

Testimony on House Bill – Unfavorable
HB 908 – Civil Actions – Failure to Restrict Distribution of Sexual Material Harmful to Minors

House Judiciary Committee

March 4, 2026

Dear Honorable Chair Bartlett, Vice Chair Davis, and Members of the Committee,

My name is Anthony Caruso, and I am a resident of Baltimore County, Maryland. I am writing in opposition of HB 908 – Civil Actions – Failure to Restrict Distribution of Sexual Material Harmful to Minors.

"Reasonable age verification" should not include processing someone's government-issued identification or any other personally identifiable information (PII). Requiring users to upload their PII to an app or website, even one that distributes obscene or sexual material, is a violation of their first amendment right to anonymous speech on the internet. This bill would demand that commercial entities and third parties violate their own users' constitutional rights.

Furthermore, requiring a user's PII to be processed on the level of an application or website, instead of on the device level, is unnecessarily opening up several opportunities for that user's PII to be leaked or sold. Even though the bill prevents commercial entities and third parties from retaining users' PII, the data representing their PII needs to be stored at least temporarily in order to process it. Requiring several commercial entities and third parties to process this information means that some of them will retain the information regardless of how they might be punished for doing so.

If you do choose to require age verification, a far safer option would be to perform age verification on the device level. Instead of having each commercial entity or third party collect users' PII, users would verify their age only on their device, and the device would simply send a flag to an app or website for whether the user is a minor. For reference, please see Spain's age verification system that was built in accordance with the Spanish Data Protection Agency's Decalogue of Principles. Device-level age verification ensures that there is only one possible point of failure instead of several.

An even safer option is to just not process this information anywhere. You can't leak or sell someone's data if their data is never provided to you.

These types of age verification laws are introduced to protect minors, but they ultimately cause more harm than good because they take rights away from adults. Extreme caution needs to be taken whenever a bill is introduced under the guise of protecting children.

For these reasons, I respectfully urge the committee to issue an unfavorable report on HB 908.

Thank you for your consideration.