

May 22, 2025

Assembly Commerce and Labor Committee  
Attn: Logan Service  
Nevada State Capitol  
101 N Carson Street  
Carson City, NV 89701

## Re: SB 63 – "Nevada Youth Online Safety Act" (Oppose)

Dear Chair Marzola and Members of the Assembly Commerce and Labor Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 63. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> While CCIA shares the goal of increasing online safety, this bill presents the following concerns, as introduced and with proposed amendments:

### **Federal courts have recently held that laws requiring parental consent for social media violate the First Amendment.**

Recent state legislation requiring parental controls for social media sites has faced numerous constitutional challenges. Federal courts in Arkansas and Ohio have held that such laws violate

<sup>1</sup> 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>.

<sup>2</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated Feb. 19, 2025).

<sup>3</sup> 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/>.

<sup>4</sup> *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).

both the First Amendment's guarantee of free speech. In Arkansas, the court held that "The State does not have "the power to prevent children from hearing or saying anything without their parents' prior consent. Such laws do not enforce parental authority over children's speech . . . ; they impose *governmental* authority, subject only to a parental veto."<sup>5</sup>

Similarly, the Ohio court held that "governments lack the power to prevent children from hearing or saying anything without their parents' prior consent,"<sup>6</sup> and that making "minors' ability to contribute or access a wide array of protected First Amendment activity on any number of diverse topics... contingent on securing parental consent" is "an impermissible curtailment of their First Amendment rights."<sup>7</sup>

Numerous other federal judges have placed similar laws on hold until challenges can be fully reviewed, including in California, Mississippi, Tennessee, Texas, and Utah.<sup>8</sup> In California, for instance, the Ninth Circuit recently issued a temporary stay against a state law with many similar provisions<sup>9</sup> after the District Court found the law to be "content-based on its face"<sup>10</sup> and to "likely fail strict scrutiny."<sup>11</sup> CCIA therefore recommends that lawmakers avoid burdening businesses with legislation that risks being invalidated and passing on expensive litigation costs to taxpayers.

**If enacted, SB 63 may result in denying services to all users under 18. Limiting access to the internet for teens curtails their First Amendment right to information accessibility, including access to supportive communities that may not be open-discussion forums in their physical location.**

The bill text begins with the phrase "unless the context otherwise requires" followed by definitions of certain key terms. If the bill's definitions can be altered based on a concept as vague as "context," a covered platform cannot know in advance whether it is complying with the law or not. Such a provision is too vague to meet the Due Process Clause's requirements.

Additionally, Section 14 forbids a covered entity from allowing a user it "know[s] or reasonably believe[s]" to be under 13 to use its services. A covered business has no way of knowing what law enforcement would consider a "reasonabl[e] belie[f]" that a user is under 13. This requirement is highly subjective and will likely lead to arbitrary enforcement.

The lack of narrowly tailored definitions could incentivize businesses to simply prohibit minors from using digital services rather than face potential legal action and hefty fines for non-compliance. As noted above, the First Amendment, including the right to access

<sup>5</sup> *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607 at \*31 (W.D. Ark. Mar. 31, 2025) (quoting *Brown v. Ent. Merchs. Ass'n*, 564 U.S. 786, 795) (internal quotation marks omitted) (emphasis in original).

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

<sup>7</sup> *Id.* at \*15 (internal quotation marks omitted).

<sup>8</sup> 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'n Indus. Ass'n et al. v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024).

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

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

<sup>11</sup> *Id.* at \*14.

information, is applicable to teens.<sup>12</sup> Moreover, requiring businesses to deny access to social networking sites or other online resources may also unintentionally restrict minors' ability to access and connect with like-minded individuals and communities. For example, children of certain minority groups may not live in an area where they can easily connect with others that represent and relate to their own unique experiences, so an online central meeting place where kids can share their experiences and find support can have positive impacts.<sup>13</sup>

The connected nature of social media has led some to allege that online services may be negatively impacting teenagers' mental health. However, researchers explain that this theory is not well supported by existing evidence and repeats a 'moral panic' argument frequently associated with new technologies and modes of communication. Instead, social media effects are nuanced,<sup>14</sup> individualized, reciprocal over time, and gender-specific. A study conducted by researchers from several leading universities found no evidence that associations between adolescents' digital technology engagement and mental health problems have increased.<sup>15</sup> Particularly, the study shows that depression has virtually no causal relation to TV or social media. Indeed, as the above Ohio ruling noted, "nearly all of the research showing any harmful effects is based on correlation, not evidence of causation."<sup>16</sup>

As explained above, CCIA believes that an alternative to solving these complex issues is to work with businesses to continue their ongoing private efforts to implement mechanisms such as daily time limits or child-safe searching so that parents can have control over their own child's social media use.

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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,

Aodhan Downey  
State Policy Manager, West Region  
Computer & Communications Industry Association

<sup>12</sup> See, e.g., *Reno v. ACLU*, 521 U.S. 844, 874-75 (1997); *Yost* at \*15.

<sup>13</sup> *The Importance of Belonging: Developmental Context of Adolescence*, Boston Children's Hospital Digital Wellness Lab (Oct. 2024), <https://digitalwellnesslab.org/research-briefs/young-peoples-sense-of-belonging-online/>.

<sup>14</sup> 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>.

<sup>15</sup> Amy Orben et al., *There Is No Evidence That Associations Between Adolescents' Digital Technology Engagement and Mental Health Problems Have Increased*, Sage J. (May 3, 2021), <https://journals.sagepub.com/doi/10.1177/2167702621994549>.

<sup>16</sup> *NetChoice v. Yost*, No. 2:24-cv-00047, slip op. at 43 (internal quotation marks omitted).