

HB 2277 Child Protection Registry

Testimony: Evelyn Everton and Eric Langheinrich

Children are spending more time on computers, tablets and cell phones than ever before. Marketers, selling adult products, are also using technology more and more to promote their brands and services. Unfortunately, the solicitations these companies are sending are falling in front of the eyes of minors. It's been well documented that children are much more susceptible to adult product marketing, which is why we have very strict regulations on store displays and advertisements that children can view. We have not extended those protections to electronic marketing.

HB 2277 Child Protection Registry creates a "Do-Not-Contact" program that allows families to prevent electronic marketing of adult products to their email addresses, cell phone numbers and instant messenger IDs. This registry prevents advertisements or promotions specifically to products that minors are prohibited from purchasing, this includes alcohol, tobacco, gambling, pornography and illegal drugs being sent to those who are registered.

Kansas families who wish to prevent adult product marketing would register their contact points for free at a state run website created for this purpose. This program is completely voluntary and gives families the ability to opt in and put adult product marketers on notice that they do not wish to receive messages that can be harmful enticements to minors.

Adult product solicitors will then scrub their contact lists against the registry. Registered emails and other "contact points" will then be removed from the marketers list.

The registry is funded by charging adult product marketers a small fee based on the number of addresses they check against the registry, so there will be no fiscal impact to the state and no cost to Kansas taxpayers. The Utah and Michigan registries have generated over \$1.25 million in revenue for those states since 2005.

CHILDREN'S PROTECTION REGISTRY (CPR)

What is the Children's Protection Registry? (CIPR)

Modeled after national Do-Not-Call legislation and successfully implemented in Utah and Michigan, the Child Protection Registry is a "Do-Not-Contact" program that allows families to block adult product solicitations to their electronic contact points. This registry blocks advertisements or promotions primarily of products that minors are prohibited from purchasing, including alcohol, tobacco, gambling, pornography and illegal drugs.



Why is online protection for children like this important?

Children as young as two are spending more time on computers, iPads and cell phones than ever before. Marketers soliciting adult oriented products are also using technology more and more to promote their brands and services. Unfortunately, the solicitations these companies are sending are often times exposing minors through their email, text messages and instant messengers. These companies seeking to expand their audience are able to obtain email addresses from the internet without going through any kind of age verification process. This protection will help parents protect a child's cyber-address and compliment the Kansas Children's Internet Protection Act (CIPA) of 2013, Internet filtering at K-12 schools and libraries.

Who can register?

Any electronic contact point to which a minor may have access can register for this service free-of-charge, including parents, grandparents, care-givers, schools and institutions.



How does it work?

Those who wish to block these types of solicitations can register their email addresses, instant messenger IDs, and cell phone numbers at a state run website created for this purpose. Solicitors will then scrub their contact lists against the registry. Registered emails and other "contact points" will then be removed. The marketers will NOT have access to the actual contact point information.

How is the registry enforced?

Violations will be reported by recipients, at which point fines may be assessed. Marketers have 30 days to scrub registered contact points from their lists before complaints may be filed.

What's the fiscal impact?

The registry is funded by charging adult product marketers a small fee based on the number of addresses they check against the registry, so there will be no fiscal impact to any state that participates. In fact, the Utah and Michigan registries have generated revenue for those states.

TESTIMONIALS

Marilyn Larsen, PTA

Safety & Welfare Commissioner, Utah PTA

"The Utah Child Protection Registry is a source of protection for our children. Our values and principles are very important to our families and the Registry helps protect the things we care about most, our children."

Lezlee Bylund, Northern Director

Utah Netsmatz

"The Utah Child Protection Registry is a great tool for families and children. Protecting Utah's youth should be a #1 priority. The registry is essential in helping families feel like they can control what comes into their homes. Capt. Jessica Farnsworth with the Utah ICAC Task Force made this statement, 'Those who have been charged with child pornography are often involved with the actual physical sexual exploitation of the child victims--and many admit to victimizing multiple children.' We are putting our youth in danger if we don't stand up and put a stop to this! It is important for all of Utah's youth to be educated in Internet safety. The Utah Child Protection Registry helps put a stop to introducing harmful material to our youth."

Tibby Milne, CEO

Utah Council For Crime Prevention

"A major part of the Utah Council for Crime Prevention's mission is the protection of children and their families. We are grateful for the Utah Child Protection Registry that serves as a valuable tool to help us reach this goal. Over 350,000 Utah individuals, homes, schools, businesses, and other organizations have recognized the importance of the Registry and the protection it offers. Thank you for helping us 'take a bite out of Crime'."

Senator Ralph Okerlund

Utah Senate Majority Leader

"It is rare that government can provide a service to families while not creating extra burden on taxpayers but the Child Protection Registry has been able to accomplish just that. As a legislator, I am constantly balancing the needs of my constituents with the cost involved. The Utah Child Protection Registry has been able to provide a valuable service to families while bringing positive revenue to the state. A win-win for taxpayers and children in our state."

Governor Rick Snyder

Governor of Michigan

"I am confident that, under the leadership of Secretary of State Johnson and with the department's resources, the program will deliver the best possible service for Michigan families."

Secretary of State Ruth Johnson

Michigan Secretary of State

"It's a struggle for parents to just keep up with the new social media sites and the online games our kids are using. But this registry is an easy and simple way to put some controls in place. Our department has contact with more Michigan citizens than any other state agency and that provides an ideal opportunity for us to advance the mission of this registry and protect our children."

House Representative Lisa Lyons

District 86, Alto

"As a mother of four young kids, it gives me great comfort to know there is a free service like the Michigan Child Protection Registry, allowing parents to limit harmful and inappropriate enticements that target our kids."



Child Protection Registry Answers to Opposition

What about the 2004 FTC Report?

In 2004, the FTC created a report to Congress about the implementation of a do not contact email program for children in which it raised concerns about security and legal issues. Subsequently a 2005 and 2006 FTC letter was sent to other states in regards to that report.

The FTC report was written prior to implementations of programs in Utah and Michigan. The agencies responsible for implementing the registries in Utah and Michigan were well aware of the FTC report and worked diligently to implement programs with that report in mind. The 2006 FTC letter clearly acknowledges both the Utah and Michigan registries and advises "it may be useful to continue to evaluate their experiences once they have been in effect for several years". In over nine years of existence for both programs the concerns raised by the FTC report have successfully been avoided and none of the concerns have come to fruition.

Are there constitutional concerns?

Constitutional concerns under First Amendment Free Speech, Dormant Commerce Clause and CAN-SPAM preemption may be raised. Both arguments have been vetted under "Free Speech Coalition vs Shurtleff" where Judge Kimble upheld the constitutionality of these programs. During the Free Speech Coalition suit the Department of Justice filed a Statement of Interest with the court supporting Utah.

Can a bad actor obtain a list of minors' contact information from the registry?

No. The registry does not distinguish between a contact point belonging directly to an adult or a minor. When a solicitor checks their list against the registry, the only information they receive is if the person has taken the affirmative step to mark a contact point as off-limits to adult content. The actual contact points are not stored within the system. Marketers who apply to scrub their lists with the state face an identity verification process in which business names registered with the state, physical addresses and IP addresses are verified. Additionally, marketers are contacted for further verification.

How much will this cost marketers of adult products?

The cost to marketers of adult products will be minimal, and is dependent upon on the size of their list. The charges in Utah \$.005 (half a cent) per contact point and Michigan \$.007 (seven-tenths of a cent) are a miniscule fee to pay to ensure that children are not being targeted by harmful messages.

Does this program create more government?

No. This program would extend the protections to children's email, instant messenger IDs and cell phones from harmful marketing messages that are already in place. There is no fiscal impact to taxpayers and has generated over \$1.25 million in revenue in Utah and Michigan.

Why does a registry need to be legislated?

A private business does not have the ability to compel adult product marketers to comply with scrubbing their list nor does it have the ability to penalize those companies that are actively marketing to children. Without laws in place there is no motivation for companies to actively remove children from their marketing lists.

Do kids still use email?

Social media sites and mobile apps require an email address to register for their service. Many schools require children to have email addresses to correspond with their teachers. Email is still a preferred form of communication and will continue to be into the future.

What is the scope of the program?

Marketers soliciting products and services for pornography, alcohol, tobacco, gambling, and illegal drugs are the only businesses that would fall under the purview of the program. Companies marketing any other products would NOT be required to scrub their email lists.

Furthermore, those email solicitations that are not expressly focused on one of these products would not qualify under the law- i.e. a grocer sending out an ad for weekly specials with a small section for beer would not have to comply.

What about privacy?

Privacy is paramount to the Child Protection Registry and as such the registry never stores contact points. In order to accomplish this, both the marketer list and registry list are converted to 32 digit codes with a technology referred to as "hashing. Many of the data breaches that have occurred recently are due to the fact that customer information is stored in a way that it can be retrieved and used. When adult product marketers scrub their list it is converted into the same 32 digit codes and only the "fingerprint" is compared so there is no reason to store or access the actual contact information. This process ensures that both the marketers and the state's list are kept completely private.

Is this special legislation designed to benefit a single company?

No. The State can run the program in-house, or they can choose to issue an RFP and contract with an outside vendor to support the program. There is no requirement that the State contract with an outside vendor. Additionally, if the State chooses to issue an RFP, any business would be able to respond.