

January 26, 2026

House Committee on Appropriations
John L. O'Brien Building
P.O. Box 40600
Olympia, WA 98504-0600

Re: HB 1834 – "Relating to protecting Washington children online" (Oppose)

Dear Chair Ormsby, Ranking Member Couture, and Members of the Appropriations Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 1834. 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, 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. While CCIA shares the goal of increasing online safety, this bill presents the following concerns.

HB 1834's method of designating covered services violates the First and Fourteenth Amendments.

In 2024, the Supreme Court ruled that “regulating the content-moderation policies that the major platforms use for their feeds... to change the speech that will be displayed there... is a

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/>.

preference” that states “may not impose.”⁴ However, HB 1834 mandates specific design requirements and prohibits certain commonly used features such as notifications and engagement mechanisms. By broadly controlling how services organize, present, and prioritize information to users, the bill creates content-based restrictions on speech that raise serious First Amendment concerns.

Moreover, HB 1834 regulates online services based on whether they are “likely to be accessed by minors.” Multiple federal courts have found regulating online services on this basis to be unconstitutional. Last year a federal court found that a California law regulating providers on this basis was “content-based on its face”⁵ and “likely to fail strict scrutiny.”⁶ Months later, an Ohio court found such language to be unconstitutionally vague in violation of the Fourteenth Amendment, noting that “this expansive language would leave many operators unsure as to whether it applies to their website.”⁷

Terms such as “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. Compulsive behaviors could range from binge eating unhealthy foods to exercising excessively to watching favorite shows for hours on end. However, certain regular activities 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.’”⁸

The connected nature of social media has led to allegations that online services are negatively impacting teenager’s mental health. Researchers argue that this theory is not well supported by existing evidence and often mirrors the “moral panic” associated with new technologies. Studies from the leading universities indicate that depression has virtually no causal relation to special media use. The effects are nuanced,⁹ individualized, reciprocal, and gender-specific. This complexity was reinforced when the U.S. Surgeon General released an Advisory entitled *Social Media and Youth Mental Health*. Many were quick to highlight only the harms and risks it detailed. However, the Advisory is much more complex and also discusses many potential benefits of social media use among children and adolescents. For example, the Advisory concludes that social media provides young people with communities and connections with others who share identities, abilities, and interests.¹⁰ It can also provide access to important

⁴ *Moody v. NetChoice*, 144 S. Ct. 2383, 2408 (2024).

⁵ *NetChoice v. Bonta*, 770 F. Supp. 3d 1164, 1186 (N.D. Cal. 2025).

⁶ *Id.* at 1195.

⁷ *NetChoice v. Yost*, 778 F. Supp. 3d 923, 957 (S.D. Ohio 2025).

⁸ Am. Psychiatric Ass’n, *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision* (2022).

⁹ 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>.

¹⁰ Off. of the Surgeon Gen., U.S. Department of Health & Human Services, *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory, Social Media Has Both Positive and Negative Impacts on Children and Adolescents* (2023), <https://www.ncbi.nlm.nih.gov/books/NBK594763/>.

information and create spaces for self-expression. Research further details that social media can especially benefit marginalized youth, including racial, ethnic, sexual, and gender minorities, as online peer support can mitigate the stresses they face.¹¹

Without any medical consensus on the topic, private businesses cannot be expected to make coherent or consistent diagnostic assessments of what might constitute an “addictive feed” or “addictive internet-based service or application.” Compounding these problems, the definitions in HB 1834 of “addictive feed” and “addictive internet-based service or application” are not even based on any criteria tangentially related to “addiction.” Rather, the bill posits that a feed whose content is generated “based, in whole or in part, on information provided by the user, or otherwise associated with the user or the user’s device” is an allegedly “addictive feed.” Such a definition is highly counterintuitive: a simpler and clearer approach would be to specify what types of data businesses may process under what circumstances, rather than attempting to relate such rules to vague concepts like “addiction.”

Requirements under HB 1834 are not administrable or well defined, creating serious compliance questions for both businesses and users.

The bill’s definitions section begins with the phrase “unless the context clearly requires otherwise,” followed by definitions of the key terms. If the bill’s definitions can be altered based on a concept as vague as “context,” a covered social media platform cannot know in advance whether it is complying with the law or not.

Many of the specific requirements for covered businesses are similarly vague. For instance, Section 2(1) applies to products and services that are “reasonably likely to be accessed by minors” without any indication as to how covered businesses can objectively assess such likelihood. Such businesses must “estimate the age of minor users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business” or apply the data protections they afford to minors to all users. A covered business has no way of knowing what law enforcement would consider “a reasonable level of certainty appropriate to the risks” of their practices. Similarly, Section 2(2) requires covered businesses to implement age assurance measures that are “proportionate to the risks and data practice of an online service, product, or feature.” These are highly subjective requirements that cannot be enforced in a non-arbitrary manner.

If enacted, HB 1834 may result in denying services to all users under 18, limiting their ability to find supportive communities.

The lack of narrowly tailored definitions, as discussed above, could incentivize businesses to simply prohibit minors from using digital services rather than face potential legal action and hefty fines for non-compliance. The First Amendment, including the right to access information, is applicable to teens.¹² Moreover, requiring businesses to deny access to social

¹¹ *Id.*; see also Jennifer Marino et al., *Social Media Use and Health and Well-being of Lesbian, Gay, Bisexual, Transgender, and Queer Youth: Systematic Review*, *J. Med. Internet Resch.* (Sept. 22, 2021), <https://www.jmir.org/2022/9/e38449>.

¹² See, e.g., *Reno v. ACLU*, 521 U.S. 844, 874-75 (1997).

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.¹³

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.

Currently available tools to conduct age determination are imperfect in estimating users' ages.

There is no perfect method of age determination, and the more data a method collects, the greater risk it poses to consumer privacy¹⁴ and small business sustainability.¹⁵ 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.¹⁶ 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."¹⁷

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.¹⁸ 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.

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¹³ *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/>.

¹⁴ 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/>.

¹⁵ Engine, *More Than Just a Number: How Determining User Age Impacts Startups* (Feb. 2024), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/65d51f0b0d4f007b71fe2ba6/170846593202/Engine+Report++More+Than+Just+A+Number.pdf>.

¹⁶ *Age Assurance: Guiding Principles and Best Practices*, Dig. Tr. & Safety P'ship (Sept. 2023), https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf.

¹⁷ *Id.* at 10.

¹⁸ 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>.



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
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Computer & Communications Industry Association