

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-sixth Legislature - First Regular Session

HOUSE AD HOC COMMITTEE ON OVERSIGHT, ACCOUNTABILITY AND BIG  
TECH

Report of Interim Meeting  
Monday, October 16, 2023  
House Hearing Room 3 -- 9:30 A.M.

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

10/16/23

**Convened** 9:42 A.M.  
**Recessed** 11:42 A.M.  
**Reconvened** 10:52 A.M.  
**Adjourned** 1:04 P.M.

**Members Present**

Representative Kolodin, Chairman  
Representative Aguilar  
Representative Carter

**Members Absent**

**Agenda**

Original Agenda – Attachment 1

**Request to Speak**

Report – Attachment 2

**Committee Attendance**

Report – Attachment 3

**Presentations**

<b><u>Name</u></b>	<b><u>Organization</u></b>	<b><u>Attachments (Handouts)</u></b>
John Sauer, Attorney	Self	Attachment 4
Carl Szabo	Vice President & General Counsel for Net Choice	
Ilya Shapiro	Director of Constitutional Institute Manhattan	

**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments</u></b>
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Keesha Esquerette, Committee Secretary  
October 16, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

## ARIZONA HOUSE OF REPRESENTATIVES

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### HOUSE AD HOC COMMITTEE ON OVERSIGHT, ACCOUNTABILITY AND BIG TECH

**Date:** Monday, October 16, 2023

**Time:** 9:30 A.M.

**Place:** HHR 3

Convened: 9:42 AM  
Recessed 11:42 AM  
Reconvened 11:52 AM  
Adjourned 1:04 PM

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023101000>

#### AGENDA

1. Call to Order
2. Opening Remarks
3. Presentations:
  - Carl Szabo
  - Ilya Shapiro
  - John Sauer
4. Public Testimony
5. Closing Remarks
6. Adjournment

#### Members:

Representative Alexander Kolodin, Chair  
Representative Cesar Aguilar  
Representative Neal Carter

09/21/2023  
VC

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

# Information Registered on the Request to Speak System

*House Ad Hoc Committee on Oversight, Accountability and  
Big Tech (10/16/2023)*

## **4, Public Testimony**

### **Neutral:**

Marilyn Mesa, representing self

### **All Comments:**

Marilyn Mesa, Self: My name is Marilyn Mesa. I believe I was falsely put on a fbi blacklist in the Terrorist Screening Database (TSDB) also false, slander on me in system. Seattle Police have admitted to the list. Vist [www.targetedjustice.com](http://www.targetedjustice.com) for more on crime

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on Big Tech Bill Number Big Tech  
 Date 10-16-23  Support  Oppose  Neutral  
 Name Lezley Shepherd Need to Speak?  Yes  No  
 Representing Self Are you a registered lobbyist? \_\_\_\_\_  
 Complete Address \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_  
 Comments: \_\_\_\_\_

**\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\***

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



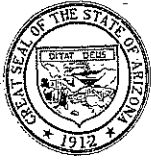
**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on Ad Hoc Big Tech Bill Number \_\_\_\_\_  
 Date 10/16/23  Support  Oppose  Neutral  
 Name Jeff Caldwell Need to Speak?  Yes  No  
 Representing Self Are you a registered lobbyist? No  
 Complete Address \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone Number \_\_\_\_\_  
 Comments: \_\_\_\_\_

**\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\***

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on BigTech Bill Number \_\_\_\_\_

Date 10-16-23  Support  Oppose  Neutral

Name Rebecca Coffman Need to Speak?  Yes  No

Representing Self Are you a registered lobbyist? N

Complete Address 2017 W Cocopah St Phx 85

E-mail Address bace/c97@gmail Phone Number \_\_\_\_\_

Comments: \_\_\_\_\_

**\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\***

**PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD**



**HOUSE OF REPRESENTATIVES**

Please PRINT Clearly

Committee on House Oversight BigTech Bill Number \_\_\_\_\_

Date \_\_\_\_\_  Support  Oppose  Neutral

Name Josanne Amice The hearing  
Need to Speak?  Yes  No

Representing self as a voter Are you a registered lobbyist? \_\_\_\_\_

Complete Address 7987 E Via Linda Scottsdale AZ

E-mail Address \_\_\_\_\_ Phone Number 602.684.3290

Comments: \_\_\_\_\_

**\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\***

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Oversight Bill Number \_\_\_\_\_

Date 10/16/23  Support  Oppose  Neutral

Name R.C. Maxwell Need to Speak?  Yes  No

Representing \_\_\_\_\_ Are you a registered lobbyist? No

Complete Address \_\_\_\_\_

E-mail Address rc@rcmaxwell.com Phone Number \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*FIVE-MINUTE SPEAKING LIMIT\*\*\*

# ARIZONA STATE LEGISLATURE

Fifty-sixth Legislature - First Regular Session

## INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON HOUSE AD HOC COMMITTEE ON OVERSIGHT,  
ACCOUNTABILITY AND BIG TECH

CHAIRMAN: Alexander Kolodin

DATE	10/16/23	
CONVENED	9:42 AM	m
RECESSED	11:42 AM	
RECONVENED	11:52 AM	
ADJOURNED	12:	1:04 PM
MEMBERS		
Cesar Aguilar	✓	
Neal Carter	✓	
Alexander Kolodin, Chairman	✓	

✓ Present      --- Absent      exc Excused

[REDACTED]

---

**From:** C.Murphy Hebert  
**Sent:** Thursday, January 7, 2021 1:52 PM  
**To:** Misinformation Reports  
**Cc:** Ken Matta; Allie Bones  
**Subject:** RE: Election Related Misinformation

I appreciate that, thank you.  
Murphy

---

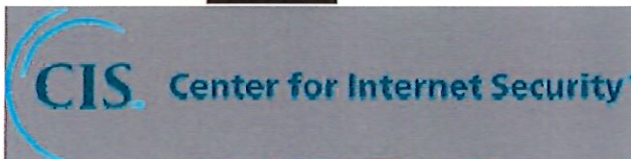
**From:** Misinformation Reports <[misinformation@cisecurity.org](mailto:misinformation@cisecurity.org)>  
**Sent:** Thursday, January 7, 2021 1:47 PM  
**To:** C.Murphy Hebert <[cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)>; Misinformation Reports <[misinformation@cisecurity.org](mailto:misinformation@cisecurity.org)>  
**Cc:** Ken Matta <[kmatta@azsos.gov](mailto:kmatta@azsos.gov)>; Allie Bones <[ABones@azsos.gov](mailto:ABones@azsos.gov)>  
**Subject:** RE: Election Related Misinformation

Ms. Hebert,  
Thanks for sending this to us. We have passed it on to Twitter. We will let you know what response we get.

Thanks,

[REDACTED]

[REDACTED]  
Sr. Director of Election Security  
[REDACTED] [@cisecurity.org](https://twitter.com/cisecurity)  
850 [REDACTED]



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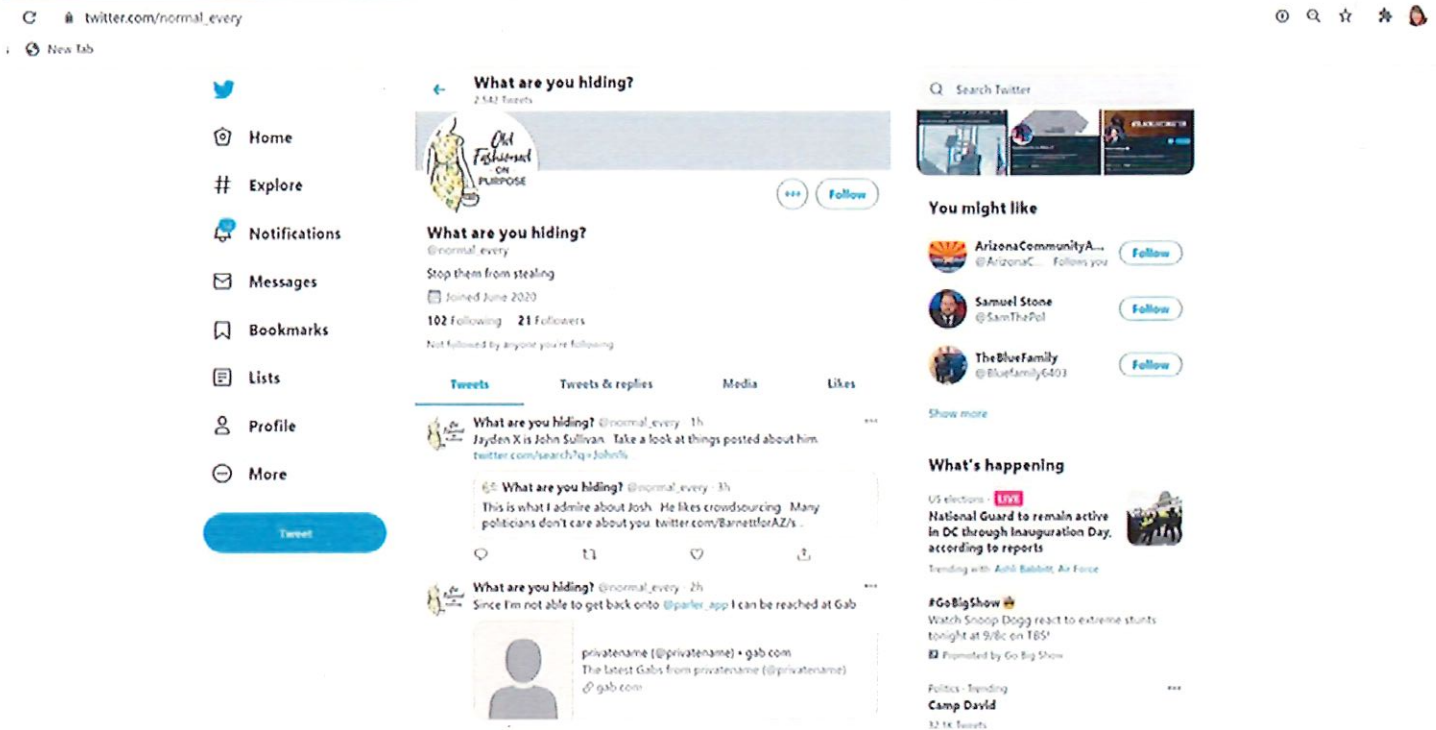
**From:** C.Murphy Hebert <[cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)>  
**Sent:** Thursday, January 7, 2021 3:26 PM  
**To:** Misinformation Reports <[misinformation@cisecurity.org](mailto:misinformation@cisecurity.org)>  
**Cc:** Ken Matta <[kmatta@azsos.gov](mailto:kmatta@azsos.gov)>; Allie Bones <[ABones@azsos.gov](mailto:ABones@azsos.gov)>  
**Subject:** Election Related Misinformation

Hello,



I'm Murphy Hebert, communications director for the Office of the Arizona Secretary of State.  
Email: [cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)

I am flagging this twitter account for your review. @normal\_every  
[https://twitter.com/normal\\_every](https://twitter.com/normal_every)



Of specific concern to the Secretary of State are the following tweets:

[https://twitter.com/normal\\_every/status/1346451683384160257](https://twitter.com/normal_every/status/1346451683384160257)  
[https://twitter.com/normal\\_every/status/1346233687160008704](https://twitter.com/normal_every/status/1346233687160008704)

Reason: These messages falsely assert that the Voter Registration System is owned and therefore operated by foreign actors.

This is an attempt to further undermine confidence in the election institution in Arizona.

Thank you for your consideration in reviewing this matter for action.

Sincerely,

C. Murphy Hebert  
Communications Director  
Arizona Secretary of State

.....  
This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

.....

**From:** C.Murphy Hebert  
**Sent:** Monday, January 11, 2021 8:41 AM  
**To:** Misinformation Reports  
**Cc:** Ken Matta; Allie Bones  
**Subject:** Re: Election Related Misinformation

Thank you for the update.

Get [Outlook for Android](#)

---

**From:** Misinformation Reports <[misinformation@cisecurity.org](mailto:misinformation@cisecurity.org)>  
**Sent:** Monday, January 11, 2021 8:23:25 AM  
**To:** C.Murphy Hebert <[cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)>; Misinformation Reports <[misinformation@cisecurity.org](mailto:misinformation@cisecurity.org)>  
**Cc:** Ken Matta <[kmatta@azsos.gov](mailto:kmatta@azsos.gov)>; Allie Bones <[ABones@azsos.gov](mailto:ABones@azsos.gov)>  
**Subject:** RE: Election Related Misinformation

Murphy,  
I wanted to let you know that both tweets have been removed.

Thanks,

**From:** C.Murphy Hebert <[cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)>  
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I appreciate that, thank you.  
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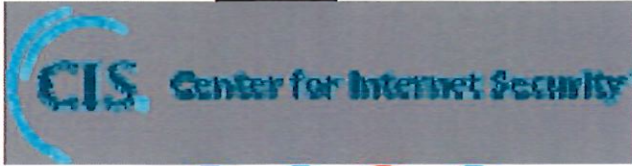
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Sr. Director of Election Security  
[@cisecurity.org](mailto:@cisecurity.org)

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I am flagging this twitter account for your review. @normal\_every  
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Communications Director  
Arizona Secretary of State

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.....

**From:** C.Murphy Hebert  
**Sent:** Friday, July 29, 2022 10:35 AM  
**To:** misinformation@cisecurity.org  
**Cc:** Kori Lorick; Sophia Solis; Allie Bones; Christine Dyster  
**Subject:** AZ: Inaccurate Election Info RE: Ballot Return Locations

**Importance:** High

Report From:  
Murphy Hebert  
Communications Director  
Arizona Secretary of State's Office

Misinformation: The Secretary of State's Office is not an early voting or election day voting location. It also does not have an official ballot drop box available. Voters SHOULD NOT drop ballots off at the Secretary's Office. Voters may find a drop off locations at Arizona.Vote.



**iVoteArizona™**  
@iVoteArizona

...

Drop your ballots at the office of [@SecretaryHobbs](#).

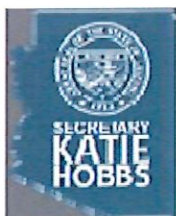


**Katie Hobbs**  @katiehobbs · 18h

With Election Day in 5 short days, find a secure dropbox near you or check where your local voting location is at [arizona.vote](#)

6:44 PM · Jul 28, 2022 · Twitter for iPad

<https://twitter.com/iVoteArizona/status/1552832329021698050?s=20&t=S5W3stMGbr0gY6hQa5hqbw>



C. Murphy Hebert (She | Her | Hers)  
Director of Communications  
Arizona Secretary of State

Email: [cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)  
Office: 602-542-2228  
Cell: 602-540-8685

1700 W. Washington St., 7<sup>th</sup> Fl. | Phoenix, AZ | 85007

*This message and any messages in response to the sender of this message may be subject to a public records request.*

**From:** Misinformation Reports <misinformation@cisecurity.org>  
**Sent:** Monday, August 1, 2022 5:06 AM  
**To:** C.Murphy Hebert; Misinformation Reports  
**Cc:** Kori Lorick; Sophia Solis; Allie Bones; Christine Dyster; ElectionOps  
**Subject:** RE: AZ: Inaccurate Election Info RE: Ballot Return Locations

Thank you for sending this in. We have forwarded this report to Twitter for possible actioning.

**EI-ISAC**



@cisecurity.org  
1-866-787-4722

[Report an incident](#)



**TLP: WHITE**  
Information may be distributed without restriction, subject to copyright.  
<https://www.cisa.gov/tlp>

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**From:** C.Murphy Hebert <cmhebert@azsos.gov>  
**Sent:** Friday, July 29, 2022 1:35 PM  
**To:** Misinformation Reports <misinformation@cisecurity.org>  
**Cc:** Kori Lorick <KLorick@azsos.gov>; Sophia Solis <ssolis@azsos.gov>; Allie Bones <ABones@azsos.gov>; Christine Dyster <cdyster@azsos.gov>  
**Subject:** [External] AZ: Inaccurate Election Info RE: Ballot Return Locations  
**Importance:** High

Report From:  
Murphy Hebert  
Communications Director  
Arizona Secretary of State's Office

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@iVoteArizona

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Drop your ballots at the office of [@SecretaryHobbs](#).

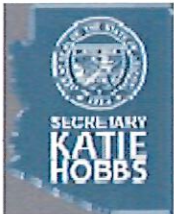


**Katie Hobbs** ✓ @katiehobbs · 18h

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<https://twitter.com/iVoteArizona/status/1552832329021698050?s=20&t=S5W3stMGbr0gY6hQa5hqbw>



C. Murphy Hebert (She | Her | Hers)  
Director of Communications  
Arizona Secretary of State

Email: [cmhebert@azsos.gov](mailto:cmhebert@azsos.gov)  
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1700 W. Washington St., 7<sup>th</sup> Fl. | Phoenix, AZ | 85007

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.....  
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.....



**From:** Allie Bones  
**Sent:** Wednesday, August 3, 2022 5:22 PM  
**To:** misinformation@cisecurity.org  
**Subject:** Election misinformation

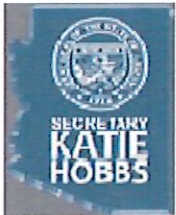
We would like to report this tweet as disinformation:

<https://twitter.com/AZGOP/status/1554949821026291712?s=20&t=RgfXSZFsSvDmVm3qW-xfZQ>.

Counties are responsible for calculating how many ballots to order. Under Arizona law, counties should review their voter registration statistics by precinct and party (for the Primary) to determine how many ballots to order. See A.R.S. 16-401 & 16-508.

Thank you,

Allie Bones

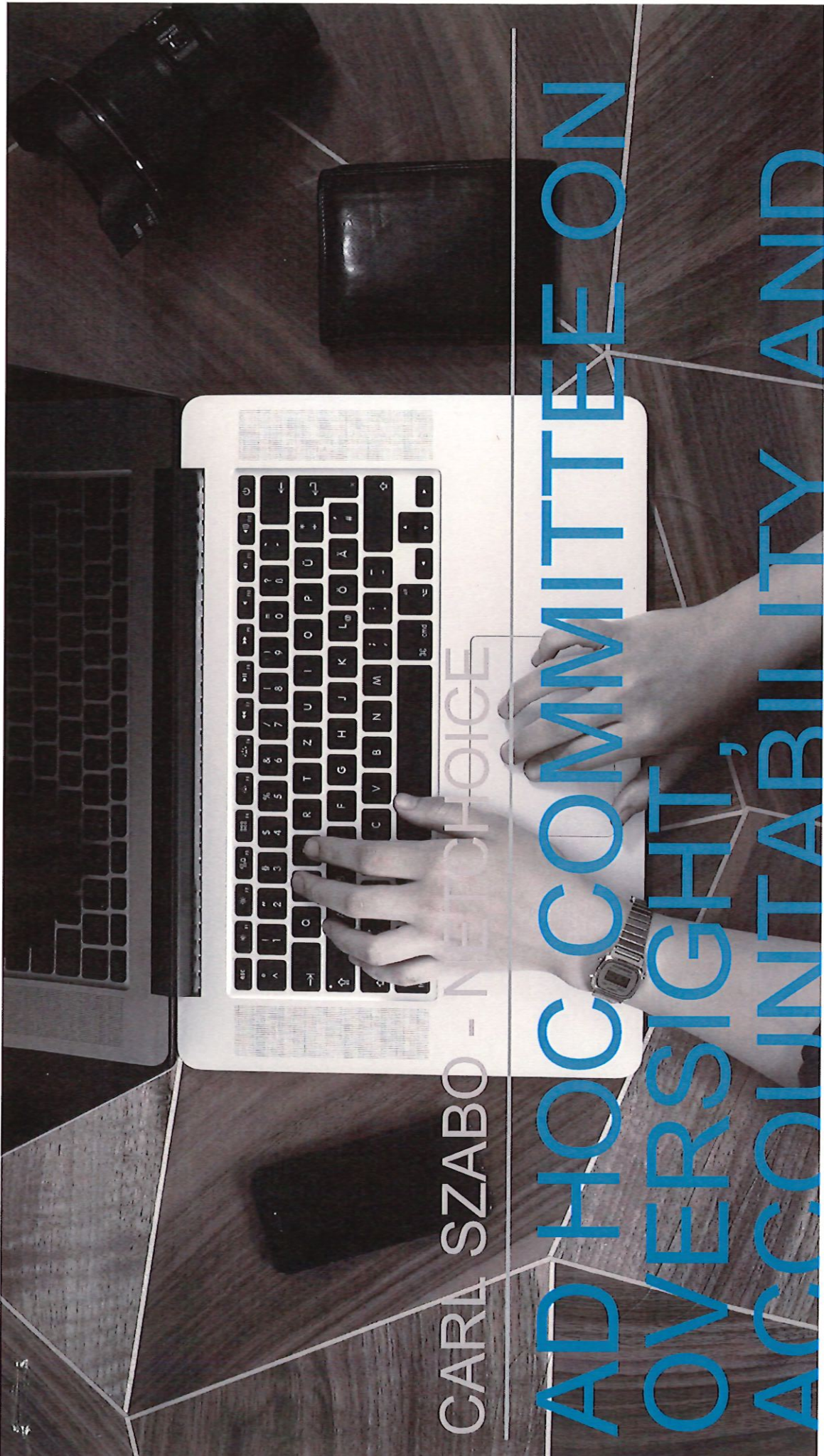


Allie Bones (She | Her | Hers)  
Assistant Secretary of State  
Arizona Secretary of State

Email: [abones@azsos.gov](mailto:abones@azsos.gov)  
Office: 602-542-4919  
Cell: 602-540-5348

1700 W. Washington St., 7<sup>th</sup> Fl. | Phoenix, AZ | 85007

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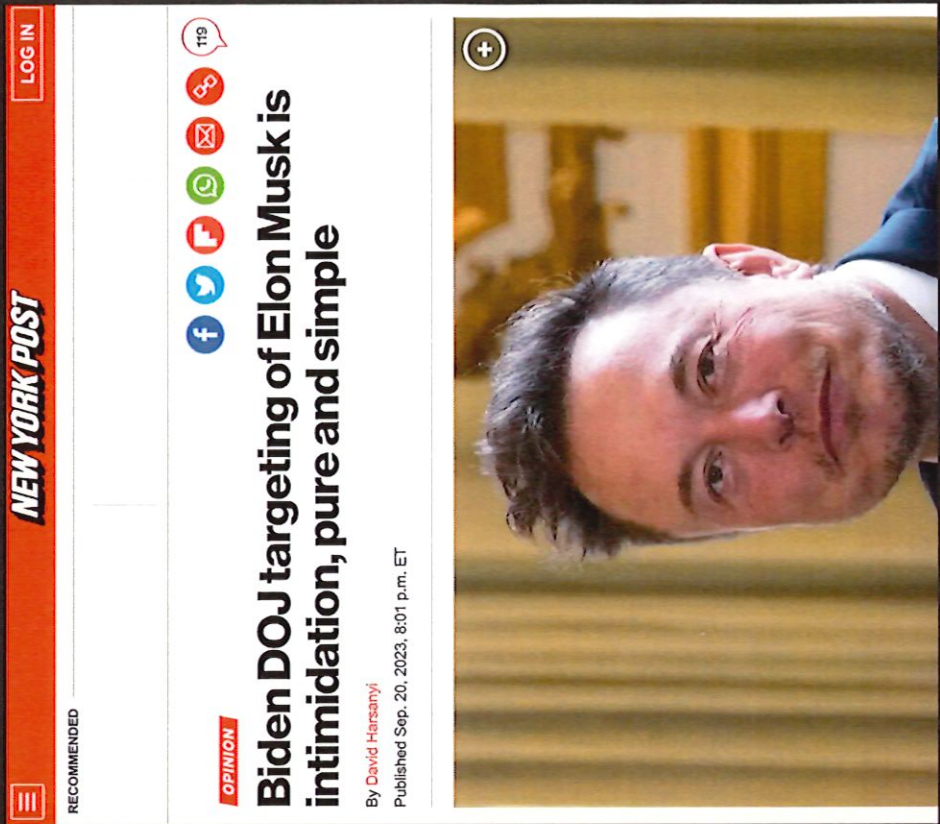


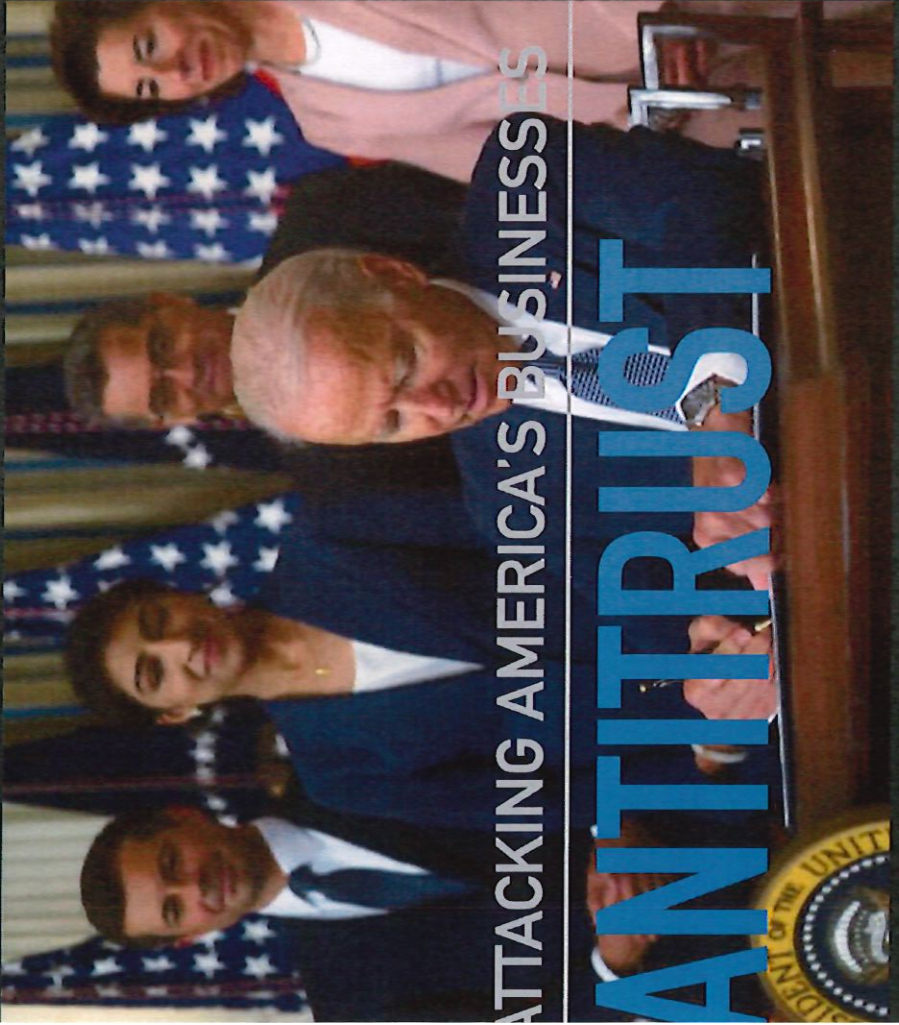
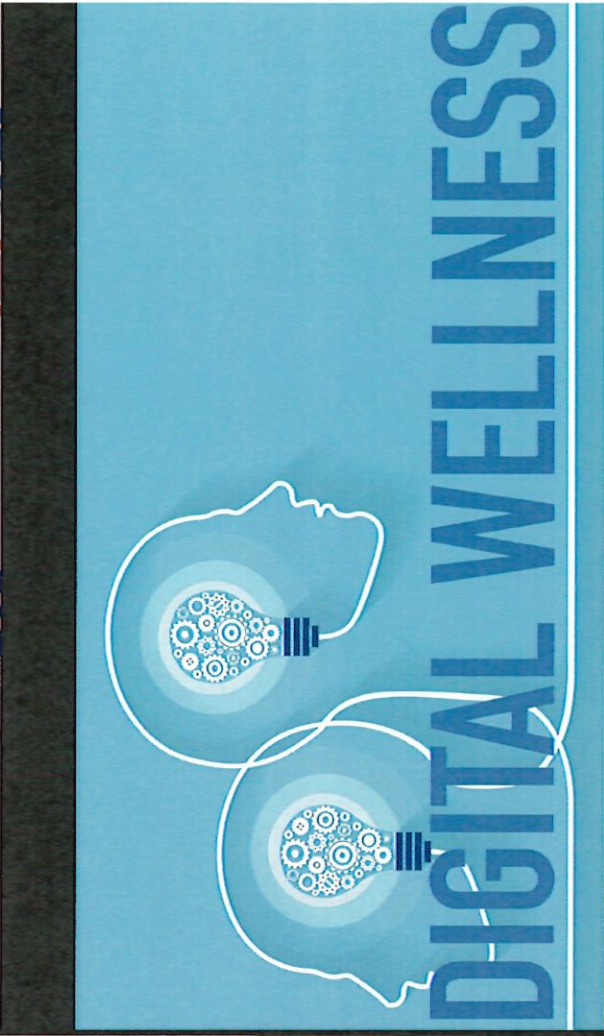
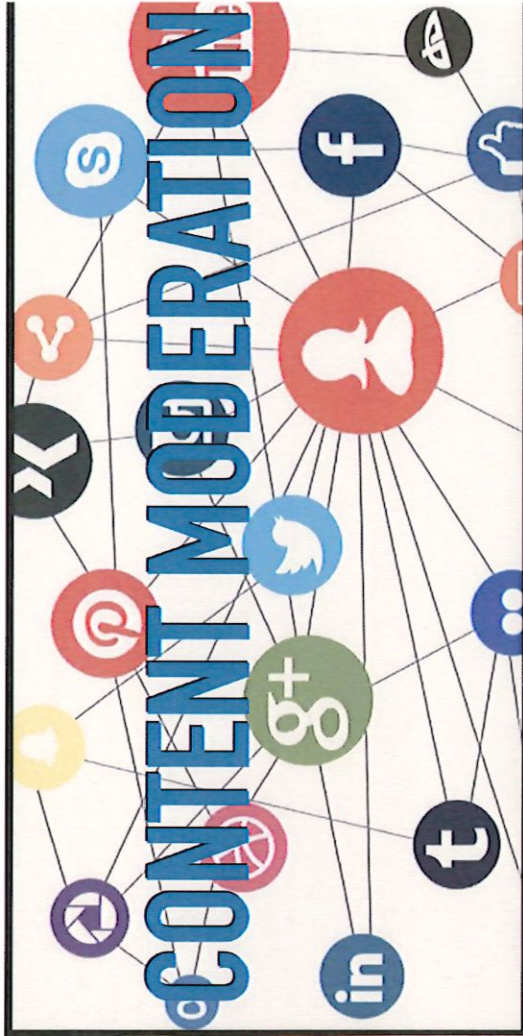
CARA SZABO - NET CHOICE

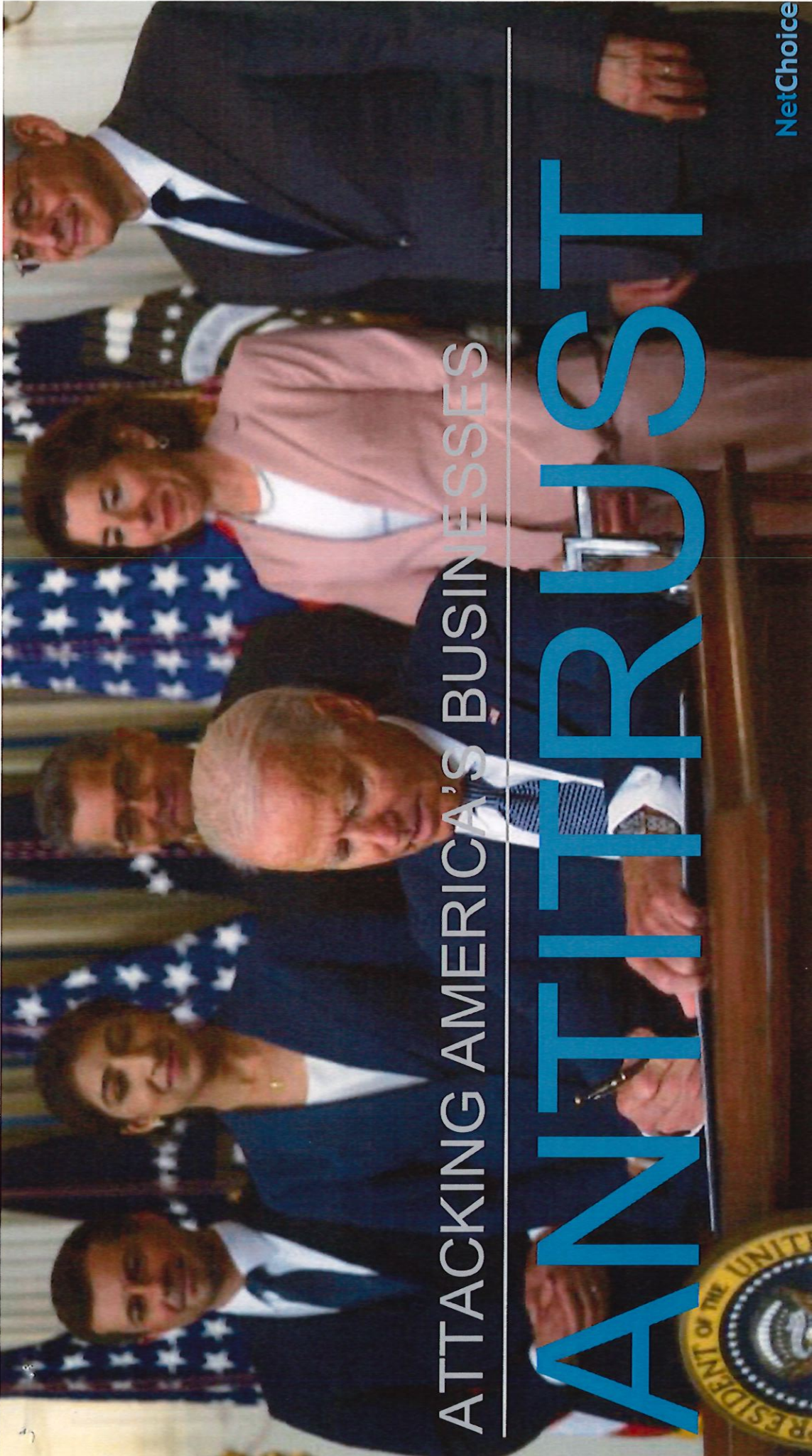
# AD HOC COMMITTEE ON OVERSIGHT, ACCOUNTABILITY AND

# DANGERS OF GOV'T POWER - MUSK CASE

- ▶ FTC investigating X
  - ▶ For not blocking enough content
- ▶ EEOC suit against Tesla
- ▶ DOJ suit against SpaceX
  - ▶ Allegedly discriminating against asylees and refugees in hiring
- ▶ DOJ is bringing criminal actions against Musk himself







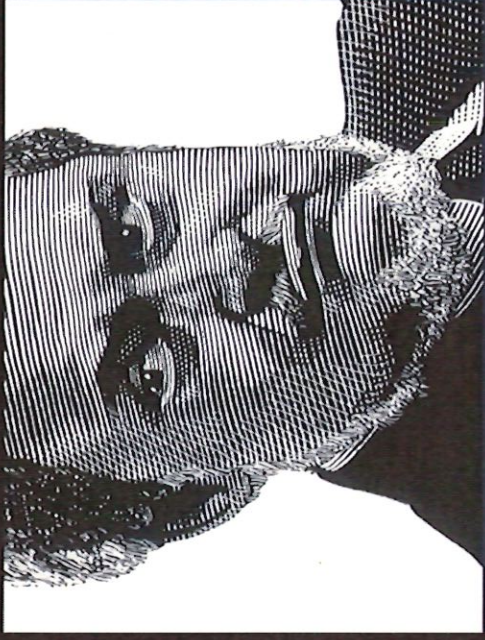
ATTACKING AMERICA'S BUSINESSES

# ANWITTRUST

NetChoice

# PRETTY EASY TO PROVE - IF YOU HAVE THE FACTS

1. Market Power
  - ▶ Typically above 70% of the market
2. Abuse of market power
3. Consumer Harm
  - ▶ The goal of antitrust law is to protect consumers. This evolved analysis avoids the subjective antitrust of the medieval age of antitrust (where Europe is today)
  - ▶ Prevents the Government from deciding who is good or bad



## THE ANTITRUST PARADOX

A POLICY AT WAR WITH ITSELF

*The most important book on antitrust ever written*

**Robert H. Bork**

With a new Introduction by Senator Mike Lee  
and a Foreword by Robert H. Bork, Jr.

# HIPSTER ANTI-TRUST (WEAPONIZATION)

- ▶ Taking action if the government or the administration doesn't like that business
- ▶ Subjective analysis based on the opinions of the government not the objective facts
- ▶ Being used to advance issues like:
  - ▶ "rising inequality, employee wage concerns, and the concentration of political power."
  - ▶ "Indeed, the revolution has already been a success as measured by the increasing discussion of antitrust in popular media and public discourse, and by even embedding its central ideas into the political platform of the Democratic Party and into proposed legislation."

Wright, Dorsey, Klick & Rybnicek, *Requiem For A Paradox: The Dubious Rise and Inevitable Fall of Hipster Antitrust*, Arizona State Law Journal

AMY  
KLOBUCHAR

ANTI-TRUST!

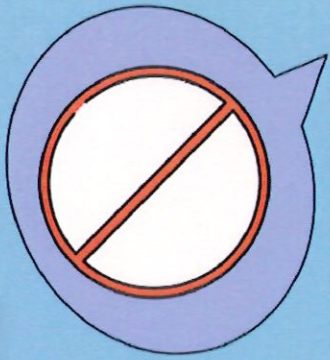
TAKING ON  
MONOPOLY POWER  
FROM THE  
GILDED AGE TO THE  
DIGITAL AGE

# CONTENT MODERATION



NetChoice





**6 BILLION POSTS** were removed in the second half of 2020. Social media sites are clearly working hard to remove huge swathes of harmful content online.

### Total Posts Removed For Specific Community Guidelines Violations (July-December 2020)

	Graphic Violence	Child Sexual Exploitation	Hateful Content	Abuse Or Harassment	Spam	All Community Guidelines Violations
<b>Total Posts Removed</b>	45,180,656	51,796,162	65,633,026	25,053,853	2,915,179,425	5,903,919,504

# How the First Amendment Protects Online Speech

## 1ST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press...

1

PREVENTS GOVERNMENT FROM COMPELLING OR RESTRICTING SPEECH ON SOCIAL MEDIA

2

PREVENTS A GOVERNMENT "MINISTRY OF TRUTH" OR "DISINFORMATION GOVERNANCE BOARD"

3

PREVENTS GOVERNMENT FROM INFRINGING ON RIGHTS OF PRIVATE BUSINESSES

***But what if I don't like a company's content moderation standards?***

There is a vast amount of competition in the social media marketplace. To name a few:

- YouTube
- Parler
- Twitter
- Facebook
- Instagram
- Snap
- TikTok
- Truth Social
- Rumble
- Reddit
- Substack

# TEXAS AND FLORIDA

- ▶ Requires social media companies to **host lawful but awful** content such as child-grooming, terrorist recruitment, and animal abuse.
- ▶ Internet platforms have a First Amendment right to curate content and decide whether to host specific instances of speech as they see fit.
- ▶ Empowers the government to police and control speech online, overriding the First Amendment rights of online businesses.
- ▶ Tramples the First Amendment by allowing the government to force private businesses to host speech they don't want to.
- ▶ Discriminates against specific speakers by only targeting businesses over a certain size.
- ▶ The Act will fail under any level of First Amendment analysis as it is not narrowly tailored to a compelling government interest.



# MISSOURI V BIDEN

- ▶ President Joe Biden and his administration were
  - ▶ "working with social media giants such as Meta, Twitter, and YouTube to censor and suppress free speech, including truthful information, related to COVID-19, election integrity, and other topics, under the guise of combating 'misinformation'."
- ▶ Judge **banned** administration from speaking with social media companies.

Supreme Court Extends Pause in Biden Social Media Contact Case



# VOLOKH & RUMBLE V JAMES

New York social media networks; hateful conduct prohibited"

- ▶ Requires social media to create and publish content moderation policies on "hateful conduct," and to create "mechanisms" by which users can report such "conduct."
- ▶ "Hateful conduct" is defined by the statute to include speech that can "vilify" or "humiliate" a group or a class on the basis of certain traits.
- ▶ Challenged in a lawsuit brought by several operators of online platforms, including law professor Eugene Volokh, represented by the Foundation for Individual Rights and Expression (FIRE).
- ▶ The district court ruled in favor of Volokh and blocked the law from going into effect, holding that it likely compelled speech in violation of the First Amendment.
- ▶ New York appealed to the Second Circuit. NetChoice & CHOP filed an amicus brief supporting FIRE and urging the Second Circuit to affirm the lower court's decision. Our brief makes three key points:
- ▶ When social media services define, publish, and enforce community guidelines — and when users share and receive expression on these services — they engage in speech, not conduct. New York cannot regulate speech by unilaterally renaming it "conduct";
- ▶ The Online Hate Speech Law will not aid existing content moderation efforts to identify and remove offensive content online; and
- ▶ If New York's law can stand, other states can enforce similar statutes against other lawful speech, including speech that criticizes local elected officials or supports or opposes LGBT rights. The Court should affirm to halt continuing political efforts to influence online discourse in the Second Circuit.



## PROTECTING FREE SPEECH FROM GOVERNMENT INTERFERENCE ACT

Makes clear that federal employees cannot use their government positions to coerce social media companies to remove content they don't like.

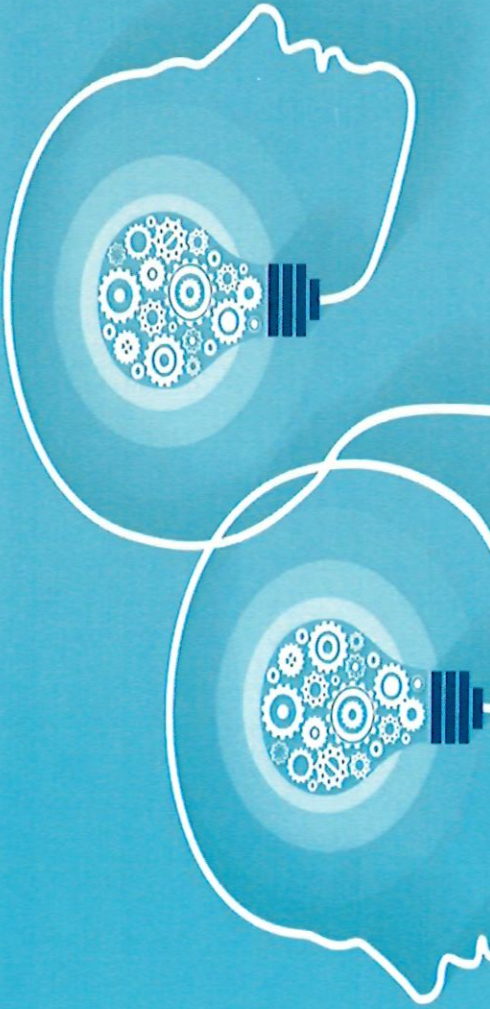
- ▶ Can't use public position for political purposes in coercing social media companies
- ▶ Has teeth - holds the employees themselves to account and hits violators where it really hurts: their pensions and their paychecks.
- ▶ Those who break the law lose their jobs and their pensions.

THE PROTECTING SPEECH FROM GOVERNMENT INTERFERENCE ACT

The government has a responsibility to protect

# FREE SPEECH.

HOUSE  
GOP



# DIGITAL

# WELLNESS

NetChoice

# CAUSES OF ANXIETY

- ▶ A recent federal survey reports 27% of respondents had symptoms of an anxiety disorder, up from 8% in 2019.
- ▶ **Extinction anxiety.**
  - ▶ Daily news reports question the ability of humans to survive in the near future.
  - ▶ **Covid anxiety.**
    - ▶ Global pandemics are scary, but did we really need to pile on bad policy that amplified anxiety?
    - ▶ **Status anxiety.**
      - ▶ For years, students have been told to study hard, take advanced-placement courses, crush the SAT and ACT, overbook extracurricular activities, show leadership and get involved in community service—all application-essay fodder to get into top universities
      - ▶ **Speaking anxiety.**
        - ▶ Once on campus, students have to choose their words, even pronouns, carefully if they don't want to be labeled oppressors.
        - ▶ **Weed-induced anxiety.**
          - ▶ Plenty of studies show that high levels of THC can induce anxiety, paranoia and panic

WSJ | OPINION

OPINION | INSIDE VIEW

## Why Is Anxiety Rising?

Fears of extinction, Covid, socializing and a second Trump term are all at play.



By Andy Kessler  
Sept. 24, 2023, 4:52 pm ET

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THE WRONG PATH FOR  
TEENS, PARENTS, AND  
STATES

# CALIFORNIA'S WRONG PATH

# WINNERS AND LOSERS OF AB 2273

## Winners

- ▶ California Attorneys
- ▶ Plaintiffs Bar
- ▶ Companies looking to get notice of competitor's actions
- ▶ Data thieves

## Losers

- ▶ Parents
- ▶ Teens
- ▶ At risk communities
- ▶ Privacy
- ▶ Rule of law
- ▶ Security

## TREATING EVERYONE AS A CHILD

- ▶ “business that provides an online service, product, or feature likely to be accessed by a child.” “Child” is defined as under-18
- ▶ Government is getting between what a parent may want and their 17 year old
- ▶ Giving parents a false sense of security



**STOP**

**TREATING ME  
LIKE A CHILD**

**(BUT FIRST, CAN YOU  
LEND ME SOME MONEY?)**

## LOSS OF ANONYMITY

- ▶ Since the law has “might be” or “could be” for 17 year-olds, businesses must get confirmation of the user and their age
- ▶ This would require some yet unknown tools to verify the user is NOT under 18 - perhaps collecting a Driver's license and more information?



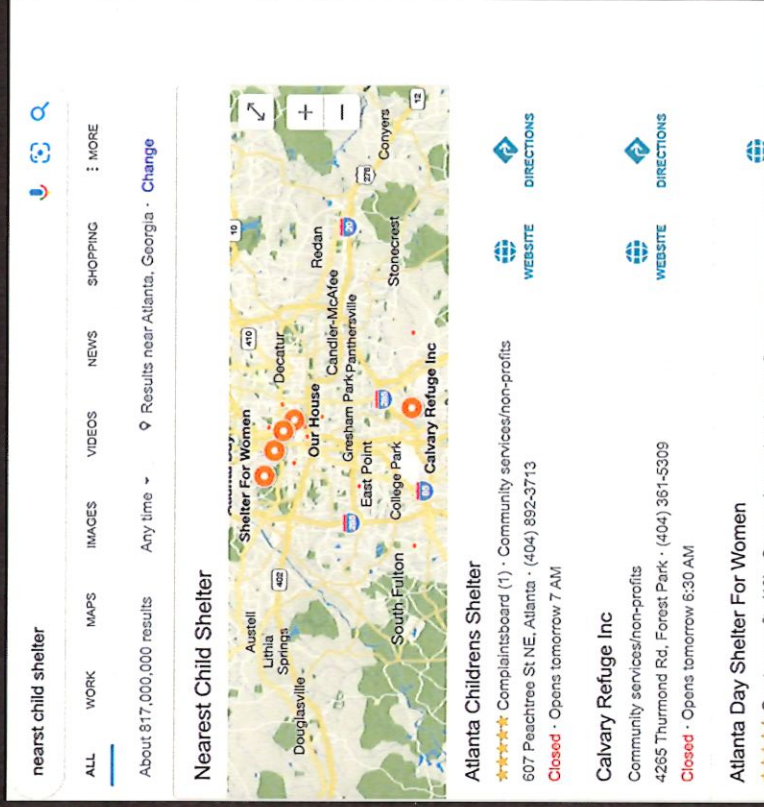
## COLLECTING MORE INFORMATION?

- ▶ Need to verify the age of every user or treat everyone on the internet like an infant.
- ▶ Identity authentication functionally eliminates anonymous online activity.
- ▶ Harming many communities, such as minorities concerned about revealing their identity (e.g., LGBTQ), pregnant women seeking information about abortions, and whistleblowers.
- ▶ Just think about protestors who must tell the government who they are.



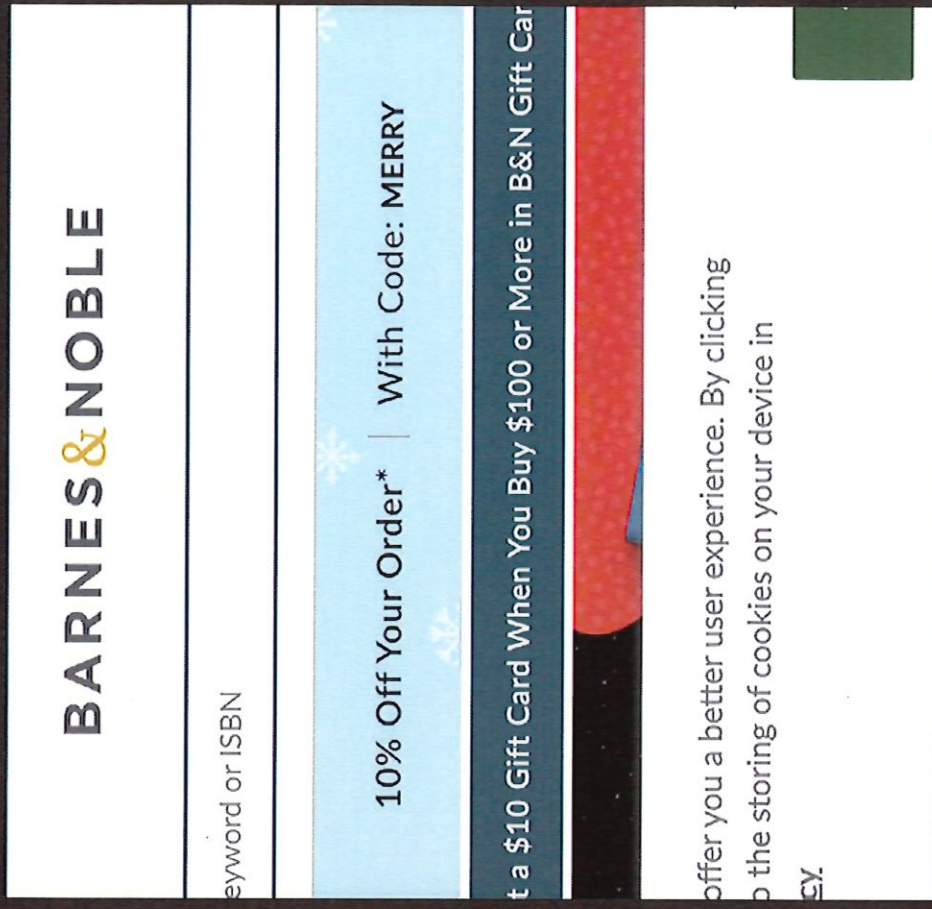
# TEST CASE - INTERNET SEARCH

- ▶ Collect, sell, or share any precise geolocation information of children by default unless the collection of that precise geolocation information is strictly necessary for the business to provide the service, product, or feature requested and then only for the limited time that the collection of precise geolocation information is necessary to provide the service, product, or feature.
- ▶ Directions to a halfway house
- ▶ “Phone number for Child Protective Services”



# TEST CASE - BARNES & NOBLE

- ▶ Collect, sell, share, or retain any personal information that is not necessary to provide an online service...unless the business can demonstrate a compelling reason that ... retaining ... is in the best interests of children
- ▶ Retain past book purchases...or make recommendations based on past views or orders



# ILLEGAL

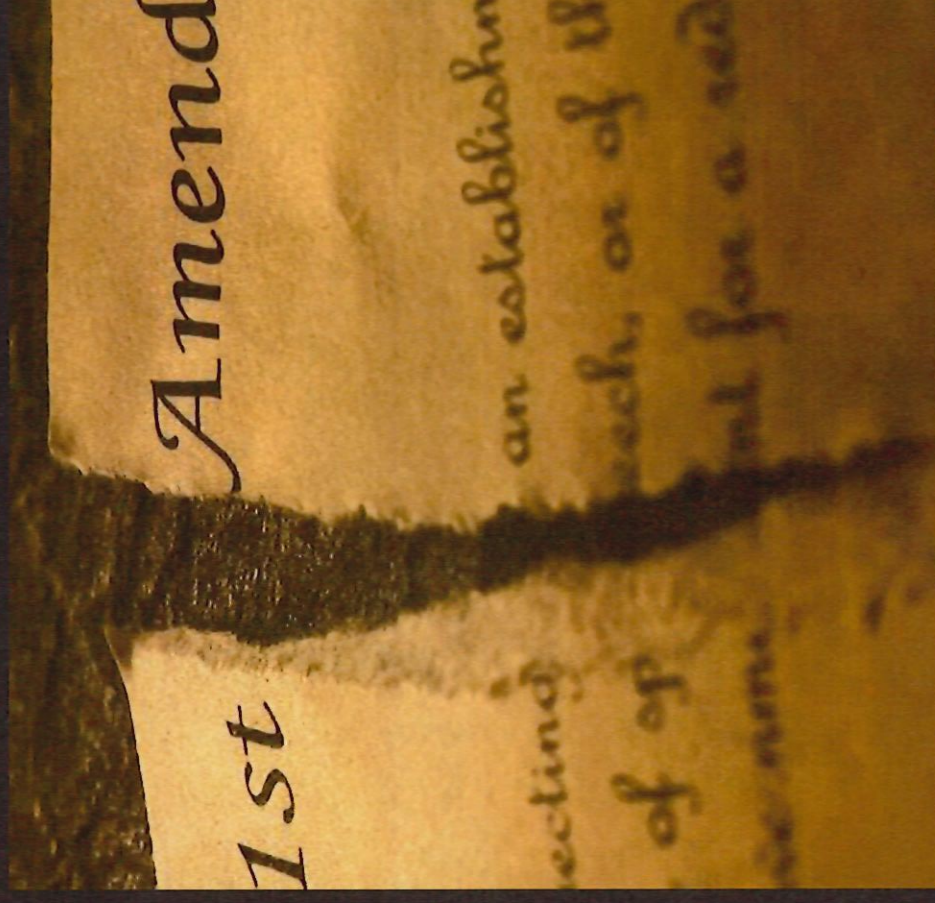
- ▶ Preempted by Children's Online Privacy Protection Act ("COPPA"), 15 U.S.C. §§ 6501
- ▶ Violates First Amendment
- ▶ Violates Due Process





## NETCHOICE V BONTA

- ▶ The CAADCA regulates speech, not conduct, and is thus subject to First Amendment scrutiny.
- ▶ NetChoice is likely to succeed on the merits of its First Amendment claims, even under intermediate scrutiny.
- ▶ The CAADCA undermines, rather than protects, minors' privacy. Further, "age estimation" would likely be no less invasive, in practice, than "age verification."





NOT LEARNING FROM  
CALIFORNIA'S FAILURES

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ARKANSAS'S  
BACKWARDS  
PATH

NetChoice

## SIMILAR TO CALIFORNIA

- ▶ Limited to only business of a certain size and specifically exempts certain companies
- ▶ Requires businesses to figure out how to do parental verification
- ▶ “shall not permit an Arkansas user who is a minor to be an account holder . . . unless the minor has the express consent of a parent or legal guardian.”



# NETCHOICE V GRIFFIN

- ▶ NetChoice is likely to succeed on the merits of its First Amendment claims.
- ▶ The law's various undefined terms, coupled with its myriad exceptions, render it unconstitutionally vague.
- ▶ Even under intermediate scrutiny, the law is likely unconstitutional because it would restrict adults' and minors' access to constitutionally protected speech.
- ▶ Discriminatory application
- ▶ Blocking access to the entire "mall" rather than the harmful stores.



# PSYCHOLOGISTS IDENTIFYING CAUSES

- ▶ “Primary cause of the rise in mental disorders is a decline over decades in opportunities for children and teens to play, roam, and engage in other activities independent of direct oversight and control by adults.”
- ▶ “Data suggest that youths’ psychological development may benefit from this type of online social interaction, particularly during periods of social isolation, when experiencing stress, when seeking connection to peers with similar developmental.”

## American Psychological Association’s Public Health Advisory on Teens & Social Media

The APA says social media can be beneficial for teenagers, especially those in vulnerable positions.

### KEY QUOTES:

“Age-appropriate use of social media should be based on each adolescent’s level of maturity (e.g., self-regulation skills, intellectual development, comprehension of risks) and home environment.” — pg. 3



“Using social media is not inherently beneficial or harmful to young people.” — pg. 3



“Data suggest that youths’ psychological development may benefit from this type of online social interaction, particularly during periods of social isolation, when experiencing stress, when seeking connection to peers with similar developmental and/or health conditions, and perhaps especially for youth who experience adversity or isolation in offline environments.” — pg. 4



“Youth with symptoms of mental illness, such as adolescents with social anxiety, depression, or loneliness, for instance, may benefit from interactions on social media” — pg. 4

“Adolescents’ social media use should be preceded by training in social media literacy.” — pg. 8

# BETTER PATH

- ▶ Help teens and parents navigate this, don't try to take over
- ▶ Educational Campaign
  - ▶ Similar to Utah's
  - ▶ Genius Bar for Parents
  - ▶ Florida SB 52 - Burgess
  - ▶ Requires education in schools on social media

## How can I protect my child?

-  Create a family media plan with expectations of how and when to use technology and social media.
-  Learn about social media platforms and how they work.
-  Make time to connect with your child device-free.
-  Model responsible online behavior for your child.
-  Reconsider allowing your child to have social media and encourage them to wait to use it until they are an adult.
-  Create tech-free zones and find opportunities throughout the day to choose to put the screens away.
-  Have open and honest discussions with your child about the harms of social media and spending time online.

Visit [socialharms.utah.gov](https://socialharms.utah.gov) to learn more.



# RECOMMENDATIONS FOR LAWMAKERS

- A. Protecting Free Speech From Government Interference Act
- B. Avoid Siren Song of Government regulation
- C. Vote with your feet
- D. Digital Wellness Educational Campaign
- E. Mandate Social Media Education in schools



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VICE PRESIDENT &  
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NETCHOICE

NetChoice