



**Testimony of Dr. Edward J. Longe  
Representing The James Madison Institute  
Before the Kansas House Judiciary Committee  
March 6, 2024**

Chair Humphries, Vice-Chair Maughan, and Ranking Member Highberger,

Thank you for the opportunity to testify this afternoon. My name is Dr. Edward Longe, and I direct the Center for Technology and Innovation at the James Madison Institute, a think-tank based in Tallahassee, Florida. We applaud the efforts of the bill sponsor, this committee, and the Kansas legislature to protect teens from harmful content. We share many of the same values as members of this committee, specifically a steadfast commitment to competitive enterprise, the principles of our founding generation, and a belief in individual liberty and responsibility.

As an informational witness, I am here to outline what other states have done to keep teenagers away from harmful content and hope it can be used to guide lawmakers here in Topeka. To date, eight states have passed laws that require users to undergo age-verification to access harmful content. These states have all defined the substantial presence as 33.33 percent, slightly higher than the 25 percent proposed in Senate Bill 394.

For two reasons, the James Madison Institute encourages lawmakers to align its definition with other states. Firstly, federal courts have hitherto upheld the definition of substantial presence at 33.33 percent, meaning that anything lower could present constitutional challenges. While the difference may seem insignificant, it could be the difference between Senate Bill 394 surviving constitutional scrutiny and protecting teenagers or being struck down, leaving teenagers free to access harmful content- a reality nobody in this room wants. Secondly, as previously mentioned, every other state that has passed similar legislation has set the limit at 33.33 percent. If Kansas establishes a lower limit, it could create a balkanized internet when harmonization creates higher standards for protecting teenagers from harmful content and ensures parents understand their rights and protections.

We again thank the bill sponsor, this committee, and the Kansas legislature for their work to protect teens from harmful content.