



June 13, 2025

Joint Committee on Education
24 Beacon St.
Room 511-B
Boston, MA 02133

Re: S 335 - "An Act promoting safe technology use and distraction-free education for youth" (Oppose)

Dear Chair Lewis, Chair Gordon, and Members of the Joint Committee on Education:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose S 335 in advance of the Joint Committee on Education hearing on June 17, 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 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 for social media sites has also faced numerous successful constitutional challenges. Federal courts in Arkansas and Ohio have held that such laws violate both the First Amendment's guarantee of free speech and the Fourteenth Amendment's Due Process Clause. 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 . . . ;

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/>.

they impose *governmental* authority, subject only to a parental veto.”⁴ Missouri proposes a similar state-mandated system within the rule, and does not allow parents to make decisions about their child’s internet use.

A similar Ohio law was also found to violate the Fourteenth Amendment’s Due Process Clause, in part because it exempted the indefinite category of “‘established’ and ‘widely recognized’ media outlets whose ‘primary purpose’ is to ‘report news and current events,’” with the court concluding that “Such capacious and subjective language practically invites arbitrary application of the law.”⁵

Numerous other federal judges have placed similar laws on hold until challenges can be fully reviewed, including in California,⁶ Florida,⁷ Mississippi,⁸ Texas,⁹ and Utah.¹⁰ In California, the Ninth Circuit recently issued a temporary stay against a state law with many similar provisions¹¹ after the District Court found the law to be “content-based on its face”¹² and to “likely fail strict scrutiny.”¹³ 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.”¹⁴ 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 assurance tools estimate users’ ages imperfectly.

There is no perfect method of age assurance, and the more data a method collects, the greater risk it poses to consumer privacy¹⁵ and small business sustainability.¹⁶ 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.¹⁷ The report found that “smaller companies may not be able to sustain their business” if forced to implement costly age

⁴ *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).

⁵ *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at *36 (S.D. Ohio Apr. 16, 2025).

⁶ 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).

⁷ See, e.g., *CCIA v. Uthmeier*, No. 24-cv-438, 2025 WL 1570007 (N.D. Fla. June 3, 2025).

⁸ See, e.g., *NetChoice v. Fitch*, No. 24-cv-00170, 2024 WL 3276409 (S.D. Miss. July 1, 2024).

⁹ See, e.g., *CCIA v. Paxton*, 747 F. Supp. 3d 1011 (W.D. Tex. 2024).

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

¹¹ *NetChoice v. Bonta*, No. 24-cv-07885 (9th Cir. Jan. 28, 2025) (order granting motion for injunctive relief).

¹² *NetChoice v. Bonta*, No. 22-cv-08861, 2025 WL 807961, at *6 (N.D. Cal. Mar. 13, 2025).

¹³ *Id.* at *14.

¹⁴ *Uthmeier* at *1.

¹⁵ 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/>.

¹⁶ Engine, *More Than Just a Number: How Determining User Age Impacts Startups* (Feb. 2024), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/66ad1ff867b7114cc6f16b00/1722621944736/More+T+han+Just+A+Number+-+Updated+August+2024.pdf>.

¹⁷ *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.

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.”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.

As noted above, the First Amendment, including the right to access information, is applicable to teens.¹⁹ 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.²⁰

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,²¹ 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.²² 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.”²³

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.

Mandatory warning labels—especially when not backed by research—raise First Amendment concerns.

The bill would require a covered entity to “present a warning to minor users on the negative effects of social media use on social, emotional and physical health” “upon account activation and every 30 days thereafter” and would “require the minor user to acknowledge the warning before proceeding to use” the service.

¹⁸ *Id.* at 10.

¹⁹ See, e.g., *Reno v. ACLU*, 521 U.S. 844, 874-75 (1997); *Yost* at *15.

²⁰ *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/>.

²¹ 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>.

²² 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>.

²³ *Yost* at *21 (internal quotation marks omitted).

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.²⁴ 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.²⁵ 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.”²⁶

Mandated warning labels raise First Amendment concerns and have been ruled “compelled speech.”²⁷ This is important to note especially as many federal courts have ruled against state-imposed content regulations on digital services.²⁸ Courts have permitted certain mandated warning labels, but only in cases when the science is absolute and incontrovertible, such as cigarette warnings.²⁹

Further, a warning provided too often is ineffective due to a phenomenon called “alert fatigue” or “alarm fatigue.” The constant repetition of a warning leads users to be more likely to completely ignore the warning. This has appeared in contexts ranging from cookie warnings under the General Data Protection Regulation (GDPR)³⁰ to medical equipment alerts for nurses.³¹

The proposed remedies could result in exorbitant statutory damages.

Several times in Section 4 the bill references “unwanted or harmful” (or “harmful or unwanted”) content or activity. There is a big difference between what might cause harm, and what might be unwanted at any given time—especially by a teenager. This is especially concerning as the bill states that “[a] violation of section 4 shall be punished by a civil fine of not more than \$1 million,” and “[e]ach day that a violation of section 4 occurs” “considered a separate violation under this section.”

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²⁴ 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/>.

²⁵ 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/>.

²⁶ *NetChoice v. Yost*, No. 2:24-cv-00047, 2025 WL 1137485 at *21 (S.D. Ohio Apr. 16, 2025).

²⁷ Aaron Mackey & Jason Kelley, *The Surgeon General’s Fear-Mongering, Unconstitutional Effort to Label Social Media*, EFF Deeplinks Blog (June 17, 2024), <https://www.eff.org/deeplinks/2024/06/no-online-speech-should-not-have-warning-labels>.

²⁸ Mike Masnick, *California Politicians Embarrass Themselves By Calling For ‘Warning Labels’ On Social Media*, Techdirt (Sept. 12, 2024), <https://www.techdirt.com/2024/09/12/california-politicians-embarrass-themselves-by-calling-for-warning-labels-on-social-media/>.

²⁹ Clay Calvert, *A Warning Against Warning Labels on Social Media Platforms*, AEIdeas (Jan. 28, 2025), <https://www.aei.org/technology-and-innovation/a-warning-against-warning-labels-on-social-media-platforms/>.

³⁰ See, e.g., Utz et al., *(Un)informed Consent: Studying GDPR Consent Notices in the Field*, CCS ’19: Proceedings of the 2019 ACM SIGSAC Conference on Computer and Communications Security 973 (2019), <https://dl.acm.org/doi/10.1145/3319535.3354212>.

³¹ See, e.g., Chen Shaoru et al., *Determinants of Medical Equipment Alarm Fatigue in Practicing Nurses: A Systematic Review* (2023), <https://journals.sagepub.com/doi/pdf/10.1177/23779608231207227>.



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,

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Computer & Communications Industry Association