

Colorado SB 25-201 Fails to Protect Children & Will Harm LGBTQ Businesses and People

CLEAR's Comments to the CO Senate Health & Human Services Committee

Thank you. My name is Spencer Watson. I use they/them pronouns, and I am the Executive Director of CLEAR, the Center for LGBTQ Economic Advancement & Research.¹ We are a nonprofit, nonpartisan organization that seeks to improve financial and economic equality and outcomes for LGBTQ+ people, organizations, and communities.

As someone born in Thornton, raised in Pueblo, and who graduated CU: Boulder, it is a pleasure to address this committee today. I am saddened that it had to be for this reason.

Although protecting the wellbeing of minors is admirable, SB 25-201 does not effectively accomplish that goal. Instead, it uses child welfare as a pretext to accomplish what other means of censorship otherwise could not: put adult content producers out of business.

The requirements of this bill for businesses and websites are staggering in their scope. Its implementation alone is too costly for many to comply with it, meaning they will simply cease doing any operations in the state of Colorado, or may cease operating altogether. This will absolutely disproportionately harm the businesses and content creators in LGBTQ community, who are for a variety of reasons more active in adult content creation spaces and in sex work altogether.

In one 2014 Urban Institute study of sex workers in Atlanta, Dallas, Denver, Seattle, and Washington D.C. found that 33% of sex workers were Black, 17% were White, 11% were Latinx, and 8% were multiracial. Most identified as women (97%)—including 19% who identified as trans women.² And, in a National Center for Transgender Equality survey of the transgender community, one in ten (11%) transgender people reported having performed sex work for income.³ These are the people you will be harming disproportionately. Not shady pimps or human traffickers, just everyday folks trying to get by.

Moreover, the ambiguity of what type of material might be included in the definition of a covered platform is shocking. I read from the proposed bill text:

¹ CENTER FOR LGBTQ ECONOMIC ADVANCEMENT & RESEARCH, www.lgbtq-economics.org

² Meredith Dank et al., Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities, Urban Institute 219 (March 12, 2014) <https://www.urban.org/research/publication/estimating-size-and-structure-underground-commercial-sex-economy-eight-major-us-cities>.

³ Jaime M. Grant et al., Injustice at Every Turn: A report of the National Transgender Discrimination Survey, Nat'l Ctr. for Transgender Equal. 22 (2011) https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

"[A] '[c]overed platform' means an entity: (A) that is a website; and (B) ... the entity creates, hosts, or makes available material that is harmful to children... with the objective of earning a profit."⁴

This stunningly vague definition could, conceivably be extended to include any information that the government or regulators find to be imprudent or improper for a child to see.

As I'm sure you can appreciate in this time when information about and access to gender affirming care is being vastly curtailed in Republican states under the pretext of protecting minors, I find myself stunned to be sitting before a Democratic legislature explaining that protecting minors is no reason to limit access to any information for any reason.

Am I seriously to believe that this could not be misused to harm LGBTQ communities, when we have suffered greatly to ensure that even magazines and publications about our lives can be sent via the USPS and not be deemed Comstock Act "lewd" material?⁵

And who is to determine whether a nude image is pornography or not? Pornography has been with humanity since we could create art. Many statues, paintings, and portraits considered great art have also been accused of being pornographic and harmful to minors. Are those to be restricted under this policy as well?

Spare me the pretextual moral panic about child welfare. It is not the role of politicians to explain pornography to children. It is a parent's job. I suggest you let parents parent and get back to more important business, like protecting your citizens from the vile attacks of this administration on your trans citizens.

Thank you for your time.

You may follow up with me at any time with any questions regarding my comments today or any other matters concerning improving the economic wellbeing of LGBTQ people, organizations, or communities at spencer@lgbtq-economics.org.

⁴ *Require Age Checks for Online Sexual Materials*, CO SB 25-201, 75th Gen. Assemb. § 2(b)(i)

⁵ German Lopez, *The homophobic history of the Post Office*, Vox (May 28, 2014)

<https://www.vox.com/2014/5/28/5756494/the-homophobic-history-of-the-post-office>.



International Centre for Missing and Exploited Children (ICMEC) - [Colorado SB25-201](#)

Hearing Date: March 27, 2025

My name is Bob Cunningham, and I am the Director of Policy Engagement for the International Centre for Missing & Exploited Children (ICMEC, see www.icmec.org). ICMEC is a nonpartisan U.S. based nonprofit organization with a 25 year history of working globally to protect children from sexual abuse and exploitation in all forms, training law enforcement, and working with Internet Crimes Against Children task forces.

Age verification is a necessary element of protecting children from harm, and ICMEC recognizes Colorado's efforts to implement greater protection for children through SB25-201. At the same time, we encourage you to consider modifying the bill to include [device-based age verification](#). Device based age verification is technically feasible, privacy friendly, and stops anyone from using VPNs to get around the goals of the bill.

ICMEC views device-based age verification as a common sense and feasible industry-wide solution, utilizing existing technology, that holds all companies in the online journey of a child accountable for their safety. Our device based solution does not force minors and adults to provide personal information to thousands of websites and applications. Many of these sites have varying levels of security and privacy practices. Instead, device-based age verification centralizes the point of verification at the lowest common denominator: on the device itself.

Device based does not disclose the identity of a child or adult. Once a user verifies on their device, their age range only is sent encrypted to websites and applications. It also minimizes the opportunity for children to find ways around website-based verification through means such as use of a VPN. Importantly, because of its industry-wide focus, a device-based solution can also eventually be deployed globally, which is significant since online harms are borderless, and online protection is a worldwide imperative.

In order to advance your admirable desire to protect children as thoroughly as possible, I urge you to consider enhancing SB25-201 to include a device-based age verification solution. Thank you for your time and consideration.

Robert B. Cunningham
Director of Policy Engagement
International Centre for Missing & Exploited Children
bcunningham@icmec.com