



May 14, 2025

Texas Senate
Attn: Senate State Affairs Committee
1100 Congress Ave
Austin, TX 78701

Re: HB 186 – "Relating to prohibiting use of social media platforms by children." (Oppose)

Dear Chair Hughes and Members of the Senate State Affairs Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 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:

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]

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/>.

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 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.

Currently available age assessment tools estimate users’ ages imperfectly.

There is no perfect method of age assessment, and the more data a method collects, the greater risk it poses to consumer privacy¹² and small business sustainability.¹³ A recent Digital Trust & Safety Partnership (DTSP) report, *Age Assurance: Guiding Principles and Best Practices*, contains more information regarding guiding principles for age assurance and how digital services have used such principles to develop best practices.¹⁴ The report found that “smaller companies may not be able to sustain their business” if forced to implement costly age verification or assurance methods, and that “[h]ighly accurate age assurance methods may depend on collection of new personal data such as facial imagery or government-issued ID.”¹⁵

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).

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. & Comm’n 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 Kate Ruane, *CDT Files Brief in NetChoice v. Bonta Highlighting Age Verification Technology Risks* (Feb. 10, 2025), <https://cdt.org/insights/cdt-files-brief-in-netchoice-v-bonta-highlighting-age-verification-technology-risks/>.

¹³ Engine, *More Than Just a Number: How Determining User Age Impacts Startups* (Feb. 2024), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/66ad1ff867b7114cc6f16b00/1722621944736/More+Than+Just+A+Number+-+Updated+August+2024.pdf>.

¹⁴ *Age Assurance: Guiding Principles and Best Practices*, Digital Trust & Safety Partnership (Sept. 2023), https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf.

¹⁵ *Id.* at 10.



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.

As noted above, the First Amendment, including the right to access information, is applicable to teens.¹⁶ 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.¹⁷

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,¹⁸ 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.¹⁹ 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."²⁰

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,

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

¹⁶ See, e.g., *Reno v. ACLU*, 521 U.S. 844, 874-75 (1997); *Yost* at *15.

¹⁷ *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/>.

¹⁸ 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>.

¹⁹ 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>.

²⁰ *Yost* at *21 (internal quotation marks omitted).