



Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on the Judiciary, my name is Lisa Margulies, I serve as Vice President of Public Affairs, Maine, for Planned Parenthood of Northern New England, and I am submitting this testimony in opposition to LD 1873.

Planned Parenthood of Northern New England provides comprehensive reproductive and sexual health care in approximately 10,000 visits per year in Maine at four health centers located in Biddeford, Portland, Sanford, and Topsham, as well as online via telehealth. People turn to us for affordable, high-quality care including wellness exams, birth control, disease testing and treatment, cancer screenings, behavioral health care, abortion care, gender-affirming care, as well as a variety of primary care services.

As a mission driven health care provider, we fundamentally believe everyone should be able to access affordable, high quality sexual and reproductive health care in their communities, no matter where they live or how much money they make, and we advocate for policies that help make this vision a reality. All people deserve to access comprehensive reproductive health care, including abortion and gender-affirming care, free from shame, stigma, and intimidation. We see everyone who comes to us regardless of ability to pay, and in a typical year, we provide more than \$1.2 million in free and discounted care to our communities in Maine. For many, we are their only access to the health care system.

While this bill is likely intended to limit minors' access to pornographic sites ("obscene matter"), it could threaten access to non-pornographic sexual health-related information that is essential for the health and wellbeing of the public—especially at a moment when such information and access to essential health care is under attack.ⁱ While this bill cross cites an existing definition of "obscene matter" that is relatively specific to pornographic content, it is significantly broader than similar bills in other states because it applies to *any* publication or distribution of "obscene content." Typically, these bills apply only to websites that contain a certain threshold amount of "obscene content" to more narrowly target actual pornographic sites, such as applying only to websites where over 1/3 of the content is "obscene."

Even if there is a good legal argument that this definition would not apply to websites with information on sexual and reproductive health, concern about compliance alone can chill websites from posting that content, thus limiting access to sexual and reproductive health information. This chilling effect is particularly concerning in the context of this bill's broad policy that applies to *any* publication or distribution.

Also worrisome, this bill would also allow private suits against platforms, meaning that websites with sexual and reproductive health content could potentially be subject to harassing suits under these laws -- even if, ultimately, the content is found to fall outside the "obscene" definition.



It is also worth noting that these types of laws have nearly all been litigated on First Amendment grounds with many notable successes, with a case pending before the US Supreme Court.ⁱⁱ

In sum, this bill raises significant concerns in terms of limiting critical, educational non-pornographic sexual health-related information. It is for all these reasons that I urge you to vote ought not to pass on LD 1873.

ⁱ Rindala Alajaji and Paige Collins, *Age-Verification Laws Seek to Erase LGBTQ+ Identity from the Internet*, Ms. Magazine, February 25, 2025, <https://msmagazine.com/2025/02/25/lgbtq-abortion-censorship-age-verification-laws/>

ⁱⁱ ACLU, *Supreme Court May Decide if Government Can Age-Gate Sexual Expression Online*, January 15, 2025, <https://www.aclu.org/press-releases/supreme-court-may-decide-if-government-can-age-gate-sexual-expression-online>