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NetChoice
Defending Free Speech and Free Enterprise Online

Indiana Senate Bill 199

TESTIMONY IN OPPOSITION

January 7, 2026

Indiana Legislature
Members of the Senate Education and Career Development Committee

NetChoice respectfully requests your opposition to the social media age verification provisions contained in SB 199, in Article 16, Sections 1 and 2. While we share the legislature's goal of protecting young people online, this bill would violate the First Amendment, compromise the privacy and security of all Hoosiers, and ultimately harm the very youth it seeks to protect by cutting them off from vital online resources and communities.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online, but an unconstitutional law helps no one. NetChoice members have taken issues of teen safety seriously and in recent years have rolled out numerous new features, settings, parental tools, and protections to better empower parents and assist in monitoring their children's use of social media. We ask that you oppose the age verification provisions in SB 199 and instead use this bill to jumpstart a larger conversation about how best to protect minors online by constitutionally sound legislation.

SB 199's age verification provisions are unconstitutional under the First Amendment—and are already being actively litigated in other states.

The Supreme Court has repeatedly held that laws requiring age verification to access online content impose an unconstitutional burden on protected speech. In *Reno v. ACLU* (1997)[1] and *Ashcroft v. ACLU*[2] (2004), the Court struck down federal age verification requirements because they effectively banned access to constitutionally protected speech for adults who were unwilling or unable to verify their age.

Senate Bill 199 suffers from the same fatal constitutional defect. By requiring users to provide government-issued identification, mobile credentials, or submit to third-party verification services before accessing social media platforms, this bill will deter countless adults from exercising their First Amendment rights. Many Hoosiers—including victims of domestic violence, political dissidents,

[1] *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997)
[2] *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656 (2004)

whistleblowers, and those who simply value their privacy—rely on pseudonymous speech online. This bill would force them to choose between revealing their identity or forfeiting their right to speak.

The bill's reasonable age verification method definition makes clear that casual or anonymous use of social media would become impossible. Users would need to provide a mobile credential tied to their state-issued ID, submit personal information to commercial data brokers, or allow platforms to analyze their "transactional data" including mortgage, education, and employment records. This sweeping surveillance requirement goes far beyond what the First Amendment permits.

Additionally, the bill imposes a government-mandated blackout period preventing adolescents from accessing social media between 10:30 PM and 6 AM. This content-based restriction on when speech can be accessed is constitutionally dubious and ignores legitimate reasons teens might need late-night access, including homework assistance, mental health crisis resources, or communicating with family members in different time zones.

Courts have already struck down nearly identical state laws. In *NetChoice v. Bonta,* a federal court enjoined California's Age-Appropriate Design Code, finding that age verification requirements burden online speech.[3] Similar laws in Louisiana, Arkansas and Ohio have also been permanently enjoined. Indiana should not waste taxpayer resources defending a law that is virtually certain to be struck down

Age-Verification requires massive collection of sensitive personal information

From a privacy standpoint, implementing age verification could compromise user's sensitive data. Hoosiers, like all Americans, value their privacy and the ability to use online services without unnecessary intrusion. Age verification systems would require collecting and storing sensitive personal data, potentially including government-issued IDs or biometric information. This not only contradicts the bipartisan aim of improving data security but also creates a new target for cybercriminals, potentially putting Indiana residents at risk of identity theft or other forms of fraud. As we know from recent experience, any time there is a store of sensitive information it becomes a prime target for identity thieves and other nefarious individuals. Even government agencies have fallen victim to these attacks.

The bill's restriction in Section 2.5 that platforms "may not retain identifying information" unless required by court order is insufficient protection. The verification must still occur, meaning personal data must be transmitted to either the platform or a third-party verification service. Once data is transmitted, it becomes vulnerable to interception, breach, or misuse. Recent history shows the danger: major data breaches have exposed the personal information of millions of Americans, and age verification databases would be prime targets.

Moreover, the bill requires platforms to share transactional data including sensitive financial, educational, and employment records for verification purposes. Hoosiers should not be forced to provide mortgage information or employment records to access social media. This is an unprecedented invasion of privacy that goes far beyond what is necessary or appropriate.

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[3] *NetChoice, LLC v. Bonta*, No. 5:22-cv-08861, 2023 WL 6135551 (N.D. Cal. Sept. 18, 2023).

An Approach that Actually Works

Rather than enact clearly unconstitutional laws banning the free speech of Indiana residents, the state would be better served enacting laws that help the citizens and are legal. NetChoice is working with lawmakers from across the country to achieve such ends.

Requiring Digital Education in Schools

We strongly support the bill's education provisions. Empowering students with digital literacy skills and knowledge about online safety through curriculum developed by education experts represents a constitutional and effective approach. The curriculum requirements effectively address crucial issues facing young people online, including mental health impacts, content manipulation, digital permanence, and identifying dangerous behaviors like cyberbullying, predatory conduct, and human trafficking. The reporting mechanisms ensure students know how to get help when needed. This approach will not only reach children where they are, but will help arm them to become better digital citizens.

Updating Child Abuse Laws for AI

Today, child abusers are able to use artificial intelligence to create images and escape justice under exiting Child Sexual Abuse Material (CSAM) laws. This is because existing CSAM laws require real images of the abuse, rather than AI generated ones. NetChoice is working with lawmakers to create laws that fill the gaps in existing CSAM laws to protect children from such abuses.

Empowering law enforcement to arrest child abusers

Today less than 1% of all reports of child abuse are even investigated. That means that 99% of reports of child abuse go unheard. This is because law enforcement doesn't have the resources it needs to investigate and prosecute child abusers. NetChoice supports giving law enforcement the resources it needs to put child abusers behind bars.

Again, we respectfully **ask you to oppose the age verification provisions in SB 199.** As always, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.[4]

Sincerely,

Amy Bos
Vice President Government Affairs, NetChoice
NetChoice is a trade association that works to protect free expression and promote free enterprise online.

[4] The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.