



May 30, 2025

The Honorable Elaine Marzola
Chair, Assembly Committee on Commerce and Labor
401 South Carson Street, Room 4108
Carson City, NV 89701

Re: Please oppose SB 63

Dear Chair Marzola and members of the Committee:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advancements – I respectfully urge you to **oppose SB 63**, which would compromise online privacy, harm Nevada youth by restricting access to vital resources – including reproductive health information and support for LGBTQ+ youth, and threaten minors’ constitutionally protected speech.

One of Chamber of Progress’ top priorities is protecting online privacy. We support rules to prevent particularly sensitive data from being used in harmful ways, and we are staunch supporters of efforts to create comprehensive privacy protections. We also strongly support making the internet safe for young people.

Recent amendments to SB 63 do not address the legislation’s core defects, so we remain opposed.

SB 63 is unworkable and would undermine the privacy and online experiences of all users

SB 63 requires covered services empower parents to demand changes to their children’s online experiences. However, the legislation specifies no mechanism by which platforms can achieve this. Indeed, there is no reliable way to do so. We acknowledge the amendments that remove the explicit requirement to verify a minor’s age. However, the amended text of SB 63 is tantamount to *de facto* age verification, forcing platforms to verify the identity and age of ALL users – a tremendous encroachment on individual privacy. Estimating the age of a user will require *more* data, acting contrary to data minimization efforts. Many adults, reasonably, prefer not to share sensitive identifying information with online services. This creates an unpleasant dilemma for adult users: turn over sensitive personal data to access protected speech online or forego the enjoyment of that online service entirely.

To avoid gathering the sensitive identifying information required by SB 63, online services may opt to instead treat *all* users as minors. The result would be a significant downgrade in users' online experience: platforms could restrict access to adult-oriented content altogether, defaulting to child-safe programming for everyone. In effect, SB 63 could compel companies to turn YouTube into YouTube Kids for the entire internet.

Compelling companies to gather personal information from so many users increases the risk of data breaches and other cybersecurity threats. Specifically, services that cater to LGBTQ+ communities would be at particular risk of being targeted since their data could be used for cyberbullying or blackmail. Privacy violations online often lead to offline violence. In 2024, LGBTQ+ people experienced increases in physical threats,¹ and in 2022, 54% of respondents reported experiencing severe harassment, including stalking, physical threats, and doxing.² And more broadly, malevolent actors will see any covered company as a ripe target for ransomware attacks. This is not a theoretical threat: recently, a company that offered verification services to online platforms was found to have left personal data unprotected, threatening the privacy of untold numbers of users.³

While well-intentioned, SB 63 could promote toxic posts over healthy content

When a teen shows interest in healthy content – like journalism, sports figures, or book trends – online platforms can nurture that spark and build community with peers who share the same interests by serving relevant content. However, this bill prohibits online platforms from showing teens a feed with relevant content by default.

Worst of all, algorithmically curated feeds can protect users from harassment and cyberbullying. Unfortunately, SB 63 could require platforms to display cyberbullying from classmates in a reverse chronological feed. Content curation allows platforms to downrank or even remove unwanted interactions like coordinated racial or gender-based harassment.

Instead of ensuring the internet is a positive place where young people can find community and thrive, this bill, in practice, could strip platforms of their ability to protect those same vulnerable users altogether.

SB 63 raises significant constitutional questions

¹ See <https://www.adl.org/sites/default/files/documents/2024-06/online-hate-and-harassment-the-american-experience-v2024.pdf>

² See <https://www.adl.org/sites/default/files/pdfs/2022-09/Online-Hate-and-Harassment-Survey-2022.pdf>

³ See <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver-licenses-au10tix/>

SB 63 regulates the functionality of the services minors use to access the internet. We caution the Committee that similar laws – whether explicit or de facto age verification – in Texas,⁴ Maryland,⁵ and California⁶ have been struck down in court, as the courts have reaffirmed that the First Amendment protects individuals – regardless of age – in their right to access and engage with lawful expression.

Furthermore, recent rulings from courts in Arkansas,⁷ Utah,⁸ Mississippi,⁹ and Ohio¹⁰ underscore the principle that regulatory measures impacting the core editorial and curatorial functions of social media companies, even when intended to safeguard young users, are subject to rigorous constitutional scrutiny under the First Amendment.

SB 63 directly contradicts established legal precedent. As the Supreme Court emphasized in *Moody v. NetChoice*, the First Amendment restricts governmental interference with the editorial discretion of private entities.¹¹ And the Supreme Court has routinely held that the First Amendment protects the rights of individuals, regardless of age, to access lawful expression. SB 63 unequivocally infringes upon these fundamental freedoms. Moreover, similar legislative efforts aimed at restricting minors' access to protected speech have been met with significant judicial skepticism.¹² Courts have consistently demanded a compelling justification for such measures, alongside concrete evidence of their necessity and effectiveness in mitigating harm. The failure to meet this high bar of constitutional scrutiny renders these attempts legally untenable.

As such, SB 63 not only contravenes core constitutional values but also is likely to be adjudicated as unconstitutional on the grounds of the First Amendment, among other legal and policy considerations.

For these reasons, we respectfully urge you to **oppose SB 63**.

⁴ See <https://www.texastribune.org/2025/02/07/texas-scope-act-minors-social-media-restrictions/>

⁵ See <https://marylandmatters.org/2025/02/03/social-media-companies-head-to-court-claim-maryland-kids-code-is-unconstitutional/>

⁶ See <https://www.rcfp.org/x-v-bonta-ninth-circuit-ruling/>

⁷ *NetChoice, LLC v. Griffin*, No. 5:23-cv-05105 (W.D. Ark. filed June 29, 2023). “If the State’s purpose is to restrict access to constitutionally protected speech based on the State’s belief that such speech is harmful to minors, then arguably Act 689 would be subject to strict scrutiny.”

⁸ *NetChoice, LLC v. Reyes*, No. 2:23-CV-00911-RJS-CMR, 2024 WL 4135626 (D. Utah Sept. 10, 2024)

⁹ *NetChoice, LLC v. Fitch*, No. 1:24-CV-170-HSO-BWR, 2024 WL 3276409 (S.D. Miss. July 1, 2024)

¹⁰ *NetChoice, LLC v. Yost*, 2024 WL104336 (S.D. Ohio Jan. 9, 2024). “As the [Supreme] Court explained, ‘[s]uch laws do not enforce parental authority over children’s speech and religion; they impose governmental authority, subject only to a parental veto.’ The Act appears to be exactly that sort of law. And like other content-based regulations, these sorts of laws are subject to strict scrutiny.”

¹¹ *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2405, 219 L. Ed. 2d 1075 (2024)

¹² The *Griffin* Court noted “[E]ven though the State’s goal of internet safety for minors is admirable, ‘the governmental interest in protecting children does not justify an unnecessarily broad suppression of speech addressed to adults.’” Similarly, the *Bonta* and *Yost* Courts found that the California Age Appropriate Design Code is not based on any direct evidence demonstrating a causal link between social media use and harm to younger users.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Singleton', with a stylized, cursive script.

Robert Singleton
Senior Director of Policy and Public Affairs, California and US West