



## Memo of Opposition for S.7694A/A.8148A

The Computer & Communications Industry Association (CCIA) is writing to express our opposition to S. 7694A/A.8148A, An Act to amend the general business law, in relation to enacting the Stop Addictive Feeds Exploitation (SAFE) for Kids act prohibiting the provision of an addictive feed to a minor.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> CCIA holds a firm conviction that children are entitled to a higher level of security and privacy in their online experiences. Presently, our members are actively engaged in various initiatives to integrate robust protective design features into their websites and platforms. However, we are deeply concerned with the proposals set forth in S. 7694A/A.8148A, which include legally dubious age verification requirements that would actually increase the amount of sensitive information that companies would need to collect on all internet users in the state, and disproportionately harm vulnerable communities in New York who rely upon the many resources that the internet and social media platforms help provide.

S. 7694A/A.8148A would enact the SAFE for Kids Act, which attempts to protect minor users (defined as anyone under the age of 18) of social media platforms by prohibiting platforms from serving those users content via an algorithm. The bill does not describe how a platform shall determine which users are minors, and leaves identifying viable solutions up to an Attorney General rulemaking process. As a result of this requirement, social media companies would be forced to collect and retain additional data, including sensitive information like geolocation data, on every user in order to determine which users would be covered under the proposed law. Furthermore, there is no described mechanism for platforms to verify that a parent or guardian is indeed who they say they are without collecting additional information about those individuals as well. Age verification requirements would likely result in every New York resident having to provide social media companies with additional information about themselves and family members, in order to utilize the platforms. In particular, this would disproportionately impact vulnerable populations in the state, like the estimated 800,000 undocumented individuals who call New York home<sup>2</sup>. These communities may be unwilling or unable to provide that information and therefore be cut-off from their communities who utilize social media to stay connected.

Furthermore, nearly all of the age verification laws that have been passed thus far in other states have faced significant legal challenges, especially concerning the First Amendment. A case challenging California's Age-Appropriate Design Code was successful in obtaining a preliminary injunction on preventing the law from taking effect<sup>3</sup>, while Arkansas' and Ohio's age verification law faced a similar outcome when challenged in court<sup>4</sup>. There is also a pending case in Utah questioning the legality of their age verification and parental consent requirements for social media platforms.

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<sup>1</sup> For 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.cciagnet.org/members>.

<sup>2</sup> *Profile of the Unauthorized Population: New York*, Migration Policy Institute,

<sup>3</sup> *NetChoice v. Bonta*, United States District Court, Northern District of California.

<https://storage.courtlistener.com/recap/gov.uscourts.cand.406140/gov.uscourts.cand.406140.74.0.pdf>

<sup>4</sup> *Judge Blocks Arkansas Law that Would Have Placed Unconstitutional Age-Verification and Parental Consent Requirements on Social Media Users*, ACLU of Arkansas,

<https://www.aclu.org/press-releases/judge-blocks-arkansas-law-that-would-have-placed-unconstitutional-age-verification-and-parental-consent-requirements-on-social-media-users>.



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If passed in New York, S.7694A/A.8148A would likely face a similar legal challenge and therefore, the legislature should allow current cases to play out in an effort to avoid passing legislation that would then be quickly nullified, protecting no one.

Additionally, the algorithms that S.7694A/A.8148A aims to remove, actually serve as a tool for platforms to protect users by ensuring that the content presented to users is relevant to their interests and tailored to them. Without algorithmically-informed content, users would be served a random assortment of content, much of which would likely not be aligned with their interests and could be divorced from what users of their age group typically interact and want to engage with. Recent studies have shown that a majority of young adults have used platforms' algorithms in the last year to curate their feeds with more content that matches their interests, including 89% of LGBTQ+ youth surveyed<sup>5</sup>. Labeling these algorithms as an "addictive feed" ignores the benefits of such tailored experiences and would likely do more harm than good by impairing these efforts and blurring lines.

Although these bills have undergone recent amendments, none of the changes made address the above outlined issues and therefore, **we urge the Legislature not to pass S. 7694A/A.8148A.**

Sincerely,

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Computer & Communications Industry Association

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<sup>5</sup> Common Sense Media, *A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health*. May 2024.  
[https://www.common sense media.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report\\_final-release-for-web-v2.pdf](https://www.common sense media.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report_final-release-for-web-v2.pdf).