

---

## The Problem

---

The average age of first pornography exposure is between 11 and 12 years old.<sup>1</sup>

Porn has been shown to raise the risk of depression, anxiety and low self-esteem.<sup>2</sup> Studies examining the neuroimaging results of subjects who viewed internet pornography reveal brain region activation similar to craving and drug cue reactions for alcohol, cocaine, and nicotine.<sup>3</sup>

The harmful effects of pornography on adolescents have spurred 17 states to recognize pornography as a public health hazard leading to a broad range of individual harms, societal harms, and public health impacts.<sup>4</sup>

Congress established the compelling government interest of protecting minors from pornographic content at the national level, passing the Child Online Protection Act in 1998.<sup>5</sup> The Supreme Court upheld this compelling interest in *Ashcroft v. ACLU* (2004), but ruled that personal blocking and filtering software was a less restrictive means of achieving it.<sup>6</sup>

Since this decision, such technology has proven to be insufficient. In 2005, total daily adult site traffic averaged less than 1 million unique visitors on the entire internet.<sup>7</sup> By 2015, free Mindgeek tube sites alone received 100 million unique visitors per day.<sup>8</sup>

75% of parents surveyed felt their child would not have seen pornography online, but of those children, 53% said they had in fact seen pornography.<sup>9</sup>

Nearly 80% of U.S. youth in late adolescence report having accessed pornography<sup>10</sup>, while only 39% of parents use devices or software to block such content.<sup>11</sup> In fact, 71% of teenagers ages 13 to 17 come across internet porn without looking for it.<sup>12</sup> Children in the youngest age-group (11 to 13) were the most likely to say that their viewing of this content was mostly or all unintentional, and 22% reported that it was shown to them by someone else without them expecting it.<sup>13</sup>

Age Verification legislation is now the least restrictive means available to achieve the compelling government interest of protecting children from pornographic content online.

---

## The Interest

---

77% of 1,200 likely swing state voters in Arizona, Georgia, Nevada, New Hampshire, Pennsylvania, and Wisconsin supported age verification for porn, with 15% opposed.<sup>14</sup>

83% of Americans nationwide support national age verification legislation to prevent minors from being granted access to porn sites. 58% of Americans "strongly" favor the laws, and another 25% "somewhat" favor them. Any opposition to the laws was in single digits.<sup>15</sup>

Three states, including Virginia, have passed state age-verification legislation unanimously in the House.<sup>16</sup> Five states have passed it unanimously in the Senate.<sup>17</sup>

---

## The Action

---

In 2022, Louisiana was the first to pass a bill requiring commercial websites with a substantial amount of material harmful to minors to verify the age of users.

When the bill took effect in January 2023, Pornhub contracted with a third-party app known as LA Wallet to check the age of users. On the landing site for their page, Pornhub displayed messages stating "We guarantee

that Pornhub does not collect any data during [the age verification] process” and that age verification “does not allow anyone to trace your online activity”<sup>18</sup>

A Pornhub spokesperson told CNN that since the Louisiana law went into effect, traffic from that state had fallen 80%.<sup>19</sup>

PornHub had already implemented age verification for its more than 100,000 “models”<sup>20</sup> in December 2020 in order to comply with child porn laws<sup>21</sup>, but today refuses to implement age verification for its users unless they are compelled to by law.

As of today, twenty-five states have introduced legislation to achieve this compelling government interest,<sup>22</sup> and eight have passed age-verification into law.

---

### Success Abroad

---

In Germany, Pornhub, Youporn and MyDirtyHobby brought a case to strike down the age-verification requirements for porn sites. They argued that because they were headquartered outside of Germany, this violated inter-country commerce in the European Union. Their case failed in April of 2023. A court in Dusseldorf ruled that, due to the grave harms caused by pornography on minors, and the fact that 50% of minors had watched porn, but only 25% of parents used filters, age-verification rules in Germany must stand.<sup>23</sup>

Germany<sup>24</sup>, France<sup>25</sup> and the UK<sup>26</sup> all have laws and agencies enforcing age verification requirements on sites with material harmful to minors. Pornhub, XVideos and Stripchat are also now required to age-verify users across all of Europe as Very Large Platforms under the new Digital Services Act.<sup>27</sup>

---

### The SCREEN Act

---

The SCREEN Act would direct the Federal Trade Commission to protect underage consumers by requiring commercial porn sites to verify the age of users before providing access to content which is harmful to minors. It would require these websites to not collect information beyond what is required to verify a user’s age, and to safeguard and delete any information besides what is minimally necessary to demonstrate compliance. VPN addresses would also be subject to verification, unless the platform could show a user resided outside of the United States.

A covered platform can choose any method of age verification which accomplishes this end, including by contracting with third parties, such as how LA Wallet was used in Louisiana, or Yoti which is Pornhub’s current age-verification service for their models.

Two years after enactment, Congress would receive a report on the effectiveness of the technology verification methods, rates of compliance, data security measures, the effects of age verification on the psychology and behavior of minors and society more broadly, and give recommendations to Congress on potential legislative improvements.

---

### What Pornhub Has to Say

---

A Pornhub executive recently said on undercover camera that porn “Can’t be normal,” “Can’t be healthy,” and “I hope they all ban us.”<sup>28</sup> When asked why Pornhub doesn’t want to verify age, he said “Because it costs money. It would be counterintuitive to the business.”

- 
- <sup>1</sup> Kraus & Rosenberg, 2014; Rothman, 2021, [https://www.researchgate.net/publication/259956202\\_The\\_Pornography\\_Craving\\_Questionnaire\\_Psychometric\\_Properties](https://www.researchgate.net/publication/259956202_The_Pornography_Craving_Questionnaire_Psychometric_Properties)
- <sup>2</sup> Bravehearts, *An Overview of Research on the Impact that Viewing Pornography has on Children, Pre-Teens, and Teenagers*, July 2017, [https://bravehearts.org.au/wp-content/uploads/2018/01/Research-Report\\_Overview-of-research-into-the-effects-of-viewing-pornography-on-children....pdf](https://bravehearts.org.au/wp-content/uploads/2018/01/Research-Report_Overview-of-research-into-the-effects-of-viewing-pornography-on-children....pdf)
- <sup>3</sup> Love, T., Laier, C., Brand, M., Hatch, L., & Hajela, R. (2015). *Neuroscience of internet pornography addiction: A Review and update. Behavioral Sciences*, (5), 388-423.
- <sup>4</sup> American Journal of Public Health, *Should Public Health Professionals Consider Pornography a Public Health Crisis?*, February 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6951382/>
- <sup>5</sup> Pub. L. 105–277, div. C, title XIV, § 1402, Oct. 21, 1998, 112 Stat. 2681–736
- <sup>6</sup> Ashcroft v. ACLU, 542 U.S. 656 (2004), <https://supreme.justia.com/cases/federal/us/542/656/>
- <sup>7</sup> <https://nymag.com/news/features/70985/index4.html>
- <sup>8</sup> <https://www.economist.com/international/2015/09/26/naked-capitalism>
- <sup>9</sup> BBFC. (2020). Young people, pornography & age-verification. <https://www.revealingreality.co.uk/wp-content/uploads/2020/01/BBFC-Young-people-and-pornography-Final-report-2401.pdf>
- <sup>10</sup> Barna, *Teens and young Adults Use Porn More Than Anyone Else*, January 28, 2016, <https://www.barna.com/research/teens-young-adults-use-porn-more-than-anyone-else/>
- <sup>11</sup> The Pew Research Center, January 7, 2016, <https://www.pewresearch.org/internet/2016/01/07/parents-teens-and-digital-monitoring/>
- <sup>12</sup> The Porn Phenomenon Study, 2016, 41, <https://www.barna.com/the-porn-phenomenon>
- <sup>13</sup> Elena Martellozzo, Andy Monaghan, Joanna R. Adler, Julia Davidson, Rodolfo Leyva and Miranda A.H. Horvath, *A quantitative and qualitative examination of the impact of online pornography on the values attitudes, beliefs and behaviours of children and young people*, Middlesex University London, [https://www.mdx.ac.uk/\\_\\_data/assets/pdf\\_file/0021/223266/MDX-NSPCC-OCCpornography-report.pdf](https://www.mdx.ac.uk/__data/assets/pdf_file/0021/223266/MDX-NSPCC-OCCpornography-report.pdf)
- <sup>14</sup> <https://americanprinciplesproject.org/media/new-app-poll-swing-state-voters-strongly-oppose-transgender-agenda/>
- <sup>15</sup> The American Principles Project, <https://www.washingtonexaminer.com/news/83-percent-support-national-mandate-age-verification-pornography>
- <sup>16</sup> See *vote histories* – Arkansas SB66, Utah SB287, Virginia SB1515
- <sup>17</sup> See *vote histories* – Arkansas SB66, Louisiana HB142, North Carolina HB8, Texas HB1181, Utah SB287
- <sup>18</sup> <https://arstechnica.com/tech-policy/2023/01/no-porn-without-id-louisiana-law-forces-porn-sites-to-verify-users-ages/>
- <sup>19</sup> CBS News, May 2, 2023, <https://www.cbsnews.com/atlanta/news/pornhub-blocks-access-in-utah-over-age-verification-law/>
- <sup>20</sup> <https://www.forbes.com/sites/curtissilver/2018/11/20/pornhubs-model-program-has-paid-out-millions-defining-a-new-type-of-influencer/?sh=343333d03ed6>
- <sup>21</sup> <https://arstechnica.com/tech-policy/2021/02/amid-scandal-pornhub-hires-biometric-technology-firm-for-user-verification/>
- <sup>22</sup> Free Speech Coalition, <https://action.freespeechcoalition.com/age-verification-bills/>
- <sup>23</sup> VG Dusseldorf, April 27, 2023 - 27 K 3605/20, [https://www.vg-duesseldorf.nrw.de/behoerde/presse/pressemitteilungen/2023/07\\_23/index.php](https://www.vg-duesseldorf.nrw.de/behoerde/presse/pressemitteilungen/2023/07_23/index.php)
- <sup>24</sup> Interstate Treaty on the protection of minors – JMStV, [https://www.kjm-online.de/fileadmin/user\\_upload/Rechtsgrundlagen/Gesetze\\_Staatsvertraege/Interstate\\_Treaty\\_on\\_the\\_Protection\\_of\\_Minors\\_in\\_the\\_Media\\_JMStV\\_in\\_English\\_\\_19th\\_Interstate\\_Broadcasting\\_Treaty.pdf](https://www.kjm-online.de/fileadmin/user_upload/Rechtsgrundlagen/Gesetze_Staatsvertraege/Interstate_Treaty_on_the_Protection_of_Minors_in_the_Media_JMStV_in_English__19th_Interstate_Broadcasting_Treaty.pdf)
- <sup>25</sup> LAW no. 2020-936, Chapter IX: Provisions relating to the protection of minors (Articles 21 to 24), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042176652>
- <sup>26</sup> Online Safety Act 2023, <https://bills.parliament.uk/bills/3137>
- <sup>27</sup> <https://www.theverge.com/2023/12/20/24009125/eu-dsa-pornhub-xvideos-stripchat-digital-services-act-age-verification>
- <sup>28</sup> <https://soundinvestigations.com/pornhub-exec-attacks-porn/>