



**March 17, 2026**

House Committee on Judiciary Finance and Civil Law  
Centennial Office Building  
658 Cedar St.  
Saint Paul, MN 55155

**Re: HF 4138 - “Stop Harms from Addictive Social Media Act” (Oppose)**

Dear Chair Scott, Chair Liebling, and Members of the House Committee on Judiciary Finance and Civil Law:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HF 4138. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> Proposed regulations on the intrastate provision of digital services therefore can have a significant, nationwide impact on CCIA members.

CCIA firmly believes that children are entitled to security and privacy online. Our members have designed and developed 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.<sup>2</sup> However, while CCIA shares the goal of increasing online safety for minors, HF 4138 introduces significant constitutional, operational, and privacy concerns that would negatively impact Minnesota residents and businesses.

**HF 4138’s method of designating covered services violates the First and Fourteenth Amendments.**

HF 4138 covers online services based in part on whether they have the “primary purpose of posting and viewing information, comments, messages, images, or videos”. Multiple federal courts have found this method of designating covered services to violate the First Amendment’s prohibition on content-based speech restrictions and/or the Fourteenth Amendment’s prohibition on vague laws.<sup>3</sup> As it is impossible to objectively determine whether a given “purpose” of an online service is its “primary” one, such services will not know whether the law applies to them. As an Arkansas federal court recently explained when invalidating a similarly worded statute, the law’s framing “does not define... a term critical to determining

<sup>1</sup> 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>.

<sup>2</sup> Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

<sup>3</sup> See, e.g., *NetChoice v. Jones*, No. 1:25-cv-02067 at \*16-19 (E.D. Va. Feb. 27, 2026); *NetChoice v. Murrill*, No. 25-231, 2025 WL 3634112 at \*86-88 (M.D. La. Dec. 15, 2025); *NetChoice v. Yost*, 778 F. Supp. 3d 923, 952-58 (S.D. Ohio 2025); *NetChoice v. Griffin*, No. 23-cv-05105, 2025 WL 978607 at \*34-40 (W.D. Ark. Mar. 31, 2025); *SEAT v. Paxton*, 765 F. Supp. 3d 575, 594 (W.D. Tex. 2025); *CCIA v. Paxton*, 747 F. Supp. 3d 1011, 1032-24 (W.D. Tex. 2024).

which entities fall within its scope,”<sup>4</sup> thereby “leaving companies to guess whether their online services are covered.”<sup>5</sup>

The above phrasing further violates the First Amendment by regulating speech based on a digital service’s content. As a Virginia federal court recently explained, “creat[ing] an exemption for content preselected by the provider and not generated by users... favors provider-selected speech over user generated speech.... precisely the type of speaker preference the Supreme Court declared should be treated as content-based.”<sup>6</sup> Several other federal courts have found such content-based regulation of digital service to be unconstitutional as well.<sup>7</sup>

### **The bill’s requirements are not well-defined.**

HF 4138 requires covered services to use “commercially reasonable” age estimation methods, but does not specify which methods are “commercially reasonable.” Similarly, the bill covers account holders when the covered service “knows or should reasonably know the account holder is physically located in the state”, without specifying when the service “should reasonably know” this information. It uses similarly vague language to define covered services’ obligations to update their user age estimates, requiring that “reasonable means and reasonable efforts” be used but not clarifying which methods fall into this category. These subjective requirements do not provide covered services sufficient clarity to know if they are violating the law.

### **The bill’s requirements undermine user privacy for users of all ages.**

As the bill does not specify whether any given age assurance method is “commercially reasonable” and requires covered services to update some users’ age estimates every 100 hours, covered businesses will effectively be forced to institute privacy-invasive age verification measures to ensure that they are in compliance. Requiring disputes about users’ ages to be resolved by age verification compounds this problem. Furthermore, since the bill does not specify when a covered service “should reasonably know the account holder is physically located in the state”, these services will be effectively forced to build location-based service tracking into their products to determine if users are in Minnesota. Likewise, the bill’s parental consent requirements will inherently require companies to collect documentation capable of verifying a parental relationship, and such documents will inherently contain sensitive identifying information.

These requirements run contrary to the data minimization principles underlying federal and international best practices for privacy protection.<sup>8</sup> Requiring individuals to share sensitive personal information with third parties, including IDs or biometrics, can make recipients a

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<sup>4</sup> *Griffin*, 2025 WL 978607 at \*36.

<sup>5</sup> *Id.* at \*37.

<sup>6</sup> *Jones*, No. 1:25-cv-02067 at \*18 (cleaned up) (quoting *Reed v. Town of Gilbert*, AZ, 576 U.S. 155, 170 (2015)).

<sup>7</sup> *See, e.g., Murrill*, 2025 WL 3634112 at \*62; *Yost*, 778 F. Supp. 3d at 953; *Griffin*, 2025 WL 978607 at \*22-24.

<sup>8</sup> *See, e.g., Fair Information Practice Principles (FIPPs)*, Fed. Privacy Council, <https://www.fpc.gov/resources/fipps/>; *Principle (c): Data Minimisation*, U.K. Info. Comm’r Off., <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/data-minimisation/>.

prime target for identity theft, cyberattacks, or other data breaches.<sup>9</sup> Such dangers are far from hypothetical: several of the most devastating data breaches in recent years are directly attributable to age verification requirements.<sup>10</sup> Furthermore, government officials could access this sensitive data through enforcement inquiries and processes.

The more data a service is forced to collect, the greater risk it poses to consumer privacy and small business sustainability.<sup>11</sup> A recent Digital Trust & Safety Partnership (DTSP) report, *Age Assurance: Guiding Principles and Best Practices*, 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.”<sup>12</sup>

The Commission Nationale de l’Informatique et des Libertés (CNIL) analyzed several existing online age verification solutions but found that none of these options could satisfactorily meet three key standards: 1) providing sufficiently reliable verification; 2) allowing for complete coverage of the population; and 3) respecting the protection of individuals’ data, privacy, and security.<sup>13</sup> Though the intention to keep kids safe online is commendable, this bill undermines that initiative by requiring more data collection about young people.

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

The bill’s broad definition of “addictive interface features” uses the term “addiction” outside its defined scientific context. 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.’”<sup>14</sup>

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<sup>9</sup> Shoshana Weissmann, *Age-Verification Legislation Discourages Data Minimization, Even When Legislators Don’t Intend That*, R St. Inst. (May 24, 2023),

<https://www.rstreet.org/commentary/age-verification-legislation-discourages-data-minimization-even-when-legislators-dont-intend-that/>.

<sup>10</sup> See, e.g., Mark Tsagas, *Online Age Checking Is Creating a Treasure Trove of Data for Hackers*, The Conversation (Nov. 11, 2025),

<https://theconversation.com/online-age-checking-is-creating-a-treasure-trove-of-data-for-hackers-268586>.

<sup>11</sup> Engine, *More Than Just a Number: How Determining User Age Impacts Startups* (Aug. 2024),

<https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/66ad1ff867b7114cc6f16b00/1722621944736/More+Than+Just+A+Number+-+Updated+August+2024.pdf>.

<sup>12</sup> *Age Assurance: Guiding Principles and Best Practices*, Digital Trust & Safety Partnership (Sept. 2023) at 10,

[https://dtspartnership.org/wp-content/uploads/2023/09/DTSP\\_Age-Assurance-Best-Practices.pdf](https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf).

<sup>13</sup> *Online Age Verification: Balancing Privacy and the Protection of Minors*, CNIL (Sept. 22, 2022),

<https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.

<sup>14</sup> Am. Psychiatric Ass’n, *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition Text Revision* (2022).

The connected nature of social media has led to allegations that online services are negatively impacting teenager’s mental health. However, researchers argue that this theory is not well supported by existing evidence and often mirrors the “moral panic” associated with new technologies. 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.<sup>15</sup> 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.<sup>16</sup> 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.”<sup>17</sup>

### **To avoid restricting teens’ access to information, HF 4138 should regulate users under 13 rather than 15 in accordance with established practices.**

HF 4138’s regulations apply to individuals less than 15. Due to the nuanced ways in which children and teens use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 14-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 scope of covered users to be minors under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard.<sup>18</sup> 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.

### **The bill’s private right of action would result in the proliferation of costly and questionable claims based on subjective criteria.**

HF 4138 permits a private right of action for actual damages plus \$10,000 in statutory damages where a violation was reckless or knowing. By creating a new private right of action, this measure would open the doors of state courthouses to plaintiffs advancing costly, time-intensive claims based on subjective criteria. The vague standards in this provision necessitate fact-specific inquiries that make courts reluctant — or unable — to dismiss claims until more facts can be gathered in the discovery phase. These new dynamics would significantly affect litigants’ incentives. If defendants are routinely forced past the motion to dismiss phase and into full discovery, the cost of litigation itself becomes a coercive force, encouraging settlements unrelated to the strength of the legal claims. These costs would be passed on to individuals in Minnesota, disproportionately impacting smaller businesses and

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<sup>15</sup> 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/>.

<sup>16</sup> 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/>.

<sup>17</sup> *NetChoice v. Yost*, 778 F. Supp. 3d 923, 955 (S.D. Ohio 2025).

<sup>18</sup> See 15 U.S.C. § 6501(1).



startups across the state.<sup>19</sup> CCIA therefore recommends granting the state exclusive enforcement authority and adding a right to cure period to ensure that such costly litigation arises only when necessary.

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We appreciate your consideration of CCIA’s comments and stand ready to provide additional information as you consider proposals related to technology policy.

Sincerely,

Megan Stokes  
State Policy Director  
Computer & Communications Industry Association

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<sup>19</sup> Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021), <https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/>.