decisions are to be made, people are more likely to jump to conclusions than make an informed decision.”

<https://www.bark.us/blog/porn-dangers-damages/>

I could have listed many more citations, but I felt like this was certainly enough for all of you to get the idea of how dangerous obscene pornographic, inappropriate material is for minor children. In my research, I have not seen any website or other resource where there were positive outcomes from minor children being exposed to pornographic material.

Therefore, I implore you to **SUPPORT** this bill and keep this pornographic material away from our children. Their futures depend on you doing so.

Thank you for your courtesy and cooperation.



**T.HirschTestimony,DeviceFilter\_CDPB (2).pdf**

Uploaded by: Victoria Hirsch

Position: FAV





Established 1962

## Written Testimony of Tori Hirsch, Esq., Policy Counsel

*National Center on Sexual Exploitation*

*1201 F St NW, Washington, D.C. 20004*

### **Testimony in Favor of MD S.B. 0780, Internet-Connected Devices and Internet Service Providers – Default Filtering of Obscene Content (Maryland Online Child Protection Act)**

Maryland State Senate, Finance Committee

March 13, 2024

Chairwoman Beidle, Vice Chair Klausmeier, and Members of the Committee,

My name is Tori Hirsch, and I am a Maryland attorney with the National Center on Sexual Exploitation, an organization with a mission to expose and eradicate all forms of sexual exploitation and abuse. I urge you to support SB 0780.

The road map for this bill comes directly from the United States Supreme Court’s important First Amendment decisions in *Reno v. ACLU*, 521 U.S. 844 (1997) (Communications Decency Act) and *Ashcroft v. ACLU*, 542 U.S. 656 (2004) (Child Online Protection Act) where the Supreme Court struck down age verification laws at the internet platform level, the ISP level, meaning at the source.

In *Ashcroft* the Supreme Court explicitly stated that filtering pornography at the device level was the best and most constitutional means of protecting children from harmful content. To quote the Court, it stated: “Blocking and filtering software is less restrictive and ... most effective as a means of restricting children’s access to [pornographic material]. Filters are less restrictive [because they] impose selective restrictions on speech at the receiving end, not universal restrictions at the source.” *Ashcroft*, at 670.

Through this type of filtering regime, children are protected from obscene material, and adults are allowed unimpeded access.

As stated in the *Ashcroft* case—no chill on free speech is implicated by a filter at the user level because no speech is censored for any adult who wants to hear or see the speech.

This constitutional solution imposes a small burden on the manufacturer, simply requiring existing filtering software to default to “ON” when a device is activated for a minor. Any argument to the contrary is difficult to accept, since manufacturers can default to “ON” as easily as they can default to “OFF,” as they do currently. In fact, Apple recently did exactly this for smart phones used by children 12 and under. All this bill is asking, is that manufactures default the filter to the ON position for all minors below the age of 18, which is in line with Maryland law making it a crime to distribute obscene material to children. MD § 11-202. Maryland S.B. 0780 passes constitutional muster and will protect minors in Maryland.



# **SB 780 - Amendment Final.pdf**

Uploaded by: C. Anthony Muse

Position: FWA

**SB0780/213027/1**

BY: Senator Muse  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 780  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “person” and substitute “manufacturer of Internet-connected devices”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 29 down through “AND” in line 30.

On page 3, in line 1, strike “(II) A” and substitute “A”; in line 3, after “INSTALLED” insert “OR OTHERWISE EXISTING”; in line 4, after “DISPLAYING” insert “OBSCENE”; in lines 4 and 5, strike “THAT IS HARMFUL TO MINORS”; strike in their entirety lines 7 through 16, inclusive; in line 17, strike “(E)” and substitute “(D)”; in the same line, strike “PHYSICAL OBJECT” and substitute “CELL PHONE, TABLET, OR VIDEO GAME CONSOLE”; and after line 21, insert:

“(E) “OBSCENE” MEANS THAT QUALITY OF ANY DESCRIPTION OR REPRESENTATION OF NUDITY, SEXUAL CONDUCT, SEXUAL EXCITEMENT, OR SADOMASOCHISTIC ABUSE WHEN IT:

(1) TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST IN SEX;

(2) IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY AS A WHOLE; AND

**(3) TAKEN AS A WHOLE, LACKS SERIOUS ARTISTIC, EDUCATIONAL, LITERARY, POLITICAL, OR SCIENTIFIC VALUE.**

On page 4, in line 2, strike “ACCOMPLISHED” and substitute “:

**(1) INSTALLED BY THE MANUFACTURER OF AN INTERNET-CONNECTED DEVICE; OR**

**(2) ACCOMPLISHED**;

in lines 6 and 9, in each instance, strike “PERSON” and substitute “**MANUFACTURER OF AN INTERNET-CONNECTED DEVICE**”; in lines 7 and 9, in each instance, after “SELL” insert “**OR DISTRIBUTE**”; in line 12, strike “AN ACTIVATED” and substitute “**A**”; in the same line, after the first “THAT” insert “**IS TURNED ON BY DEFAULT AND**”; in the same line, after “BLOCKS” insert “**OBSCENE**”; and in lines 12 and 13, strike “THAT IS HARMFUL TO MINORS”.

On page 10, in line 9, strike “2024” and substitute “**2026**”; and in line 11, strike “2024” and substitute “**2026**”.

# **SB 780 - Testimony before Finance.pdf**

Uploaded by: C. Anthony Muse

Position: FWA

C. ANTHONY MUSE  
Legislative District 26  
Prince George's County



James Senate Office Building  
11 Bladen Street, Room 220  
Annapolis, Maryland 21401  
410-841-3092 · 301-858-3092  
800-492-7122 Ext. 3092  
Anthony.Muse@senate.state.md.us

Judicial Proceedings Committee  
Executive Nominations Committee  
Vice Chair, Rules Committee

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

TESTIMONY

**SB: 780: Internet-Connected Devices and Internet Service Providers - Default Filtering of  
Obscene Content (Maryland Online Child Protection Act)**

Good afternoon, Chair Beidle, Vice Chair Klausmeier and members of the Senate Finance Committee. Senate Bill 780, *Maryland Online Child Protection Act*, will protect our most vulnerable constituency... our YOUTH, by preserving their innocence.

SB 780 will also establish safeguards, so that our children are not exposed to leud content that is currently easily accessible to them. Often, minors can easily stumble upon things they do not need to be exposed to.

As **amended** SB 780 would require a **manufacturer** of cell phones, tablets, and gaming devices that are sold to minors in Maryland to have default filters installed to block obscene material and content. This bill is important because so many of our youth get caught up in scams... as well as, lured into dangerous situations by way of electronic devices, because of the lack of filtering and restrictions. SB 780 will eliminate parents from having to take the additional steps needed to take to activate these filters. However, adults over 18 can disable these filters, but age verification is mandatory, which balances child safety with adult access.

In closing, we cannot continue to lose our young people to online predators, and having their minds filled with obscene material; therefore, SB 780 provides for balanced safeguards, and it empowers parents to better shield and protect their kids from inappropriate content without limiting rights or access for adults.

Therefore, I urge a **FAVORABLE** report for SB 780 as amended.

# **Testimony against MD Device Filter.pdf**

Uploaded by: Amy Bos

Position: UNF



## Maryland HB 780

## OPPOSITION TESTIMONY

March 13, 2023

### Maryland Senate Finance Committee

NetChoice respectfully asks that you **oppose** HB 780 as it:

- Violates the 1st Amendment of the US Constitution;
- Usurps and undermines the traditional role of Maryland families; and
- Disincentivizes technological innovations to keep kids safe online.

As further outlined below, this bill would immediately invite constitutional challenges. In fact, the Supreme Court has already struck down a similar bill after finding it violated the First Amendment rights to receive information and to free speech.

Additionally, the bill represents a major government incursion into the traditional role that the family has played in Maryland and American history. Parents are the best stewards of their own children, not the state. HB 780 could give families the false impression that parental oversight into the online practices of their kids is no longer necessary, thereby making it more likely young Maryland citizens are exposed to vile content.

Finally, the bill is more likely to freeze the innovation of parental control products rather than spur them. As it stands, there are many different options in the marketplace for parents to choose from, and manufacturers and developers compete with each other to create more attractive products. To avoid any of these negative outcomes, the committee should reject HB 780.

### HB 780 violates the First Amendment

Congress passed the Communications Decency Act in 1996. The law was an attempt to restrict the access of minors to obscene content on the internet. The legislation criminalized the “knowing” dissemination

of “obscene or indecent” material or knowingly sending messages “that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs” to those under the age of 18.<sup>1</sup> It created safe harbors for those who made good faith attempts to restrict minors’ access to such content.<sup>2</sup>

The law was almost immediately enjoined and then struck down as unconstitutional by a District Court. The federal government lost on appeal to the Supreme Court in the 9-0, landmark case, *Reno v. ACLU*.

The Supreme Court held that the broad nature of the restrictions, their punitive nature, and their attachment to a medium which enjoys full 1st Amendment protections, among other issues, were enough to rule that the Communications Decency Act was violative of the 1st Amendment.

*A terrible but altogether predictable side effect of HB 780 is that the bill would give parents a false sense of security.*

The bill sponsors, just like Congress in 1996, are concerned with the welfare of children online. That is a laudable goal, and one that NetChoice shares. The reality however, is that the Supreme Court looks more seriously at unintended negative consequences to constitutional rights rather than well-intentioned goals. There is no question, seeing as the issues at the core of both cases are identical, that HB 780 would quickly meet the same fate as the Communications Decency Act. The confusion and significant cost to the Maryland taxpayers a challenge would bring is best avoided in an already settled case as this one.

## **HB 780 replaces the Maryland family with the Maryland legislature**

Maryland parents are the ultimate arbiters of their children’s wellbeing and moral development. Conservative and other limited government groups have long fought for a parent’s right to set the course of their children’s lives, unencumbered by government bureaucrats, panels, or committees. The moments when the state usurps the parent should be few and far between and should be recognized as a failure, not a triumph of public policy.

A terrible but altogether predictable side effect of HB 780 is that the bill would give parents a false sense of security. Filtering technology is only so precise, and even the most sophisticated software will only keep out a certain number of online threats. That means, even in the most secure environments, parents

---

<sup>1</sup> Cornell Law school, Legal Information Institute, [Reno v. ACLU | US Law | LII / Legal Information Institute \(cornell.edu\)](https://www.law.cornell.edu/ulaw/lawlib/111/111.html)

<sup>2</sup> *Ibid*

need to be overseeing their childrens' online activity. HB 780 sends a false all-clear message to parents who would otherwise remain vigilant.

Maryland parents need to be empowered to make the decisions they deem appropriate for their own children. Government should not be making the de facto choice on their behalf that a family must then remedy. If the state wants to be a genuine partner to parents in their efforts to keep kids safe online, there are much more targeted, constitutional remedies available.

*States, like Virginia, have begun to consider online and social media specific education in the classroom. This would help 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.*

States, like Virginia, have begun to consider online and social media specific education in the classroom. This would help 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. The state could also 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 big government mandates. Parents should be treated like the responsible adults they are, not like criminals in need of filtering and monitoring.

### **Government intrusion will make filtering tech worse, not better.**

As it stands, dozens of manufacturers and other private companies offer device filtering technology and other parental control software to help kids stay safe online. Due to the incentives of the free market, all of those entities compete tirelessly against each other for business. That means technology is always improving, services are getting more sophisticated and easy to use, and over time kids are safer for it.

HB 780 would take a wrecking ball to the entire private market of these offerings. With broad, confusing language, and legal liability attached, the freedom to innovate would be stripped away. A one-size-fits-all approach to filtering and child safety would need to be adopted in order for companies to be sure that they would avoid lawsuits or government sanction.

The elimination of competition and the creation of a single, government-approved mode of ensuring a child-safe online environment would be the end of innovation in this space. That would be a disaster. Everyone agrees that more can be done to keep kids safe online, but that is only a reasonable possibility when there is freedom for our innovators to create new solutions. Innovation at the speed of government is not a wise model for this committee to adopt.

\* \* \*

For these reasons, we respectfully ask you to **oppose HB 780**. 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.

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.*

# **2024-03-13 Joint Letter in Opposition to MD SB 780**

Uploaded by: Jordan Rodell

Position: UNF

March 13, 2024

*Re: Business Community Concerns with SB 780 - “Internet-Connected Devices and Internet Service Providers - Default Filtering of Obscene Content (Maryland Online Child Protection Act)”*

Dear Chair Beidle and Members of the Senate Finance Committee,

Children deserve enhanced security and privacy online. We appreciate your work on protecting children and providing them with a safe online environment. The business community takes seriously the shared responsibility of incorporating robust protective features in their devices, websites, services, and platforms.<sup>1</sup> While we support the underlying intent of keeping young people safer online, the above five undersigned organizations<sup>2</sup> have serious concerns that requiring a state-specific default filter is not adequately tailored to this objective. While this bill diverges from proposals seen in other states, such as Idaho, Iowa, and Utah, by specifying that the requirements would apply to a 'device that is marketed toward or primarily sold for the use of individuals under the age of 18 years,' concerns surrounding technical feasibility remain.

Proposals to keep children safe online should be established through a risk-based approach to developing protections for different ages of users and by focusing on tangible harm. Imposing a state-specific default filter is technologically infeasible and would create unobtainable expectations concerning content that filters can reasonably block. Additionally, internet-connected devices cannot activate filters and other protective features within the confines of a single state, let alone adapt as the device is transported across state borders. As such, we respectfully urge you to oppose the passage of this bill and appreciate the opportunity to further expand on our concerns with the proposed legislation.

---

<sup>1</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/>.

<sup>2</sup> The business community expressed these and a variety of other concerns in letters in current and past state sessions. See Letters from ACT | The App Association, CCIA, and TechNet Re: Concerns with Device Filter Proposals, available at [https://actonline.org/wp-content/uploads/020524\\_ACT\\_Opposition\\_-SB\\_1253.pdf](https://actonline.org/wp-content/uploads/020524_ACT_Opposition_-SB_1253.pdf), available at <https://ccianet.org/news/2024/02/ccia-testifies-submits-comments-on-device-filtering-bills-in-iowa-idaho/>, available at <https://www.technet.org/wp-content/uploads/2024/02/AZ-HB-2661-Toma-Device-Filter.pdf>.

Currently, there are many different filter technologies in a robust and competitive marketplace that provide individuals, families, and commercial entities with a wide range of choices, quality, and cost. Mandating that a device activate a 'filter' undermines competition for competing products and ignores the different approaches to providing effective protection for networks, devices, and individual applications. Additionally, there is no “one-size-fits-all” filter that addresses all potential concerns, including adult websites, scenes in mainstream movies, explicit lyrics in recorded music or videos, and a wide variety of adult-themed content that can be found online in a variety of formats. Different technology filters exist to address different types of content for different media, including videos, music, audio recordings, websites, written materials, and visual images.

It is important to note, however, that while there are many different types of protection technologies to address a wide range of potential harms, no filter is infallible. A law that sets unrealistic expectations for protection that are technologically impossible is a law that will fail to meet its intended purpose, resulting in consumer frustration and costly litigation. Many devices and services have content filtering technologies that allow parents to individually tailor settings and preferences to enable both adults and children to make appropriate choices about the type of content and services they can see and use. These types of filters and settings, however, are not activated by default. For example, the bill includes 'an internet-connected gaming device' under the bill's definition of 'device intended for minors.' This definition could encompass a wide range of products, including those that are commonly used by adult users. SB 780 could invite significant consumer confusion for adults who are not aware that such filters aimed for children are set by default. We would recommend that the use of such filters continue to be voluntary and an opt-in feature for the specific consumers who wish to utilize them.

Ambiguous and inconsistent regulation at the state or local levels would undermine business certainty, creating significant confusion surrounding compliance. This type of regulatory patchwork may deter new entrants, harming competition, innovation, and consumers. Devices sold into a national market are not and cannot be designed for functionality to trigger by the mere fact that they have moved within a state's borders. Further, this proposal gives rise to substantial liability concerns stemming from the subjective interpretation of what qualifies as 'material that is harmful to minors.' Given diverse individual and community perceptions, there exists a considerable risk of legal liability for companies that struggle to adhere to dynamic and subjective norms, particularly when a device moves across state boundaries. Implementing these subjective requirements lacks technological feasibility.

The business community advocates for alternative approaches to safeguarding children online such as California's recently passed 2023 AB 873. This legislation requires the Instructional Quality Commission to incorporate media literacy content at each grade level, including media literacy content into mathematics, science, and history-social science curriculum frameworks. We urge lawmakers to consider following a framework similar to California's law and refrain

from passing alternative regulations until laws like California's have been thoroughly implemented, allowing for a more informed assessment of the success of these programs.

Moreover, promoting online safety campaigns like CTIA's Mobile Parent<sup>3</sup> or SIIA's Keep Kids Safe and Connected<sup>4</sup> provides an additional avenue for enhancing safety for children online. This offers parents a convenient and readily accessible method to promptly access and implement recommended safety measures in their homes. Both of these approaches avoid imposing a technologically and operationally infeasible law. In lieu of such legislation, states should explore narrowly tailored, risk-based strategies for crafting protections customized to various age groups and concentrate on addressing tangible harms.

While we have concerns about SB 780, we are committed to working to ensure that children's online safety concerns are appropriately addressed and hope to work with members of the Legislature on this important and complicated matter.

Sincerely,

ACT | The App Association  
Computer & Communications Industry Association  
Consumer Technology Association  
TechNet  
Software & Information Industry Association (SIIA)

---

<sup>3</sup> CTIA-The Wireless Association, *Mobile Parent*, <https://mobileparent.org/>.

<sup>4</sup> Software and Information Industry Association (SIIA), *Keep Kids Safe and Connected*, <https://www.keepkidssafeandconnected.com/>.



**SB0780.pdf**

Uploaded by: Leslie Volkmar

Position: UNF

SB0780 – First, parents need to be involved with their children’s activities. Second, the definition of “obscene” is broadly defined and could be used to filter opposing political views. Third, this Bill infringes on First Amendment rights.

**[MD] SB 780\_TechNet\_written\_pdf.pdf**

Uploaded by: margaret durkin

Position: UNF



**TECHNET**  
THE VOICE OF THE  
INNOVATION ECONOMY

TechNet Mid-Atlantic | Telephone 717.585.8622  
www.technet.org | @TechNetMidAtla1

March 12, 2024

The Honorable Pam Beidle  
Chair  
Senate Finance Committee  
Maryland Senate  
3E Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

*RE: SB 780 (Muse) - Internet-Connected Devices and Internet Service Providers – Default Filtering of Obscene Content (Maryland Online Child Protection Act).*

Dear Chair Beidle and Members of the Committee,

On behalf of TechNet, I'm writing to offer comments on SB 780, related to device filters.

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 4.2 million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, and Washington, D.C.

While the intent of SB 780 is laudable, we are concerned with the operational challenges this bill requires, as well as the subjective nature of terms within the legislation.

Currently, there are many paid and free content filtering and blocking solutions available to the public that enable consumers to protect their families from illegal or inappropriate content. These solutions are widely available as both integrated and independent solutions for a wide range of technologies. Completely reliable identification, blocking, and filtering capabilities like the bill calls for, however, are not technologically feasible, and therefore compliance with SB 780 would be difficult. For example, an inevitable but unintended consequence of SB 780 would be the inadvertent blocking of legal, non-obscene content, which would limit Maryland's citizens access to legitimate information. The definition "Harmful to minors" is incredibly broad, further leading to inadvertent restriction of age-

appropriate material. The definition of "Obscene" is also subjective, using language such as "lacks serious artistic, educational, literary, political, or scientific value".

Additionally, the legislation would place device manufacturers in the impossible role of deciding what content is obscene and whether or not it should be restricted, especially given the subjective nature of the definition of "obscene". If a private company inadvertently blocked lawful content, the company would face public backlash from website owners and users, including potential civil liability and monetary damages. The courts, working closely with law enforcement, are the only lawful authority in the position to make these determinations.

The bill also calls for a "Qualifying Age Verification Procedure". Age-verification is a complex challenge for our industry to address and requires consideration of how to properly balance the interests of privacy and security. Stringent age-verification requirements would require the collection of more personal information such as birthdates, addresses, and government IDs, which conflicts with data minimization principles. Efforts are ongoing to develop more privacy protective ways to verify age online. But until there are industry-wide tools available, age-verification will continue to have tradeoffs and be difficult to implement in practice. Unfortunately, no system is infallible.

The bill contains a private right of action, which encourages an abundance of frivolous lawsuits and costly litigation. Companies should be focusing their resources on supporting digital citizenship and online safety education, as opposed to focusing time and resources on expensive and time-consuming litigation.

Finally, products are not manufactured in a manner that tailors them to consumers living in a specific state. Tablets and smart phones are the result of years-long design efforts, incredibly complicated international supply chains, mass production, and global shipping to consumers. Manufacturers are unable to design operating systems on a state-by-state basis.

Our members work with law enforcement, educational institutions, government agencies, and a wide range of organizations to provide consumer education to help protect children and adults from illegal and distasteful content on the internet. An educated consumer armed with technology is always the best protection against unwanted online interactions. For the above state reasons, TechNet is opposed to this bill. Thank you for your time and we look forward to continuing these discussions with you.

Sincerely,

*Margaret Durkin*

Margaret Durkin  
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

# **Testimony in opposition to SB0780.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: UNF

SB0780\_RichardKaplowitz\_UNF  
3/13/2024

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON SB#0780 - POSITION: UNFAVORABLE**

**Internet–Connected Devices and Internet Service Providers – Default Filtering of Obscene Content (Maryland Online Child Protection Act)**

**TO:** Chair Beidle, Vice Chair Klausmeier and members of the Finance Committee

**FROM:** Richard Keith Kaplowitz

**OPENING: My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in opposition to SB#0780, Internet–Connected Devices and Internet Service Providers – Default Filtering of Obscene Content (Maryland Online Child Protection Act)**

There are multiple problems with this bill as written even though the goal is one many might share. The first problem is who defines what is obscene? Secondly, how do you determine the age of the minor accessing information that is inappropriate for their age group? Third, can the filter interfere with searches for health related information or information on the LGBTQ community that is vital for the mental health of the person searching? Fourth, will the requirement to have specific software installed be a cost to the state or the equipment vendor?

These are just some of the challenges I see with this bill. And, according to Psychology Today magazine, there is a question “**Is Porn-Filtering Software Ineffective and Insecure?**”<sup>1</sup>

Clearly, we should rely on parents to instill the moral guidance such that their child would not attempt to access inappropriate conduct. And educational facilities should not be put in the position of censorship, one parent might object but another wants their child to have free access to whatever questions about sex or gender or any issue they might wish to research. Maryland should not be in the censorship lane but must promote the free flow of information confident that students will make the right choices when taught, at home and in school, to make good choices and use critical thinking skills to guide them.

**I respectfully urge this committee to return an unfavorable report on SB0780.**

---

<sup>1</sup> <https://www.psychologytoday.com/us/blog/women-who-stray/202211/is-porn-filtering-software-ineffective-and-insecure>

## **3-12-24 HFC testimony to MD S. 780 device filters.**

Uploaded by: Annie Chestnut

Position: INFO





Device filters are not foolproof, and parents—if determined to let their children use smartphones—should consider providing them smartphones without internet access, as well as monitor their activity if and when children use the internet, including social media. It is unfathomable to think pornographic content is appropriate for children. I am pleased that some in the Maryland Senate are making an effort to mitigate this problem and hope others will join their effort.

### **Affirmative comments on the bill**

The definition of “harmful to minors” is consistent with the standard for obscenity established by the Supreme Court in *Miller v. California*.<sup>6</sup>

The legislation includes all internet-connected devices assigned to minors, which is necessary to encompass any and every device a minor may have. Other state bills limit the filter requirement to smartphones and tablets and exclude laptop and desktop computers, smart watches, etc. A minor who has their own computer may have the means to access adult content in these instances.

The legislation is enforced through existing authorities and treats a violation (a manufacturer selling an internet-connected device without a filter to a minor) an unfair, abusive, or deceptive trade practice under Title 13 of the Maryland Consumer Protection Act. It would be inappropriate and excessive to penalize a minor who effectively disabled the filter.

### **Concerns and recommendations**

The legislation allows an individual 18 years or older to disable the filter. This is good in the context of a filter unnecessarily filtering out content and would allow a parent to disable the filter at their own determination. However, this solution has its downsides. For example, it also means that a child (say a 17-year old) could ask their 18-year old friend to disable the filter. An alternative means would be to assign the parent or guardian with a password to unblock content. The parent or guardian could also assign additional adults of their choosing with the authority to unblock content.

Furthermore, the bill does not detail or define “a qualifying age verification procedure.” It is important that any procedure is not simply age attestation and that any data processed or collected is secure and cannot be used for any other purposes. See the data security and age verification measure provisions in the federal bill the SCREEN Act, S. 3314.<sup>7</sup>

In addition to the parental controls for disabling content, consider adding a provision that requires parental consent for mobile application downloads above a certain rating or without a rating. This helps ensure obscene content mitigation does not solely rely on the filter.

The legislation does not provide clear standards for the filters. Without greater specificity, this requirement leaves the door wide open for manufacturers to install ineffective filtering software

---

<sup>6</sup> *Miller v. California*, 413 US 15 (1973). [U.S. Supreme Court]

<sup>7</sup> SCREEN Act, S. 3314, 118<sup>th</sup> Congress, 1<sup>st</sup> session (2023).

that fails to meaningfully protect kids, while giving the illusion of safety and compliance. In order to promote transparency, accountability, and compliance, add a requirement for explainability for how the filter works, what data it captures, if data is processed, collected, or retained, and how it is used. This is also important for maintaining user privacy.

Lastly, ensure that the filter will be used on all mobile applications, search engines, and web browsers by specifying this in the bill language. The definition of filter says, “through the internet.” It may help to say something like, “through mobile applications, search engines, web browsers, and any internet connection through cellular data or Wi-Fi.”

## **Conclusion**

This legislation is a step in the right direction. I respectfully submit these comments in order to help legislators understand the underlying problem of children’s access to pornographic content, ramifications of this problem, the positive elements of this bill, and what could be improved.