

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HR 157 Public Health Risk Created by Pornography
SPONSOR(S): Health & Human Services Committee; Spano and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Committee	18 Y, 1 N, As CS	Gilani	Calamas
2) Commerce Committee	25 Y, 1 N	Hamon	Hamon

SUMMARY ANALYSIS

In the past two decades, internet usage and mobile technology have become ubiquitous, especially among teens and young adults. The internet has also made creation and dissemination of pornography seamless. The majority of Americans, including minors, are exposed to pornography online regularly. Twenty-seven percent of young adults first view pornography before the onset of puberty; 70 percent of teens accidentally view pornography online; and teens have experienced an increase in unwanted exposure to pornographic content online.

While legal and ethical constraints limit research that can determine causal links between pornography and negative outcomes, several studies make correlational findings. Adolescents who view pornography:

- Tend to have sexually permissive views, have more sexual partners in their lifetime, and are more likely to have engaged in oral and anal sex;
- Tend to display more aggression, have more traditional gender role attitudes, and view women as sex objects;
- Report feeling insecure about their ability to perform sexually or the way they look; and
- Tend to reduce their pornography use as their self-confidence increases or their relationships with family and friends improve.

Pornography addiction is not recognized by the American Psychiatric Association as an addiction; however, a growing body of research suggests that one can develop a compulsive disorder related to problematic pornography use.

CS/HR 157 recognizes pornography as a public health risk and acknowledges the need for education, prevention, research, and policy change to protect the citizens of Florida.

In support of the resolution, CS/HR 157 makes various findings related to: the negative impacts of pornography on children and teens; the role of pornography in the demand for human trafficking, prostitution, and child pornography; the potential for compulsive pornography viewing; the correlations between pornography use and mental and physical illnesses; and the potential negative impact of pornography on intimate relationships and families.

Legislative resolutions do not have the force of law and are not subject to the Governor's approval and veto powers.

The resolution does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Effects of Pornography

Rapidly advancing technology has made the creation and dissemination of pornography seamless.¹ Specifically, internet usage and mobile technology in the past two decades have become ubiquitous, especially among teens and young adults.² The majority of Americans come across pornography online and roughly half will seek it out.³ Twenty-seven percent of young adults first view pornography before the onset of puberty,⁴ 70 percent of teens accidentally stumble upon pornography online,⁵ and teens have experienced an increase in unwanted exposure to pornographic content online.⁶

With pornography increasingly accessible to children and teens, there is growing concern about the adverse effects on them of such early exposure.⁷

Scientific Research

Scientific research on the effects of pornography exists, but is not robust. In order to determine causal links between pornography use and long-term negative outcomes, researchers would need to expose minors to pornography. Legal and ethical constraints prevent researchers from exposing minors to pornography and subjecting them to potentially lasting adverse effects.⁸ Instead, researchers must rely on participants who are willing to self-disclose their pornography use and who may also have preexisting co-variables. Therefore, prevailing research is not representative of the general population and does not determine causation, but does establish correlational links between pornography use and negative consequences.

Since the 1990s, there has been a significant and steady decline in teen sex, pre-teen sex, teen births, and sexually transmitted diseases in teens.⁹ Violent and sex crime rates have also declined

¹ Eric W. Owens et al., *The Impact of Internet Pornography on Adolescents: A Review of the Research*, 19(1-2) SEXUAL ADDICTION & COMPULSIVITY 99, 99-100 (2012).

² Id. See also PEW RESEARCH CENTER, *Teens, Social Media & Technology Overview 2015: Smartphones Facilitate Shifts in Communication Landscape for Teens*, <http://www.pewinternet.org/2015/04/09/teens-social-media-technology-2015/> (last visited Jan. 14, 2018).

³ Josh McDowell Ministry, *THE PORN PHENOMENON: THE IMPACT OF PORNOGRAPHY IN THE DIGITAL AGE* (2016), research summary available at <https://www.barna.com/research/porn-in-the-digital-age-new-research-reveals-10-trends/> (last visited Jan. 14, 2018).

⁴ Id.

⁵ KAISER FAMILY FOUNDATION, *Generation Rx.com: How Young People Use the Internet for Health Information*, December 2001, at 12, available at <https://kaiserfamilyfoundation.files.wordpress.com/2001/11/3202-genrx-report.pdf> (last visited Jan. 14, 2018).

⁶ Kimberly J. Mitchell et al., *Trends in Youth Reports of Sexual Solicitations, Harassment and Unwanted Exposure to Pornography on the Internet*, 40 JOURNAL OF ADOLESCENT HEALTH 116, 124 (2007), available at: <http://unh.edu/ccrc/pdf/CV135.pdf> (last visited Jan. 14, 2018).

⁷ *Supra* note 1, at 101. See also, Kimberly J. Mitchell et al., *Trends in Youth Reports of Sexual Solicitations, Harassment and Unwanted Exposure to Pornography on the Internet*, 40 JOURNAL OF ADOLESCENT HEALTH 116, 116 (2007), available at: <http://unh.edu/ccrc/pdf/CV135.pdf> (last visited Jan. 14, 2018).

⁸ *Supra* note 1, at 102. E.g., s. 847.0133, F.S., making it a third-degree felony to knowingly show any obscene material to a minor. See generally, SOCIETY FOR RESEARCH IN CHILD DEVELOPMENT, *Ethical Standards in Research*, <https://www.srcd.org/about-us/ethical-standards-research> (last visited Jan. 14, 2018).

⁹ U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, *Morbidity and Mortality Weekly Report: Youth Risk Behavior Surveillance – United States, 2015*, June 10, 2016, at 26-30, 119-121 available at: https://www.cdc.gov/healthyyouth/data/yrbs/pdf/2015/ss6506_updated.pdf (last visited Jan. 14, 2018). See also U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, *Morbidity and Mortality Weekly Report: Reduced Disparities in Birth Rates among Teens Aged 15-19 Years – United States, 2006-2007 and 2013-2014*, available at:

<https://www.cdc.gov/mmwr/volumes/65/wr/mm6516a1.htm> (last visited Jan. 14, 2018); U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, *Birth Rates (Live Births) per 1,000 Females Aged 15-19 Years, by Race and*

significantly.¹⁰ Nevertheless, research suggests that adolescents who view pornography tend to have more sexually permissive attitudes, have more sexual partners in their lifetime, and are more likely to have engaged in oral and anal sex.¹¹ Similarly, adolescents who viewed pornography tended to display more aggression, have more traditional gender role attitudes, and view women as sex objects.¹² Due to the correlational nature of these findings, researchers were unable to determine if these characteristics were precursors to pornography use or a consequence of it,¹³ however, they were able to identify pornography use as a strong exacerbating factor in individuals who have preexisting markers for sexual aggression.¹⁴

There is limited research on the effect of internet pornography on adolescents' emotional health, but sexualized media is known to negatively affect girls' and women's self-esteem and lead to eating disorders and depression.¹⁵ Adolescents who view pornography report feeling insecure about their ability to perform sexually or how they look, and tend to decrease their pornography use as their self-confidence increases or they develop positive relationships with friends and family.¹⁶

During adolescence, the brain is still developing. Unlike adults, adolescents who view pornography are less able to control or suppress sexual cravings, thoughts, and behaviors.¹⁷ This vulnerability makes children and teens susceptible to developing problematic pornography use if exposed to pornography during this period of cognitive growth.¹⁸

One study found that individuals with problematic pornography use have less gray matter and reactivity in the reward system of their brain.¹⁹ This is consistent with the brain composition of those suffering from addictions, suggesting that overstimulation of the reward system changes the composition of the brain.²⁰ However, the researchers cautioned that this could be a precondition that conversely requires the individual to engage in stronger stimuli in order to stimulate the reward system of the brain.²¹

Ethnicity, 2007-2015, <https://www.cdc.gov/teenpregnancy/about/alt-text/birth-rates-chart-2007-2015-text.htm> (last visited Jan. 14, 2018).

¹⁰ U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, *Criminal Victimization, 2015*, Oct. 2016, <https://www.bjs.gov/content/pub/pdf/cv15.pdf> (last visited Jan. 14, 2018). See also CRIMES AGAINST CHILDREN RESEARCHER CENTER, *Have Sexual Abuse and Physical Abuse Declined Since the 1990s?*, Nov. 2012, http://www.unh.edu/ccrc/pdf/CV267_Have%20SA%20%20PA%20Decline_FACT%20SHEET_11-7-12.pdf (last visited Jan. 14, 2018).

¹¹ Debra K. Braun-Corville & Mary Rojas, *Exposure to Sexually Explicit Web Sites and Adolescent Sexual Attitudes and Behaviors*, 45(2) J ADOLESCENT HEALTH 153, 156-162 (2009). See also Jane D. Brown & Kelly L. L'Engles, *X-Rated: Sexual Attitudes and Behaviors Associated with U.S. Early Adolescents' Exposure to Sexually Explicit Media* 36 COMM. RSCH. 129-151 (2009). *Contra*, Marie-Therese Luder et al., *Associations between Online Pornography and Sexual Behavior among Adolescents: Myth or Reality?* 40(5) ARCHIVES OF SEXUAL BEHAVIOR 1027-1035 (2011) (finding that pornography use had no association with early sexual imitation or risky sexual behaviors).

¹² Eileen M. Alexy et al., *Pornography as a Risk Marker for an Aggressive Pattern of Behavior among Sexually Reactive Children and Adolescents*, 14(6) J AM. PSYCHIATRIC NURSES ASS'N 442, 450 (2009). See also Elisabet Haggstrom-Nordin et al., *Experiences of and Attitudes towards Pornography among a Group of Swedish High School Students*, 14 EURO. J CONTRACEPTION AND REPRODUCTIVE HEALTH CARE 277, 277-284 (2009).

¹³ *Supra* note 1, at 107.

¹⁴ Michelle L. Ybarra & Kimberly J. Mitchell, *X-Rated Material and Perpetration of Sexually Aggressive Behavior Among Children and Adolescents: Is There a Link?* 8 CyberPsychology and Behavior 473, 473-486 (2011). See generally, Paul J. Wright, *A Meta-Analysis of Pornography Consumption and Actual Acts of Sexual Aggression in General Population Studies*, 66(1) J COMM 183-205 (2016).

¹⁵ AMERICAN PSYCHOLOGICAL ASSOCIATION, *Sexualization of Girls is Linked to Common Mental Health Problems in Girls and Women—Eating Disorders, Low Self-Esteem, and Depression; An APA Task Force Reports*, Feb. 19, 2007, <http://www.apa.org/news/press/releases/2007/02/sexualization.aspx> (last visited Jan. 14, 2018).

¹⁶ Lotta Lofgren-Martenson & Sven-Axel Mason, *Lust, Love, and Life: A Qualitative Study of Swedish Adolescents' Perceptions and Experiences with Pornography* 47 J SEX RSCH. 568, 575 (2010).

¹⁷ *Supra* note 1, at 113-115.

¹⁸ *Id.*

¹⁹ Simone Kuhn & Jurgen Gallinat, *Brain Structure and Functional Connectivity Associated with Pornography Consumption*, 71(7) JAMA PSYCHIATRY 827, 827-834, available at https://jamanetwork.com/journals/jamapsychiatry/fullarticle/1874574?utm_source=Silverchair%20Information%20Systems&utm_medium=email&utm_campaign=JAMAPsychiatry:OnlineFirst05/28/2014#Discussion (last visited Jan. 14, 2018).

²⁰ *Id.*

²¹ *Id.*

The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition,²² does not recognize sex or pornography addictions, but there is growing research supporting the concept of a compulsive disorder²³ related to problematic pornography use. A major distinction between addiction and compulsion is that addiction includes an experience of pleasure, whereas a compulsion does not. Studies have shown that individuals who struggle with pornography use have neurological responses to sexual cues similar to those previously studied in drug addictions.²⁴ However, there was a significant disassociation between their brain's reaction, and their subjective enjoyment of the image, which is more consistent with compulsive behaviors.²⁵ An attempt to treat problematic pornography use as a compulsive disorder rather than an addiction showed an 85 percent reduction in pornography use and an increase in measures of quality of life.²⁶

Human Trafficking, Prostitution, and Child Pornography

Human trafficking is a form of modern-day slavery affecting young children, teenagers, and adults who are subjected to force, fraud, or coercion for sexual exploitation or forced labor.²⁷ Commercial sexual exploitation is a form of human trafficking and can include prostitution and pornography as a means for the perpetrator to make money.²⁸ Both adults and children can be victims of these acts.²⁹ The U.S. Department of Justice estimates that as many as 300,000 children in the United States are at risk for commercial sexual exploitation.³⁰

In cases of sexual exploitation of minors, perpetrators may engage in a “grooming” process to prepare the victim to engage in the sexual activity.³¹ Grooming can include the perpetrator showering the child with gifts and compliments to gain his or her trust or exposing the minor to adult and child pornography to normalize sexual behavior.³²

Resolutions on Pornography in Other Jurisdictions

Since 2016, at least five other states have adopted similar resolutions declaring pornography a health crisis or hazard. Utah was the first to pass this resolution in April 2016, followed by Arkansas, Louisiana, South Dakota, and Tennessee in 2017.³³ The Canadian Parliament has also ordered a study of the effects of violent and degrading pornography on children, women, and men.³⁴

²² The American Psychiatric Association publishes the Diagnostic and Statistical Manual of Mental Disorder, a manual classifying mental disorders, providing standardized criteria for diagnoses and treatment. It is relied upon universally in the health field and is currently on its fifth edition.

²³ Compulsions are repetitive behaviors or mental acts that an individual feels driven to perform in response to an obsession or according to rules that must be applied rigidly. THE AMERICAN PSYCHIATRIC ASSOCIATION, *Diagnostics and Statistical Manual of Mental Disorders* (5th ed., 2013) at 235.

²⁴ Valerie Voon et al., *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviours*, 9(7) PLOS ONE (2014), available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102419> (last visited Jan. 14, 2018).

²⁵ *Id.*

²⁶ Michael P. Twohig & Jesse M. Crosby, Acceptance and Commitment Therapy as a Treatment for Problematic Internet Pornography Viewing, 41(3) BEHAVIOR THERAPY (2010), available at https://contextualscience.org/system/files/Twohig_Crosby_2010.pdf (last visited Jan. 14, 2018).

²⁷ U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, *OJP Fact Sheet, Fast Facts*, Dec. 2011, http://ojp.gov/newsroom/factsheets/ojpf_humantrafficking.html (last visited Jan. 14, 2018).

²⁸ The federal Trafficking Victims Protection Act defines “commercial sex act” as any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. s. 7102(4).

²⁹ S. 787.06, F.S.

³⁰ *Supra* note 27.

³¹ Alisdair A. Gillespie, CHILD PORNOGRAPHY: LAW AND POLICY 108-109 (2011), available at <https://books.google.com/books?id=uL2sAgAAQBAJ&pg=PA108#v=onepage&q&f=false> (last visited Jan. 14, 2018).

³² *Id.*

³³ Utah S.C.R. 9 (2016); Arkansas H.R. 1042 (2017); Louisiana H.C.R. 100 (2017); South Dakota S.C.R. 4 (2017); Tennessee S.J.R. 35 (2017).

³⁴ Canada. Parliament. House of Commons. Standing Committee on Health. (2017 July). *Report on the Public Health Effects of the Ease of Access and Viewing of Online Violent and Degrading Sexually Explicit Material on Children, Women, and Men*. 42nd Parliament, 1st session. Available: <http://www.ourcommons.ca/DocumentViewer/en/42-1/HESA/report-11/page-5> (last visited Jan. 16, 2018).

Effect of the Resolution:

CS/HR 157 recognizes pornography as a public health risk and acknowledges the need for education, prevention, research, and policy change to protect the citizens of Florida.

In support of the resolution, CS/HR 157 finds that:

- Advances in technology expose children to pornography at an alarming rate and 27 percent of young adults report first viewing pornography before the onset of puberty;
- Pornography can serve as the main source of sexual education for children and is contributing to their hypersexualization;
- Pornography depicts children and young people in a hypersexualized manner and children who view such images are at a higher risk for developing low self-esteem, an eating disorder, and a desire to engage in dangerous sexual behavior;
- Pornography objectifies women, normalizes violence and abuse of women and children, depicts rape and abuse as harmless, and is related to the increased demand for sex trafficking, prostitution, and child pornography;
- There are correlations between pornography use and: mental and physical illnesses; difficulty forming or maintaining intimate relationships; unhealthy brain development and cognitive function; deviant, problematic, or dangerous sexual behavior;
- Recent research indicates that one can develop a compulsive disorder in which excessive amounts of pornography are consumed, resulting in the user consuming increasingly more shocking material or withdrawing from daily life functions to satisfy the compulsion;
- Pornography can lead to a reluctance to enter into marriage, dissatisfaction in marriage, and marital infidelity; and
- Efforts to prevent exposure to pornography, to educate individuals and families of pornography's potential harmful effects, and to develop pornography recovery programs should be systematic.

Legislative resolutions do not have the force of law and are not subject to the Governor's approval and veto powers.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This resolution does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 18, 2018, the Health and Human Services Committee adopted an amendment that revised the "whereas" clauses of the bill and declared that:

- Pornography is creating a public health risk.
- Systematic efforts should be made to educate individuals and families about pornography's potential harms.
- Pornography can serve as the main source of sexual education for children.
- Pornography depicts children and young people in a hypersexualized manner and that children who view these images are more likely to experience various negative health consequences.
- Pornography is related to the increased demand for sex trafficking, prostitution, and child pornography.
- Research has found correlations between pornography use and various negative health consequences.
- Recent research indicates that one can develop a compulsive disorder related to problematic pornography viewing.
- Pornography can have a detrimental effect on families.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.