

## **Alaska HB 318: Unconstitutional Censorship of Online Speech**

### **TESTIMONY IN OPPOSITION**

April 22, 2026

**Alaska House of Representatives  
House Judiciary Committee**

**Chairman Gray and members of the committee,**

On behalf of NetChoice, a trade association representing leading internet businesses committed to free expression and free enterprise online, we write in strong opposition to HB 318. While certainly well intentioned, the legislation attempts to create a distinction that does not meaningfully exist in the law: namely the division between *content censorship* and *conduct regulation*. While this distinction does exist for certain types of commercial products, the same cannot be said for speech and platforms that disseminate speech. Ultimately, lawmakers must take into account not only the recognized First Amendment right of platform users to express themselves and engage with the speech of others, but also the First Amendment rights of the platforms themselves, understood—in part—as their editorial discretion. This right manifests in the means and manner the platforms order and disseminate information. The state cannot simply label this protected behavior as “conduct” and wave away the constitutional pitfalls. As such, HB 318 presents significant problems.

### **HB 318 Begg an Unconstitutional Identity Verification Regime**

HB 318 requires platforms to provide known minor users with an alternate version of their product. Based on the language of the bill the Attorney General is given free reign to build out a list of features they deem “addictive,” though HB 318 designates infinite scroll and auto-play videos as addictive for the purposes of regulation. This empowers political actors to constantly expand the government’s censorship activities and does not even make any sort of causal scientific data a requirement for that expansion. This is a terribly dangerous precedent to set: that political actors can label speech they are opposed to as addictive, and then regulate it away.

Additionally, because the standard in the bill is both knowing and should have known, the bill will likely force social media companies into implementing identity verification in order to confirm the age and identity of every user. These types of requirements have been repeatedly struck down all across the country. NetChoice itself has brought many of these cases and courts have paused the enforcement of laws in California, Utah, Virginia, among others, and these laws have been struck down entirely in Arkansas, Ohio, and Louisiana for violating the First Amendment. The only identity verification regime that has been permitted to persist is Texas's, aimed explicitly at pornography disseminated across pornography platforms. This is relevant as pornographic content is illegal for minors to engage with, while minors have a First Amendment right to engage with lawful expression on social media platforms.

### **Identity Verification Undermines Privacy and Cybersecurity**

There is no scenario in which a mandated identity verification regime leads to anything other than diminished security outcomes for both children and adults. This would be true without the parental consent requirements, but is magnified by them. It is bad enough to force the upload and storage of sensitive user information, like government IDs, social security numbers, credit card information, or biometric data, but it is made far worse when you require companies to collect enough data to establish a lawful relationship between a parent or guardian and a child. Just imagine what kind of people are desperate to get their hands on information that could prove a connection to thousands of minors. When you also take into account the fact that minors are a primary target in this country for identity theft, the threat is heightened even further.

Only last week the European Union launched an [age verification app](#) to support regulations not terribly dissimilar to HB 318. It took security experts a grand total of two minutes to hack into it and discover that the app left users' data unprotected. These sorts of breaches are all too common across identity verification services. The state will have to accept as collateral that if they force these vulnerabilities, the private, sensitive information of its citizens will be stolen.

### **The False Choice Between Conduct and Content**

Recently, there has been significant attention given to whether the state can regulate the conduct of a social media platform while leaving alone the underlying content. While this distinction does exist in certain commercial contexts, it does not exist when the underlying "product" is expression—both the

platform's and the users'. When the state embarks to fulfill the requirements of HB 318, there is no difference between "conduct" and "content," which is to say that HB 318 is a censorship bill.

We need only examine the logic of HB 318 to show that the conduct vs. content distinction does not hold for social media. If we take a similarly situated conduit for speech, a newspaper, and apply HB 318's provisions to that, we can immediately recognize that the government would far exceed its lawful authority. The government cannot approach a newspaper, however large or small, and demand that it begin to package its articles in a particular way, or restrict its access or sale to young people in order to combat "addiction." In each case, it is easily understood that the attempted regulation has little to do with "conduct" and everything to do with the content in question. As has been remarked online, if a social media platform were to recreate its products but only host content related to paint drying—no one would use that platform. That is because the interest is derived from the content, and so is lawmaker animus.

## **Conclusion**

NetChoice shares the goal of this committee: to keep kids safer online. For that to happen, the government must constrain itself to its proper role. That role is not identical to the one parents play. Parents are responsible for their children's upbringing, that includes whether or not they utilize online platforms and the manner in which they do. The government can play an important role in educating parents regarding the safety, security, and content regulation tools that the private sector develops. Similarly, it can educate children on ways to engage the online world safely, and best practices for seeking help when they feel stressed, overwhelmed, or isolated. Most crucially, the state can investigate, arrest, and sentence predators and criminals who seek to victimize children. But censorship is not child safety, and relabelling speech as "additive conduct" does not transform it into something the government can legally restrict. As such, we respectfully ask that HB 318 be rejected.

Sincerely,

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*NetChoice is a trade association that works to protect free expression and promote free enterprise online.*

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<sup>1</sup> The views of NetChoice expressed here do not necessarily represent the views of all NetChoice members.