



September 15, 2025

House Judiciary Committee
Attn: Karen Karwocki
107 North Main Street
Concord, New Hampshire 03301

Re: HB 293 - "Preventing Minors from Accessing Obscenity on Certain Electronic Devices with Internet Access" (Oppose)

Dear Chair Lynn and Members of the House Judiciary Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 293 in advance of the House Judiciary Subcommittee hearing on September 15, 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 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, NH 293 risks undermining those efforts and risks conflicts with federal law. Requiring a state-specific default filter would present significant technical difficulties for businesses. Typically, internet access providers (IAPs) govern which websites users can access. For example, known rogue sites are blocked by IAPs, not the manufacturer who produces the devices. Moreover, some devices do not have precise location-tracking technology or only connect via 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 does not adequately address the myriad options for purchasing devices from outside of New Hampshire. We appreciate the opportunity to further expand on our concerns with the proposed legislation.

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 June 10, 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/>.



Mandatory device filters remove users' ability to tailor preferences regarding content and services.

Mandating that a device activate a filter intended to prevent younger users from accessing certain content ignores the fact that adults, by and large, are the primary users of the cellular phone and tablet devices that the bill explicitly seeks to regulate. In the global economy, there are many products and services that we use that are not, by default, designed for younger users. For example, automobiles are designed with seats and seatbelts for adult consumers. However, car seats designed specifically for children's safety are available and recommended for use to ensure that children are as safe as possible when riding in an automobile.

Similarly, many devices and services have content filtering technologies that allow parents to individually tailor settings and preferences to enable both adults and children to make appropriate choices about the type of content and services they see and use. Such filters and settings, however, are not activated by default, and requiring their default activation could invite significant consumer confusion for unsuspecting adults. CCIA recommends allowing consumers to continue using such filters voluntarily, rather than mandating them.

Businesses operating online depend on clear regulatory certainty across jurisdictions nationwide.

Ambiguous and inconsistent state and local regulations undermine business certainty, creating significant confusion surrounding compliance. Such regulatory conflicts may deter new entrants, harming competition, innovation, and consumers. Devices sold into a national market are not and cannot be designed with functions that activate merely by crossing state borders.

Furthermore, HB 293 risks holding businesses liable based on indefinite criteria for "obscenity". Standards for differentiating art from obscenity rely on different community and cultural norms that vary considerably across small geographic areas. The notion that a device could accurately adapt to these dynamic and subjective norms as it is moved about is implausible and certain to result in over-filtering. This subjective standard would be especially concerning if used in lawsuits under the bill's private right of action, as further detailed below.

Investing sole enforcement authority with the state attorney general, providing a cure period, and studying potential costs to New Hampshire taxpayers would be beneficial to consumers and businesses alike.

HB 293 permits consumers to bring legal action against individuals and businesses that have been accused of violating new regulations. By creating a new private right of action, the measure would open the doors of New Hampshire's courthouses to plaintiffs advancing frivolous claims with little evidence of actual injury. The private right of action includes a cause of action against individual persons that could be weaponized in family court or disputes between co-parents. Lawsuits prove extremely costly and time-intensive — it is foreseeable that these costs would be passed on to individual consumers in New Hampshire, disproportionately impacting smaller businesses and startups across the state. Further, investing sole enforcement authority with the state attorney general allows for the leveraging



of technical expertise concerning enforcement authority, placing public interest at the forefront.

The bill also says people and manufacturers who disable filters “shall be guilty of a class B felony”—which could carry years in prison—even in cases where a minor only “may reasonably and foreseeably possess” a device. This seems to suggest that an adult who turned off restrictive content filters on their own personal device would automatically be a felon if a minor child, relative, neighbor, student, someone they babysit, etc. happens to use their device to access something arguably lacking “serious literary, artistic, political, or scientific value.”

CCIA also recommends that the legislation include a cure period of at least 30 days. This would allow good-faith actors to correct unknowing and technical violations, reserving formal lawsuits and penalties for the bad actors that the bill intends to address. This would also focus the government’s limited resources on enforcing the law’s provisions for those that persistently violate the law after being notified. Such notice allows consumers to receive injunctive relief without the time and expense of bringing a formal suit.

While the inclusion of an “absolute defense” if “the manufacturer reasonably believed, based on its demonstrable efforts to comply with the law, that the device did comply” is appreciated, it is unclear what constitutes a “reasonabl[e] belie[f]” in this context. Additionally, the proposed text of RSA 507-I:4 refers to “RSA 570-I:2” (rather than “RSA 507-I:2” like the rest of the bill), which may undermine this defense.

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Before advancing this legislation, we urge lawmakers to first study both the benefits and drawbacks of these proposed requirements and to engage with practitioners and stakeholders to support the ongoing development of practicable solutions.

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

Sincerely,

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