

PARKVIEW INSTITUTE

The following was sent to Nevada Senate Majority Leader Nicole Cannizzaro.

Dear Senator Cannizzaro,

I am writing to express my opposition to Senate Bill 63, also known as the Nevada Youth Online Safety Act, and to urge you to reject this deeply flawed legislation. While its intent in seeking to protect minors online is commendable, this bill represents troubling government overreach that will carry severe negative consequences for innovation, free speech, and the utilization of taxpayer resources in Nevada.

This legislation is not a genuine effort to protect children; rather, it is a giveaway to the plaintiffs' bar who will undoubtedly seize upon its broad requirements to clog our courts with endless litigation — at the cost of Nevada's taxpayer resources.

Section 13 mandates that social media platforms establish an age verification system capable of determining a prospective user's age with an accuracy rate of at least 95 percent, and further, when they are less than 13 years old. Achieving such a high accuracy rate will inevitably compel platforms to collect extensive and highly sensitive personal information, as defined in Section 9 of the bill, which includes government-issued identification numbers, images, voices, and persistent identifiers. While the bill attempts to limit the use and retention of this data, the sheer act of collecting such a vast web of sensitive information by numerous private entities creates an immense and unresolved security risk. This collection of sensitive data on minors, in the absence of an existing secure, centralized verification mechanism, will inadvertently raise serious privacy concerns for Nevada parents, as it enables the potential for civil liberties violations through increased surveillance.

These stringent age verification requirements will also impose a substantial burden on technology companies. It forces them to divert resources from innovation to comply with an unworkable patchwork regulatory frameworks across states. Such costs will lead to reduced investment and economic activity in our state, ultimately resulting in job losses for Nevadans.

Beyond the practical and economic concerns, this bill constitutes a clear violation of the First Amendment. Social media platforms, in their function of disseminating information and facilitating communication, are unequivocally a form of media. Section 18 prohibits the use of a minor user's personal information in algorithmic recommendation systems, while Section 19 mandates disabling features like infinite scrolling, interaction metrics (likes, shares), and auto-play video for minors. Section 20 also restricts notifications during certain hours.

By attempting to regulate these core "design, algorithm, or feature" mechanisms, the state is effectively controlling how speech is organized and presented online. This is akin to capping speech by capping the algorithmic feeds (or amount of media) users see. Courts have consistently demonstrated reticence towards content or media blocking, as evidenced by recent court cases in states like Utah, which found such laws impose "content-based restrictions on social media companies' speech." Given that minors also possess First Amendment rights, this triggers the highest level of constitutional scrutiny. It is highly unlikely this bill would withstand such a challenge, as courts would likely deem these restrictions a "cap" or "blocking" of media, leading to the legislation being summarily thrown out.

In conclusion, Senate Bill 63 is a misguided and dangerous piece of legislation. It will stifle innovation, enrich trial lawyers at the expense of taxpayer resources, erode parental responsibility, and infringe upon the fundamental right to free speech. I urge you to consider the far-reaching negative consequences of this bill and oppose its passage.

Thank you for your time and consideration of this critical matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Jon Decker
Senior Fellow
Parkview Institute