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## Press Release

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### NEW PHOENIX CENTER STUDY FINDS STATE AGE VERIFICATION LAWS FOR ADULT CONTENT LIKELY FAIL CONSTITUTIONAL COST-BENEFIT TEST

*Evidence shows age verification laws are easily circumvented while imposing substantial burdens on adults' First Amendment rights*

WASHINGTON, D.C. — Since 2023, twenty-five states have enacted age verification laws requiring adult content websites to verify users' identities. In response, major platforms like Pornhub have blocked access entirely in many states rather than implement verification systems. While the Supreme Court recently upheld the constitutionality of these laws in *Free Speech Coalition v. Paxton* (2025), a new analysis released today by Phoenix Center Chief Economist Dr. George S. Ford entitled *Unintended Consequences of Age Verification Laws: Evidence from Search Behavior* questions whether these restrictions satisfy the constitutional requirement of being “substantially related” to protecting minors when measured against their actual costs and effectiveness.

Dr. Ford develops an economic framework showing that age verification laws must deter substantially more minors than adults to pass constitutional scrutiny under intermediate scrutiny's cost-benefit requirement. His analysis reveals that for the laws to satisfy this test, the ratio of minor deterrence to adult deterrence would need to exceed 25:1 if the constitutional rights of adults are weighted equally with harm prevention to minors. Survey evidence suggests minors use VPNs more than adults, indicating the actual deterrence ratio likely fails this threshold by a wide margin.

Dr. Ford then conducts an event study analysis using weekly Google Trends data examining search behavior before and after states implemented age verification requirements. Dr. Ford documents dramatic and statistically significant increases in searches for “VPN” (47% spike in the treatment week, sustained for approximately 20 weeks) and “free porn” (30% increase showing no signs of decay), providing strong evidence that users—including tech-savvy minors who are the policy's target—readily circumvent these restrictions.

The study identifies several troubling unintended consequences beyond the First Amendment concerns. The surge in VPN adoption degrades targeted advertising that finances much of the free internet, complicates content licensing for streaming services, and increases fraud risks. Most concerning, the shift to VPNs—particularly free services—exposes users to significant cybersecurity vulnerabilities, as VPNs and firewalls accounted for 58% of ransomware incidents in 2024. Studies project that by 2025, free Android VPNs will have malware in 39% of services, IP leaks in 84.5%, and third-party tracking in 76.5%.

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“The evidence suggests a regulatory regime where the intended targets—tech-savvy minors—can easily bypass restrictions while adults exercising constitutional rights bear the primary costs,” says study author Phoenix Center Chief Economist Dr. George S. Ford. “When a policy’s burdens on protected speech substantially exceed its effectiveness at achieving its stated purpose, it fails the constitutional requirement of being ‘substantially related’ to that purpose, regardless of how important the objective may be. Add to this the cybersecurity risks and degradation of internet infrastructure, and we have a clear case where costs exceed benefits.”

A full copy of PHOENIX CENTER PERSPECTIVE NO. 25-06, *Unintended Consequences of Age Verification Laws: Evidence from Search Behavior*, may be downloaded free from the Phoenix Center’s web page at: <https://www.phoenix-center.org/perspectives/Perspective25-06Final.pdf>.

*The Phoenix Center is a non-profit 501(c)(3) organization that studies broad public-policy issues related to governance, social and economic conditions, with a particular emphasis on the law and economics of the digital age.*