

January 28, 2025

Senate Committee on General Laws and Technology
Attn: Committee Clerks Eric Bingham and Andrew Horton
201 N 9th Street
Richmond, VA 23219

**RE: SB 783 - "Consumer Data Protection Act; protections for children."
(Oppose)**

Dear Chair Ebbin and Members of the Senate Committee on General Laws and Technology:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 783.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members. In recent sessions, there has been a notable surge in state legislation concerning children's online safety. CCIA and our member companies have a shared interest in ensuring strong protections are in place to protect children and provide parents and adults with simple but effective tools to provide a safe online environment for their families.

CCIA firmly believes that children are entitled to greater security and privacy online. Presently, our members are integrating robust protective design features into their websites and platforms.² CCIA's members have designed and developed settings and parental tools to individually tailor younger users' online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools to allow parents to block specific sites entirely.³

This is also why CCIA supports implementing digital citizenship curriculum in schools, to not only educate children on proper social media use but also help teach parents how they can protect their children as they see fit based on their family's lived experiences.⁴ In fact, the Virginia General Assembly passed HB 1575 in 2023 establishing the Internet Safety Advisory Council to promote safe media and technology use by students and teachers in public elementary and secondary schools. Among other duties, the Council develops instructional content on the risks of transmitting personal information on the internet and the importance of privacy protection.

¹ For more than 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.ccianet.org/members>.

² Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://www.project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

³ Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/>.

⁴ See *supra* note 2.

However, protecting children from harm online does not include a generalized power to restrict ideas to which one may be exposed. Speech that is neither obscene to young people nor subject to other legitimate laws cannot be suppressed solely to protect young online users from ideas or images that a legislative body disfavors.⁵ Proposals to keep children safe online should focus on the risks and tangible harms for users in specific age ranges. While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

1. This legislation may halt services for individuals under 18, hindering teenagers' internet access and, consequently, restricting their First Amendment right to information. This includes access to supportive online communities that might not be available in their physical location.

The Children's Online Privacy Protection Act (COPPA)⁶ and associated rules at the federal level currently regulate how to address users under 13, a bright line selected through a lengthy negotiation process that balanced the rights of all users, including children, against compliance burdens on businesses. To avoid collecting data from users under 13, some businesses chose to shut down various services when COPPA went into effect due to regulatory complexity — it became easier to simply not serve this population. Users between 14 and 17 could face a similar fate as SB 783 would implement more complex vetting requirements tied to parental consent for users under 18.

Denying or limiting access to other online resources may also unintentionally restrict children's ability to access and connect with like-minded individuals and communities. For example, children in unsafe households could face an impediment when seeking communities of support or resources to get help.

Serious concerns also arise when verifying whether a "parent or guardian" is in fact a minor's legal parent or guardian. The bill's parental consent mechanisms, such as utilizing a consent form, online payment systems, or presenting a government-issued ID, are not sufficient to prove an adult's legal status as a parent or guardian of a child, and would require collecting sensitive identifying information. For example, many parents and legal guardians do not share the same last name as their children due to remarriage, adoption, or other cultural or family-oriented decisions. Without verification that a "parent or guardian" is actually a minor's legal parent or guardian, this provision may incentivize minors to ask other adults who are not their legal parent or guardian to provide consent on their behalf. It is also unclear who would be able to give consent to a minor in foster care or other nuanced familial situations, creating significant equity concerns. Further, scenarios where a legal parent or guardian is not located in Virginia or is not a resident of the Commonwealth creates significant confusion for consumers and businesses.

The hyperconnected nature of social media has led many to allege that online services may be negatively impacting teenagers' mental health. However, existing evidence does not support this theory well, and some researchers argue that it repeats a "moral panic" argument frequently associated with new technologies and modes of communication. Social media

⁵ *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 212–14 (1975). See also *FCC v. Pacifica Found.*, 438 U.S. 726, 749–50 (1978); *Pinkus v. United States*, 436 U.S. 293, 296–98 (1978).

⁶ 15 U.S.C. § 6501.

effects are nuanced,⁷ small at best, reciprocal over time, and gender-specific. Additionally, a study conducted by researchers from Columbia University, the University of Rochester, the University of Oxford, and the University of Cambridge found no evidence that associations between adolescents' digital technology engagement and mental health problems have increased.⁸ Particularly, the study shows that depression's relation to both TV and social media use was practically zero. The researchers also acknowledged that it is possible, for example, that as most individuals in a group adopt a given technology, the technology could indirectly affect even individuals who do not use it, either by impacting their peers or by them being deprived of a novel communication platform in which social life now takes place.

2. Parental consent requirements for online businesses are currently being litigated in several jurisdictions.

Recent state legislation that would implement online parental consent and age verification requirements is currently facing numerous constitutional challenges, and numerous federal judges have placed laws on hold until these challenges can be fully reviewed, including in Arkansas, California, Mississippi, Ohio, Tennessee, Texas, and Utah.⁹ CCIA recommends that lawmakers permit the judiciary to examine this issue more fully before burdening businesses with legislation that risks being invalidated and passing on expensive litigation costs to taxpayers.

3. Businesses operating online depend on clear regulatory certainty across jurisdictions nationwide.

Existing U.S. law provides websites and online businesses with legal and regulatory certainty that they will not be held liable for third-party content and conduct. By limiting the liability of digital services for misconduct by third-party users, U.S. law has created a robust internet ecosystem where commerce, innovation, and free expression thrive — all while enabling providers to take creative and aggressive steps to fight online abuse. Ambiguous and inconsistent regulation at the state level would undermine this business certainty and deter new entrants, harming competition and consumers.

Additionally, research suggests that aggressive regulations, bills, and enforcement actions targeting tech would increase operating costs for regulated U.S. companies, reducing their market value and harming their shareholders. State and local government employee pension plans are leading shareholders in companies that would be targeted by such anti-tech policies,

⁷ Amy Orben *et al.*, *Social Media's enduring effect on adolescent life satisfaction*, PNAS (May 6, 2019), <https://www.pnas.org/doi/10.1073/pnas.1902058116>.

⁸ Amy Orben, Andrew K. Przybylski, Matti Vuorre, *There Is No Evidence That Associations Between Adolescents' Digital Technology Engagement and Mental Health Problems Have Increased*, Sage Journals (May 3, 2021), <https://journals.sagepub.com/doi/10.1177/2167702621994549>.

⁹ See, e.g., *NetChoice v. Bonta*, No. 24-cv-07885, 2025 WL 28610 (N.D. Cal. Jan. 2, 2025); *NetChoice v. Bonta*, No. 22-cv-08861, 2024 WL 5264045 (N.D. Cal. Dec. 31, 2024); *NetChoice, LLC v. Reyes*, No. 23-cv-00911, 2024 WL 4135626 (D. Utah Sept. 10, 2024); *NetChoice, LLC v. Fitch*, No. 24-cv-00170, 2024 WL 3276409 (S.D. Miss. July 1, 2024); *NetChoice, LLC v. Yost*, 716 F. Supp. 3d 539 (S.D. Ohio 2024); *NetChoice, LLC v. Griffin*, No. 23-cv-05105, 2023 WL 5660155 (W.D. Ark. Aug. 31, 2023); *Comput. & Commc'n Indus. Ass'n v. Paxton*, No. 24-cv-00849, 2024 WL 4051786 (W.D. Tex. Aug. 30, 2024). See also *Free Speech Coal., Inc. v. Skrmetti*, No. 24-cv-02933, 2024 WL 5248104 (W.D. Tenn. Dec. 30, 2024); *Comput. & Commc'n Indus. Ass'n v. Moody* (N.D. Fla. 24-cv-00438); *Zoulek v. Hass & Reyes* (D. Utah 24-cv-00031).

jeopardizing the retirement benefits of 27.9 million pension plan members nationwide, including teachers, firefighters, nurses, and police.¹⁰

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While we share the concerns of the Patron and the Senate Committee on General Laws and Technology regarding the safety of young people online, we encourage Committee members to resist advancing legislation that is not adequately tailored to this objective. We appreciate the Committee's consideration of these comments and stand ready to provide additional information as the General Assembly considers proposals related to technology policy.

Sincerely,

Megan Stokes
State Policy Director
Computer & Communications Industry Association

¹⁰ *The cost of tech regulatory bills to state and local pension plans – state by state aggregates*, CCIA Research Center (Nov. 1, 2022), <https://research.ccianet.org/stats/cost-of-tech-regulation-bills-state-map/>.