

June 30, 2025

Massachusetts State House
Joint Committee on Advanced Information Technology, the Internet, and Cybersecurity
24 Beacon Street
Boston, MA 02133

Re: H 4229 – “An Act Protecting Children from Addictive Social Media Feeds” (Oppose)

Dear Chairs Moore and Farley-Bouvier, Vice Chairs Payano and Hawkins, and Members of the Joint Committee on Advanced Information Technology, the Internet, and Cybersecurity:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose H 4229 in advance of the hearing on July 10, 2025.

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 and its members have a shared interest in protecting children and giving parents and adults 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. 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 While CCIA shares the goal of increasing online safety, the bill fails to address our concerns:

Federal courts have recently held that laws requiring age verification for websites violate the First Amendment.

Multiple federal courts have held that recent state legislation requiring age verification violates the First Amendment’s guarantee of free speech. H 4229 creates restrictions regarding when a covered operator may “recommend[], select[] or prioritize[] media items.” Last year the Supreme Court ruled that decisions by websites about their “selection and presentation” of

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/>.

content receive First Amendment protection.⁴ The Court held that “The government may not, in supposed pursuit of better expressive balance, alter a private speaker’s own editorial choices about the mix of speech it wants to convey.”⁵

Lower courts have also invalidated similar age verification laws on First Amendment grounds. On March 31, 2025, an Arkansas federal court invalidated a state age verification law, holding that “Requiring adult users to produce state-approved documentation to prove their age... imposes significant burdens on adult access to constitutionally protected speech.”⁶ The court held that state-mandated age verification requirements were “not only an additional hassle, but they also require that website visitors forgo the anonymity otherwise available on the internet.”⁷ It also noted that “[r]equiring Internet users to provide . . . personally identifiable information to access a Web site would significantly deter many users from entering the site[] because Internet users are concerned about security on the Internet and because Internet users are afraid of fraud and identity theft on the Internet.”⁸

Similarly, a Georgia federal court recently issued a preliminary injunction against another state age verification law, finding that age verification “imposes a sweeping burden on adults’ access to speech by requiring ‘commercially reasonable’ age verification mechanisms for *all* users, creating a broad-reaching chilling effect.”⁹ The court concluded that such laws “cannot comport with the free flow of information the First Amendment protects.”¹⁰

Numerous other federal judges have placed similar laws on hold until challenges can be fully reviewed, including in California,¹¹ Florida,¹² Mississippi,¹³ Texas,¹⁴ and Utah.¹⁵ In California, the Ninth Circuit recently issued a temporary stay against a state law with many similar provisions¹⁶ after the District Court found the law to be “content-based on its face”¹⁷ and to “likely fail strict scrutiny.”¹⁸ Chief Judge Walker in the Northern District of Florida recently summarized the consensus view, stating that “like other district courts around the country, this Court simply recognizes that the First Amendment places stringent requirements on the State to avoid substantially burdening speech unless the State can show that doing so is necessary to achieve its significant interests.”¹⁹

⁴ *Moody v. NetChoice*, 144 S. Ct. 2383, 2402 (2024).

⁵ *Id.* at 2403.

⁶ *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607, at *20 (W.D. Ark. Mar. 31, 2025).

⁷ *Id.*

⁸ *Id.* at *21.

⁹ *NetChoice v. Carr*, No. 1:25-cv-2422-AT at *32 (N. D. Ga. June 26, 2025).

¹⁰ *Id.* at *50.

¹¹ 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).

¹² See, e.g., *CCIA v. Uthmeier*, No. 24-cv-438, 2025 WL 1570007 (N.D. Fla. June 3, 2025).

¹³ See, e.g., *NetChoice v. Fitch*, No. 1:24-cv-170, 2025 WL 1709668 (S.D. Miss. June 18, 2025).

¹⁴ See, e.g., *CCIA v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024).

¹⁵ See, e.g., *NetChoice v. Reyes*, No. 23-cv-00911, 2024 WL 4135626 (D. Utah Sept. 10, 2024).

¹⁶ *NetChoice v. Bonta*, No. 24-cv-07885 (9th Cir. Jan. 28, 2025) (order granting motion for injunctive relief).

¹⁷ *NetChoice v. Bonta*, No. 22-cv-08861, 2025 WL 807961, at *6 (N.D. Cal. Mar. 13, 2025).

¹⁸ *Id.* at *14.

¹⁹ *Uthmeier* at *1.

H 4229 would force companies to collect more data about minors and adults to ensure compliance, jeopardizing their privacy.

H 4229 requires covered businesses to increase their collection of sensitive data about minors and their parents for age verification purposes. To ensure compliance, businesses would need to *determine the age of all users* to ensure that they can adhere to the regulations regarding minors. This would in turn require using invasive age verification methods that force businesses to collect sensitive personal identifying information about their users.²⁰ Collecting detailed personal information about children and adults that will create massive data pools, which criminals will attempt to target for purposes of identity theft.

To avoid restricting teens' access to information, H 4229 should regulate users under 13 rather than 18 in accordance with established practices.

H 4229 defines a minor as anyone under 18. Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 16-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We would suggest changing the definition of “minor” to a user under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard. This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

If enacted, H 4229 may result in denying services to all users under 18, restricting their access to information and supportive communities.

H 4229 does not specify which technologies the state would consider “commercially reasonable and technically feasible,” leaving businesses unable to know when they are violating the law. This legal uncertainty could incentivize businesses to simply prohibit minors from using digital services rather than face potential legal action and hefty fines for non-compliance. Requiring businesses to deny access to social networking sites or other online resources may also unintentionally restrict children’s 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.²¹

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

²⁰ Berin Szóka, *Comments of TechFreedom In the Matter of Children’s Online Privacy Protection Rule Proposed Parental Consent Method; Application of the ESRB Group for Approval of Parental Consent Method*, TechFreedom (Aug. 21, 2023), <https://techfreedom.org/wp-content/uploads/2023/08/Childrens-Online-Privacy-Protection-Rule-Proposed-Parental-Consent-Method.pdf>.

²¹ *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/>.

as daily time limits or child-safe searching so that parents can have control over their own child's social media use.

Currently available age determination tools disadvantage small businesses and do not process all populations with equal accuracy.

There is no perfect method of age determination, and the more data a method collects, the greater risk it poses to consumer privacy²² and small business sustainability.²³ 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.²⁴ The report found that “smaller companies may not be able to sustain their business” if forced to implement costly age verification 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.”²⁵

Additionally, age verification software does not process all populations with equal accuracy. The National Institute of Standards and Technology (NIST) recently published a report evaluating six software-based age estimation and age verification tools that estimate a person's age based on the physical characteristics evident in a photo of their face.²⁶ The report notes that facial age estimation accuracy is strongly influenced by algorithm, sex, image quality, region-of-birth, age itself, and interactions between those factors, with false positive rates varying across demographics, generally being higher in women compared to men. CCIA encourages lawmakers to consider the current technological limitations in providing reliably accurate age estimation tools across all demographic groups.

Terms such as “addiction” or “addictive” in this online context lack adequate scientific foundation.

Humans engage in various compulsive and repetitive behaviors — some of which may negatively impact physical and/or mental health. These could range from binge eating unhealthy foods to exercising excessively to watching favorite shows for hours on end. However, these behaviors do not necessarily amount to “addictions”. The most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision (DSM-5-TR)* declined to include definitions for “Internet gaming disorder,” “Internet addiction,” “excessive use of the Internet,” or “excessive use of social media,” noting that “[g]ambling disorder is currently the only non-substance-related disorder included in the *DSM-5-TR* chapter ‘Substance-Related and Addictive Disorders.’”²⁷

²² 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/>.

²³ 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>.

²⁴ *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.

²⁵ *Id.* at 10.

²⁶ Kayee Hanaoka et al., *Face Analysis Technology Evaluation: Age Estimation and Verification (NIST IR 8525)*, Nat'l Inst. Standards & Tech. (May 30, 2024), <https://doi.org/10.6028/NIST.IR.8525>.

²⁷ Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision* (2022).

Much research on social media and adolescent health (including the National Academies of Sciences, the University of Oxford, the American Psychological Association, and the Journal of Pediatrics) has found that social media does not cause changes in adolescent health at the population level.²⁸ Even the Surgeon General's Social Media and Youth Mental Health advisory acknowledges the benefits of social media, including social connection, information sharing, and civic engagement.²⁹ Indeed, as a federal court recently noted, "nearly all of the research showing any harmful effects" for minors on social media "is based on correlation, not evidence of causation."³⁰

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,³¹ individualized, reciprocal over time, and gender-specific. Indeed, as the Ohio court noted above, "nearly all of the research showing any harmful effects" for minors on social media "is based on correlation, not evidence of causation."³²

Humans engage in various compulsive and repetitive behaviors — some of which may negatively impact physical and/or mental health. These could range from binge eating unhealthy foods to exercising excessively to watching favorite shows for hours on end. However, these behaviors do not necessarily amount to "addictions". The most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision (DSM-5-TR)* declined to include definitions for "Internet gaming disorder," "Internet addiction," "excessive use of the Internet," or "excessive use of social media," noting that "[g]ambling disorder is currently the only non-substance-related disorder included in the *DSM-5-TR* chapter 'Substance-Related and Addictive Disorders.'"³³

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We appreciate your consideration of these comments and welcome opportunities to provide additional feedback on this and other technology policy matters.

Sincerely,

Kyle J. Sepe
Regional State Policy Manager, Northeast
Computer & Communications Industry Association

²⁸ Regina Park, *The Internet Isn't Harmful to Your Mental Health, Oxford Study Finds*, Disruptive Competition Project (Jan. 29, 2024), <https://project-disco.org/innovation/the-internet-isnt-harmful-to-your-mental-health-oxford-study-finds/>.

²⁹ Mike Masnick, *Warning: Believing The Surgeon General's Social Media Warning May Be Hazardous To Teens' Health*, Techdirt (June 18, 2024), <https://www.techdirt.com/2024/06/18/warning-believing-the-surgeon-generals-social-media-warning-may-be-hazardous-to-teens-health/>.

³⁰ *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at 43 (S.D. Ohio Apr. 16, 2025).

³¹ 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>.

³² *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at *21 (S.D. Ohio Apr. 16, 2025).

³³ Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision* (2022).