



**State Senators Stephanie Kunze and Bill DeMora  
District 16**

Senate Financial Institutions and Technology Committee  
April 23, 2024  
Senate Bill 212 Sponsor Testimony

Thank you Chairman Wilson, Vice Chair Hackett, Ranking Member Smith, and members of the Senate Financial Institutions and Technology Committee for the opportunity to provide sponsor testimony for Senate Bill 212.

This legislation would require businesses that distribute online pornographic material to verify the age of their consumers to ensure that the material is not being accessed by minors.

Viewing pornography intentionally or unintentionally is extremely harmful at such a young age. A 2023 survey from Common Sense Media found that 73% of children age 13-17 who participated in the survey had viewed pornography. 54% of those children acknowledge that they first viewed pornography online before they even turned 13—and 10% of those children said they first viewed pornography before they turned 10 years old.

One of the most concerning results of that survey was that nearly half of these teenage respondents said they found that online pornography gives helpful information about sex.

This is extremely detrimental to our youth's brain development as it initiates sexual objectification and hyper-sexualization in young, developing minds.

Adults will still be able to access pornographic material, they must only demonstrate they are not a minor. This rule is already established in the physical world, from buying a car to streaming entertainment content and purchasing alcoholic beverages or tobacco products.

We live in an age where social media has become extremely influential in the everyday life of our children and youth. We must enact the same protection in the digital world as we do in the physical world.

It is important to note the long standing expectation that children should not be able to access adult content; adult magazines were not available for purchase to children, R-rated movie content is age-restricted, and other adult content that has been available for sale or exposure is restricted only to adults.

The internet should not be a free-for-all for young children who may become exposed to material that can cause significant, long term trauma and exposure to inappropriate sexual content.

If enacted, Ohio would join 8 other states that have enacted similar legislation; Arkansas, Louisiana, Mississippi, Montana, Texas, Utah, Virginia, and North Carolina.

Age verification in this bill can be conducted by the website using a commercially reasonable method or by a third party, or by use of a state-issued ID. The state is not collecting this data; the bill places the onus on the website or a contracted business to conduct the required verification, and then prohibits the verification entity from retaining any of the provided data, which provides additional protection to the adult seeking access to this material.

This bill applies to websites where a substantial portion (at least 1/3rd) of publicly available content is harmful to juveniles - “harmful to juveniles” is a continuing law definition that means the following:

- The quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

The bill does not include platforms like Youtube, Twitter, or Google, and is not intended to capture news sites or other websites that are a bona fide news or public interest organization. It also clarifies that internet service providers, cloud service providers, and search engines are not responsible for content accessed through their system that is not under their control.

Devices like VPNs can provide a runaround, which is why this proposed bill uses third party age verification so children cannot get around it. We cannot legislate a solution to every individual instance that may arise, but enacting this strong protection will create a deterrent effect that reduces the likelihood of our children inadvertently or intentionally accessing material that we know is harmful to their mental health and development.

Chairman Wilson, Vice Chair Hackett, Ranking Member Smith, and members of the Senate Financial Institutions and Technology Committee, thank you for the opportunity to provide sponsor testimony

for Senate Bill 212. We are happy to answer any questions that you might have.