



May 7, 2025

The Honorable Kay Ivey
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Re: SB 186 – "Relating to consumer protection; to provide certain requirements for the use of a filter on certain Internet-enabled devices in this state; to provide certain requirements for the filter; and to authorize a civil action for a violation." (veto request)

Dear Governor Ivey:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully request that you veto SB 186. 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.

CCIA firmly believes that children are entitled to greater security and privacy online. Our 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 allow parents to block specific sites entirely.² This is also why CCIA supports implementing digital citizenship curricula in schools, to not only educate children on proper social media use but also help teach parents how they can use existing mechanisms and tools to protect their children as they see fit.³ However, this bill presents the following concerns:

SB 186 does not fairly or consistently regulate many common devices.

Requiring a state-specific default filter "preventing the device from accessing or displaying obscenity through Internet browsers or search engines owned and controlled by the manufacturer" would present significant technical difficulties for businesses. Typically, internet service providers (ISPs) govern which websites users can access. ISPs block known rogue sites, not the device's manufacturer.

Moreover, many devices could not be regulated in a consistent or fair manner under such a bill, including devices that do not have precise location-tracking technology or only connect via

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 Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated Feb. 19, 2025).

³ Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.



WiFi. Similarly, the bill fails to account for devices purchased online from an out-of-state location, or for devices purchased on the secondary market. While it is easier to determine whether a device is activated in the state based on point of sale, the bill provides no consistent means of regulating devices purchased outside of Alabama.

A mandatory device filter would curtail individuals' ability to tailor their preferences regarding content and services, including adults.

It is possible to protect children online without a statewide device filter. Many products, both digital and physical, can have effective child safety features installed on them even if they are primarily designed for adults. For example, automobiles are designed with seats and seatbelts for adult consumers. However, parents can install car seats designed specifically for children's safety. Likewise, many devices and services have content filtering technologies that allow parents to individually tailor settings and preferences to select age-appropriate content for themselves and their children. These types of filters and settings, however, are not activated by default. SB 186 could invite significant consumer confusion for adults who are unaware that such filters geared toward minors are activated automatically. CCIA recommends allowing consumers to activate such features voluntarily using an opt-in feature.

The bill's safe harbor could lead to even broader restrictions on Alabama residents, as it applies only to manufacturers that make a "good faith effort" to provide a device that, upon activation in Alabama, "automatically enables a filter" that complies with the bill's requirements. This could mean devices activated in Alabama automatically have such a filter, even those belonging to adults.

Federal courts have recently held that laws requiring age verification and parental consent for social media violate the First and Fourteenth Amendments.

Recent state legislation requiring age verification or parental controls for social media sites has faced numerous constitutional challenges. Federal courts in Arkansas and Ohio have held that such laws violate both the First Amendment's guarantee of free speech. In Arkansas, the court held that "Requiring adult users to produce state-approved documentation to prove their age and/or submit to biometric age-verification testing imposes significant burdens on adult access to constitutionally protected speech and discourage[s] users from accessing [the regulated] sites."⁴ It concluded that age verification laws "are not only an additional hassle, but they also require that website visitors forgo the anonymity otherwise available on the internet."⁵

The Ohio court held that "governments lack the power to prevent children from hearing or saying anything without their parents' prior consent,"⁶ and that making "minors' ability to contribute or access a wide array of protected First Amendment activity on any number of

⁴ *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607 at *20 (W.D. Ark. Mar. 31, 2025) (quoting *Reno v. ACLU*, 521 U.S. 844, 856) (internal quotation marks omitted).

⁵ *Id.*

⁶ *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at *20 (S.D. Ohio Apr. 16, 2025) (internal quotation marks omitted).



diverse topics... contingent on securing parental consent” is “an impermissible curtailment of their First Amendment rights.”⁷

Numerous other federal judges have placed similar laws on hold until challenges can be fully reviewed, including in California, Mississippi, Tennessee, Texas, and Utah.⁸ In California, for instance, the Ninth Circuit recently issued a temporary stay against a state law with many similar provisions⁹ after the District Court found the law to be “content-based on its face”¹⁰ and to “likely fail strict scrutiny.”¹¹ CCIA therefore recommends that lawmakers avoid burdening businesses with legislation that risks being invalidated and passing on expensive litigation costs to taxpayers.

The bill’s provisions harm businesses operating online, who depend on clear regulatory certainty across jurisdictions nationwide, and their users.

Ambiguous and inconsistent regulation at the state or local levels undermines business certainty, creating significant confusion surrounding compliance. This type of regulatory balkanization may deter new entrants, harming competition, innovation, and consumers. Devices sold into a national market are not and cannot be designed to function differently merely because they have moved within a state’s borders.

Further, SB 186 creates significant liability concerns due to the subjective nature of what may be considered “obscene” or “obscenity.” There is no systematic, objective way to differentiate obscenity from protected speech; such determinations must instead be made on a case-by-case basis.¹² Covered entities cannot be expected to make such subjective assessments, and will inevitably engage in over-filtering to ensure compliance. Requiring businesses to make such subjective assessments is especially risky given the bill’s penalties of \$5,000 per violation, up to \$50,000 in aggregate, as well as reasonable expenses, investigative costs, attorney fees, and “other appropriate relief as provided for under this act.”

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We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Tom Mann
State Policy Manager, South Region
Computer & Communications Industry Association

⁷ *Id.* at *15 (internal quotation marks omitted).

⁸ 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 v. Reyes*, No. 23-cv-00911, 2024 WL 4135626 (D. Utah Sept. 10, 2024); *NetChoice v. Fitch*, No. 24-cv-00170, 2024 WL 3276409 (S.D. Miss. July 1, 2024); *Comput. & Commc’ns Indus. Ass’n et al. v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024).

⁹ *NetChoice v. Bonta*, No. 24-cv-07885 (9th Cir. Jan. 28, 2025) (order granting motion for injunctive relief).

¹⁰ *NetChoice v. Bonta*, No. 22-cv-08861, 2025 WL 807961, at *6 (N.D. Cal. Mar. 13, 2025).

¹¹ *Id.* at *14.

¹² See *Miller v. California*, 413 U.S. 15, 24 (1973).