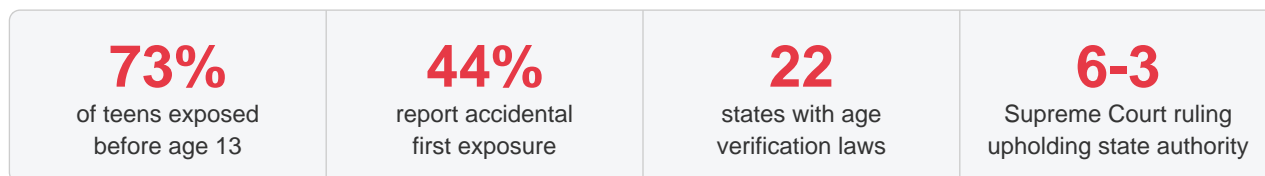


Protecting Minors from Online Pornography

The case for age verification: research, legal precedent, and a model for state action.



Executive Summary

The internet has fundamentally changed how minors encounter sexually explicit material. Unlike physical media, which is subject to age-gating requirements in every state, online pornography remains freely accessible to children with no meaningful verification. The Protection of Minors from Online Pornography Act addresses this gap with a targeted, constitutionally grounded approach: requiring commercial pornography websites to verify that users are 18 or older before granting access.

This is not a content regulation. It is an access control—extending the same protections that exist offline into the digital environment. The U.S. Supreme Court affirmed the constitutionality of this approach in **Free Speech Coalition v. Paxton** (2025), ruling 6-3 that states may require age verification for certain pornographic websites.

The Problem: Unrestricted Access

Adolescent Brain Development

Adolescents are in a critical stage of brain development, particularly in areas governing impulse control, decision-making, and reward sensitivity. Research in developmental psychology shows heightened sensitivity to reward stimuli and underdeveloped impulse control systems (Steinberg, 2010). Early exposure to highly stimulating sexual content may increase vulnerability to compulsive or problematic usage patterns.

Mental Health Impact

Studies have identified associations between frequent exposure to online pornography and increased rates of anxiety, depression, and social isolation among adolescents (Owens et al., 2012; Wright et al., 2017). Some minors report feelings of shame, guilt, or confusion following exposure. These effects are particularly concerning given the developmental stage of the adolescent brain.

Social and Behavioral Development

Exposure to pornographic material may contribute to distorted perceptions of relationships, intimacy, and consent. Research suggests effects on interpersonal expectations, attitudes toward objectification, and the development of healthy boundaries—all critical during adolescent social development.

Early and Unintentional Exposure

Research indicates many minors are first exposed before age 13, often unintentionally through online platforms, advertising, pop-ups, or shared content (Common Sense Media, 2023). Early exposure may normalize material before emotional or cognitive readiness, compounding developmental risks.

The Regulatory Gap

Offline (Current Law)	Online (Status Quo)
Stores must verify age before selling restricted material	Most websites rely only on self-certification ("I am 18")
ID required at point of sale	No ID, no verification, no barrier
Criminal penalties for violations	No equivalent enforcement online

Existing law already requires age verification for in-person access to harmful material, but comparable safeguards are often absent online. This creates a gap between established public policy and digital access realities.

The Solution: Age Verification

The Protection of Minors from Online Pornography Act is a targeted, content-neutral approach that aligns digital access standards with existing offline protections while preserving adult rights and incorporating strong privacy safeguards.

What the Bill Does

Requires age verification — Commercial websites where more than one-third of content is harmful material must verify users are 18+ before granting access.

Protects privacy — Verification data cannot be retained, stored, or transmitted after verification. It cannot be sold or used for advertising, profiling, or analytics.

Enables enforcement — Civil penalties up to \$50,000/day. Criminal penalties for violations. Attorney General, district attorneys, and city attorneys can bring enforcement actions.

Empowers families — Parents can sue on behalf of minors. Adults can sue if verification data is misused.

Provides safe harbor — Sites that implement commercially reasonable age verification have an affirmative defense against liability.

Approved Verification Methods

Method	Description
Government ID	Driver's license, passport, or state ID verification
Digital Identity	Third-party digital identity verification services
Transactional	Credit card or similar financial instrument verification
Biometric	Age estimation via biometric or third-party systems

Constitutional Foundation

This legislation is grounded in established legal precedent. The bill relies on existing state definitions of “harmful matter” consistent with the three-prong **Miller test** (Miller v. California, 1973). It regulates **access**, not content—a critical distinction for constitutional analysis.

In June 2025, the Supreme Court ruled 6-3 in **Free Speech Coalition v. Paxton** that Texas's age verification law for pornographic websites is constitutional. The Court held that states have a compelling interest in protecting minors and that age verification is a narrowly tailored means of achieving that interest.

“This Act does not expand what content is regulated—it ensures that existing legal protections for minors are meaningfully enforced online.”

Frequently Asked Questions

Is this constitutional?

Yes. The U.S. Supreme Court upheld a nearly identical Texas law in *Free Speech Coalition v. Paxton* (2025). The bill regulates access by minors to material already defined as harmful under existing law—it does not restrict content for adults.

Does it violate privacy?

No. Section 3(b) explicitly prohibits the retention, storage, or transmission of personal identifying information after verification. Verification data cannot be used for advertising, profiling, or analytics. Criminal penalties apply for misuse.

Who enforces it?

The Attorney General, district attorneys, and city attorneys may bring enforcement actions. Parents and adults also have a private right of action for violations.

What about free speech?

This bill does not regulate speech or content. It regulates access by minors to material already classified as harmful under established state and federal law. Adults retain full access after verification.

What is the fiscal impact?

Minimal. The bill uses existing enforcement channels (AG, DAs). Civil penalties of up to \$50,000/day offset enforcement costs. No new agencies or programs are created.

References

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