

HCS HBs 1993, 1855, 1426 & 2157 -- CIVIL LIABILITY FOR PUBLISHING
HARMFUL MATERIALS

SPONSOR: Gallick

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 8 to 5 and 1 present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 5 to 3.

The following is a summary of the House Committee Substitute for HB 1993.

This bill requires any commercial entity that knowingly or intentionally publishes or distributes on the Internet material harmful to minors, as defined in the bill, to verify that any person attempting to access the material is at least 18 years old. The requirement to verify the age of users only applies to websites for which more than 33 1/3% of the total material meets the definition of material harmful to minors. Any commercial entity that violates these provisions will be subject to civil liability for damages resulting from a minor's access to the material. The bill does not impose an obligation or liability on a provider or user of an interactive computer service on the Internet.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill is designed to protect children from accessing online pornography. There is a legal and moral obligation to protect our children from the content of pornographic websites. Minors have access to illicit material on the internet that they do not have anywhere else. If a child attempted to purchase a pornographic magazine at a gas station, they would be turned away. However, a minor can access pornographic websites without any restrictions. Legislation needs to be enacted that requires age verification for access to pornographic websites to ensure minors are not accessing these sites. Unlimited access to pornography has caused huge problems with minor development and mental health. These sites can lead to addiction and other mental health issues. Further, pornographic sites teach minors unhealthy sexual education. Pornographic sites teach that consent is not important and that the male's sexual gratification is what females should strive for above all else. Many porn sites use victims of sex trafficking. For these reasons, access to porn sites should be restricted to ensure that minors do not have access to this harmful material.

Testifying in person for the bill were Representative Gallick; Bartlett Cleland, NetChoice; Jon Schweppe, American Principles Project; Missouri Catholic Conference; and Vicky Hartzler.

OPPONENTS: Those who oppose the bill say that while this legislation purports to address the issue of explicit and harmful materials, its language is overly broad. This bill contains language that could lead to censorship and potential discrimination and could further hinder educational resources about sexual orientation and gender identity. The language could potentially be used to suppress LGBTQ+ material in schools. The term harmful to minors could be subjectively construed to apply to such materials. Intellectual freedom, inclusivity, and the right to information for all individuals should be the priority. It is important to ensure that our educational institutions, libraries, and online platforms remain places that foster understanding and access to diverse perspectives.

Testifying in person against the bill were Maggie Edmondson, Abortion Action Missouri (Formerly Pro Choice Missouri); American Civil Liberties Union of Missouri; and Katy Erker-Lynch, PROMO.

OTHERS: Others testifying on the bill say that there is a need to balance the protection of children with the protection of our first amendment rights. It is important to ensure fair enforcement of age verification across the board so that we avoid litigation. This legislation could lead to suits against the State due to restricting the constitutional rights of the sites providing this material. The legislation does not discuss how to protect against foreign porn companies. The majority of porn accessed in the United States comes from foreign providers.

Testifying in person on the bill were Bev Ehlen and Arnie Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.