



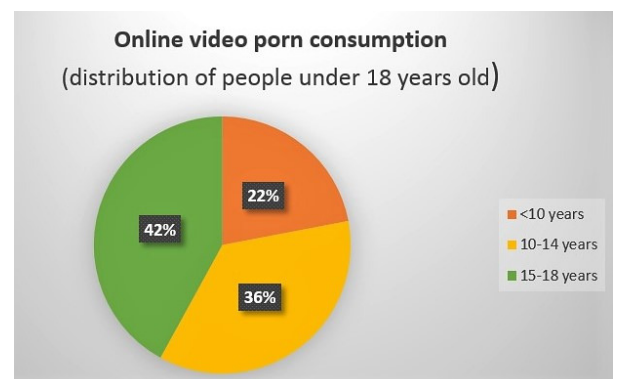
NEW U.S. LAW COMBATING
CHILDREN'S ACCESS TO

INTERNET PORNOGRAPHY

2019 // PREPARED BY NATIONAL DECENCY COALITION (NDC)

Children & Internet Pornography

- A North American college campus survey found that 93% of boys and 67% of girls have viewed pornography before the age of 18.(1)
- Another survey found 97% of boys had viewed pornography, and of those, 23% said they tried to stop watching it but could not.(2)
- The average age of first exposure to porn is about 9 to 11 years old.(3)
- 90% of 8 to 16 year old's who have viewed online porn have done so while doing homework.(4)
- Only 12% of parents knew their teens were accessing pornography.(5)
- 1 in 10 visitors of porn sites are under 10 years old. (6) Sites most visited by children under 10 include xvideos, xnxx, and pornhub. Pornhub alone received 33.8 billion visits in 2018.(7)
- 8 out of 10 eighteen year old's think it is too easy for young people to accidentally see pornography online.(8)



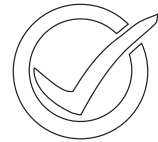
<https://fightthenewdrug.org/data-says-one-in-10-visitors-to-porn-sites-are-under-10-years-old/>

States Call to Action

- Since 2016, 12 states in the U.S. have passed legislative resolutions condemning pornography calling for policy change at the community and societal level.(9)
- Of the 12 states, Arizona, Arkansas, Idaho, Kansas, Kentucky, Montana, Pennsylvania, South Dakota, Tennessee, and Utah declared pornography as creating a public health crisis.(10)
- In 2017, Louisiana's House Resolution (HR100) declared pornography as creating a public health crisis also called for regulation of pornography on the Internet.
- In 2019, Tennessee House Joint Resolution (HJR133), in a 92-0 House vote, declared multiple failings of the Supreme Court case, Ashcroft v. ACLU (2004), that struck down Congress' last attempt to combat a child's instant access to Internet pornography. The resolution calls Congress to "readdress the crisis problem of children being exposed to and purposefully accessing internet pornography".(11)
- In June of 2019, the Ohio House legislature introduced a resolution declaring pornography a public health crisis, and recognizing the "harm on society that pornography poses, due to the unrestrained and instant access...on the Internet," The resolution also calls for regulation of pornography on the Internet.(12)

United Kingdom's Age Verification Model

In 2017, the U.K. passed the Digital Economy Act. Part 3 of the Act deals specifically with regulating pornography on the Internet to ensure that pornographic material is “not normally accessible by persons under the age of 18.” The law requires operators of pornographic websites to verify the age of their users before allowing access to pornographic material. Non-complying website owners initially become liable to fines, and eventually U.K. based Internet providers are required to block non-complying websites altogether.(13)



The law gives power to the Secretary of State to appoint an ‘Age-Verification Regulator’ to implement provisions of the Part, and specifically to ensure that age-verification solutions implemented by porn sites meet proper U.K. standards as set out by the BBFC “Guidance on Age Verification Arrangements”.(14) The Regulator is in charge of notifying non-complying website operators with an enforcement notice specifying reasons, notifying ancillary and payment service providers of non-complying sites with hopes that such providers will “wish to withdraw services from those who are in breach of UK legislation,” and requiring Internet providers in the U.K. to block non-complying websites.(15) In 2018, the British Board of Film Classification (BBFC) was appointed as the Age Verification Regulator.(16)

The U.K. government targeted the largest online pornography providers in the world, and with success. The largest porn provider, Mindgeek, owner of major pornographic websites Pornhub, YouPorn,

and RedTube, complied with U.K. standards by developing "AgeID".(17)The BBFC is anticipated to begin enforcement procedures in late 2019.(18) In anticipation of more countries taking this regulatory approach, online pornographers are wanting a universal compliance to standards of age-verification, according to Ernie Allen, co-founder of National Center for Missing & Exploited Children and advocate for a similar solution in the U.S.(19)

The U.S. has recently taken a similar approach toward online vape shops. In 2016, the FDA approved a rule that extended their tobacco regulations from cigarettes, cigars, and smokeless tobacco to include Vaporizers, E-Cigarettes, and other Electronic Nicotine Delivery Systems (ENDS).(20) Retailers are required to verify the date of birth by photo ID of any purchaser under the age of 27. Very similar to the U.K. age-verification system for online pornography, if retailers violate this rule, they'll receive a warning letter, and then are subject to a civil money penalty, a no-sale order, and eventually a criminal prosecution.(21)

Since 2016, the FDA has issued numerous warning letters to online vape shops and sophisticated and effective age-verification technology has emerged helping online retailers to comply with FDA standards.(22)

Default Filtering of Pornography

Internet service provider's (ISP's) can play an important role in reducing a child's instant access to Internet pornography.(23) By ISP's stopping the flow of Internet pornography by default for customers, children by default will be protected, and adults can easily opt-in to material.

In 2013, following pressure from the former Prime Minister David Cameron of the United Kingdom, the four major Internet providers in the U.K. rolled out better solutions to a child's instant access to pornography.(24) Sky Broadband, one of the four, and serving millions of customers, elected to block pornography by default for their customers. The BBC quoted Sky saying, "We think that default filtering is the best way for the industry to meet the government's commitment to reduce children's exposure to inappropriate content."(25)



Sky shared with Ernie Allen, that they received "no backlash" from customers and "70% of Sky's users left the default filters in place." Sky also provides this service to its customers at no extra cost.(26)

In Supreme Court case *U.S. v. American Library Association* (2003), the concern arose whether "over-blocking" of constitutional speech would occur in requiring libraries to filter pornography for patrons. In that case, the court declared default filtering of pornography as constitutional for the "ease with which patrons may have the filtering software disabled." A common and cost efficient method that Internet providers use to filter pornography for customers is by DNS filtering.

SafeDNS, an IT team that equips Internet providers and more than 4,000 organizations all over the world, shared with us, “As the flow of water can be shut off from the water facility to a home faucet, so can the flow of pornography be shut off from the Internet service provider to a customer's device.” More than 98% of pornography can be filtered through this technology.(27) This method of filtering was mandated in implementing the U.K.'s Digital Economy Act when requiring ISP's to filter non-complying websites. (28)

In 2019, the Missouri legislature introduced the 'Safer Internet for Children Act' that requires ISP's doing business with Missouri residents to hide pornography websites behind a password before making it accessible.(29) After months of mediation with Internet providers, the bill was heard in Senate committee and passed 10-1.

According to Uriah Stark of NDC, the bill has a likely chance of passage in 2020 but needs support from Congress to help with any future matters of federal preemption that may leave the bill vulnerable to any future challenge.

Section 230(d) of the Communications Decency Act of 1996 has been interpreted in a way that disallows states from requiring Internet providers to implement protective and needed solutions. (30) By amending this law, creating a new law to provide a clear permission for states, or by requiring ISP's to block the transmission of porn sites by default altogether, states would have a real answer to this crisis they've been looking for, and parents would have better control to protect children from harmful material.

The U.S. is ready for a new law protecting children from pornography. The U.K. Age Verification model, and Internet providers shutting off pornography by default for customers would be major solutions to this crisis. Many states have declared pornography as creating a public health crisis, and have pointed to Congress for societal solutions. Our goal is to assist Congress in any way in implementing new, effective, and constitutional approaches in combating this crisis.

Supporters*

Concerned Women of America
National Center on Sexual Exploitation
Enough is Enough
Ernie Allen- National Center for Missing & Exploited Children
Ron Dehaas- Covenant Eyes
Merrilee Boyack- Family Watch
Christine Ahrens- Freedom & Restoration for Everyone Enslaved
Melea Stephens- Rescue Innocence Movement
Tanna Antonuca- Big Ocean Women
Paul Hughes- Freedom Forerunners
Paula Hamilton- Hannah's Hope
Vauna Davis- Protect Young Minds
David Vermont- Principal Law Group
Russ White- Citizens for Community Values



SUPPORT

*Supporter have agreed to one or more of the solutions

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