



April 23, 2024

The Honorable Ash Kalra  
Chair  
Committee on Judiciary  
California State Assembly  
Room 104, Legislative Office Building  
1020 N Street  
Sacramento, CA 95814

The Honorable Diane Dixon  
Vice Chair  
Committee on Judiciary  
California State Assembly  
Room 104, Legislative Office Building  
1020 N Street  
Sacramento, CA 9581

**RE: AB 3080** - “The Parent’s Accountability and Child Protection Act.”

Dear Chair Kalra, Vice Chair Dixon, and members of the committee:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps – I write to **oppose AB 3080**, which would compromise online privacy, disproportionately harm historically marginalized youth, and infringe on First Amendment rights – likely leading to a protracted and unwinnable legal battle, if passed.

Our organization works to ensure that all Americans benefit from technological leaps. One of Chamber of Progress’s 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.

While we acknowledge the efforts to mitigate harm to minors and appreciate the offered amendments for AB 3080, we must also underscore the importance of safeguarding fundamental rights such as freedom of speech and privacy, and we are concerned about the potential harm this bill may cause to marginalized communities in California. The proposed amendments fail to address the fundamental challenges of this bill, nor do they alleviate our apprehensions about its repercussions.

**AB 3080 would undermine the privacy and online experiences for all users**

AB 3080 would require covered companies to verify the identity and age of ALL users. Moreover, many adult users reasonably would prefer not to share their identifying

information with online services - creating an unpleasant dilemma for adult users: turn over sensitive personal data to access protected speech online, or forego enjoyment of that online service entirely.

**“Sexually explicit content” is vaguely defined and will lead to overmoderation, disproportionately harming LGBTQ+ youth**

AB 3080 mandates a stringent age verification, “requiring the user to input, scan, provide, or display a government-issued identification.” Age verification requirements reliant on government-issued IDs disproportionately impact marginalized groups who lack such documentation, including underrepresented racial and ethnic communities and LGBTQ+ youth.<sup>1</sup> Only 43% of transgender Americans lack identity documents accurately reflecting their names or gender.<sup>2</sup> Despite efforts to accommodate those without government-issued IDs, research indicates that current age verification methods cannot consistently confirm age while ensuring data privacy for the entire population.<sup>3</sup>

To avoid litigation, platforms may preemptively over-moderate away content that is even tangentially adult. Indeed the language of “sexually explicit content” appears to cover coming out guides and other LGBTQ+-affirming resources LGBTQ+ teens often seek out to better understand their identities. This is all the more essential for LGBTQ+ youth from unsupportive households whose only safe space is online.

Furthermore, compelling companies to gather personal information from so many users threatens cybersecurity. Specifically, services that cater to LGBTQ+ communities would be at particular risk for targeting since their data could be used for cyberbullying or blackmail. Privacy violations online often lead to violence offline. In 2022, 54% of LGBTQ+ survey respondents reported experiencing severe harassment, including stalking, physical threats, and doxing.<sup>4</sup> More broadly, malevolent actors will see any covered company as a ripe target for ransomware attacks.

**AB 3080 infringes on fundamental liberties under the First Amendment**

The current version of AB 3080 seeks to ban all individuals under eighteen from using certain internet websites – a move that is not only a significant intrusion of personal privacy but also a requirement that courts have deemed unconstitutional.<sup>5</sup> This excessively broad prohibition risks stifling constitutionally protected free speech and isolating California youth from vital connections with their family and peers, platforms to express themselves and their creativity, the opportunity to share their achievements and celebrate those of others, and access to critical resources and support. An open

---

<sup>1</sup> See <https://www.voteriders.org/analysis-millions-lack-voter-id/>

<sup>2</sup> See <https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/>

<sup>3</sup> See <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>

<sup>4</sup> <https://www.adl.org/sites/default/files/pdfs/2022-09/Online-Hate-and-Harassment-Survey-2022.pdf>

<sup>5</sup> See *Reno v. ACLU*; <https://supreme.justia.com/cases/federal/us/521/844/case.pdf>

internet—free from government surveillance and censorship—is critical to modern freedom of expression. While the state may have legitimate concerns about mitigating internet-related harms, measures cannot excessively encroach upon First Amendment freedoms.

For these reasons, we strongly encourage you to oppose AB 3080.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Singleton". The signature is fluid and cursive, with a large initial "R" and a stylized "S".

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