



April 22, 2024

The Honorable Garlan Gudger  
Chairperson  
Alabama Senate Fiscal Responsibility and Economic Development Committee  
11 South Union Street Suite  
Montgomery, AL 36130

CC: Members of the Alabama Senate Fiscal Responsibility and Economic Development Committee

**Re: Opposition to House Bill 167**

Dear Chair Gudger:

On behalf of CTIA®, the trade association for the wireless communications industry, I write to you in opposition to HB 167, which would mandate state-specific content filtering requirements on tablets and smartphones. While well intentioned, HB 167 is neither necessary nor practicable. The wireless industry has a longstanding commitment to provide parents and guardians with resources to help ensure a safe online experience for their children, and CTIA and its members have been at the forefront of educating parents and guardians about online safety. The wireless industry already offers products and services to consumers – many for free – on a nationwide basis. Setting state-specific requirements on devices would be unfeasible.

Manufacturers already have content filtering technologies and parental controls on devices that help adults and children make positive digital choices everywhere they browse. These easily accessible controls allow parents and guardians to restrict not only internet content, but also the types of applications that can be downloaded. Manufacturers also already offer functionalities for parental approval before apps can be downloaded and that allow parents to set usage limits on apps, websites, and internet content – allowing parents and guardians to make informed decisions about how their children use the internet and wireless devices. Moreover, wireless providers themselves offer additional services and tools that enable parents and guardians to determine the internet and app content their children can access.

The wireless industry has created a wide range of resources to enable parents and guardians to choose the right digital experience for their family. For example, Mobile Parent ([www.MobileParent.org](http://www.MobileParent.org)) – a recent campaign the wireless industry created together – provides educational materials and industry-backed tools for the parents and guardians of connected children. It details parental control features and offers guides and tips for safe mobile device usage.

Specifically, we rebranded this website and ran a broad awareness campaign that included social media ads and local advertisements. This rebranding and awareness campaign was a response to previous comments made by legislators that they either didn't know about Mobile Parent or that the



industry wasn't doing enough to raise awareness. In Alabama, we generated a combined total of 1.4 million impressions, mostly driven by our display ad campaign, reaching areas like Birmingham, Huntsville, Mobile, Montgomery and Tuscaloosa. We also ran Facebook ads in Alabama which accounted for more than 260,000 impressions of the 1.4 million total. CTIA heard concerns and has responded with specific actions since the last session.

Instead of a government-mandated one-size-fits-all filtering requirement, like HB 167, the most effective approach to ensuring the digital safety of children is through parental empowerment and educational collaboration – policymakers and all stakeholders working together to educate consumers about the tools that are available to them, especially in today's ever-evolving world of technology.

By contrast, HB 167 sets technically infeasible requirements as it is uncertain how its mandates would work in practice across applications and content – from books and movies to music and video – with respect to setting filters. Mandating Alabama-specific technical requirements on devices sold nationally is also unworkable. Operating systems and other functionalities are not designed on a state-by-state basis. This legislation would add significant complexity for businesses notwithstanding best efforts to comply and would create additional confusion for consumers at the point of purchase. If enacted, HB 167 could have the unintended consequence of inadvertently blocking important information or information wireless providers may be legally required not to block. For example, while the bill defines “obscenity,” filtering software will not be so nuanced as to allow content that may contain useful or helpful information, including for adults who sign up for service but would automatically have filtering turned on.

HB 167 could harm Alabamans by driving away innovation and acting as a disincentive for investment and development. Wireless jobs and investment continue to rise across America; today, the wireless industry supports over 4.5 million jobs and contributes roughly \$825 billion annually to the American economy. Basic economics dictates that it would almost certainly not be cost-effective for major manufacturers to create one set of devices for 49 states, and a different set for Alabama alone.

Instead of targeting well-intentioned actors who are actively working to mitigate the risks of the Internet for children, a more appropriate approach to protecting children would be to impose additional restrictions on commercial entities that knowingly and intentionally publish or distribute a substantial portion of content that could be considered obscene content. The Alabama Legislature recently passed, and the Governor signed into law, House Bill 164, which appropriately places restrictions on those knowingly and intentionally creating the obscene content. At least nine other states have followed this path as well:

- 1) Arkansas (Ark. Code § 4-88-1301 et seq.);
- 2) California (Cal. Civ. Code § 1798.99.28 et seq.);
- 3) Louisiana (La. Rev. Stat. § 51:2121);
- 4) Mississippi (Miss. Code § 11-77-1 et seq.);
- 5) Montana (Mont. Code § 30-14-159);



- 6) North Carolina (N.C. Laws 2023-132 (H.B. No. 8));
- 7) Texas (Tex. Civ. Prac. & Rem. Code § 129B.001 et seq.);
- 8) Utah (Utah Code § 78B-3-1001 et seq.);
- 9) Virginia (Va. Code § 8.01-40.5).

We applaud the efforts already taken by the state to enact HB 164 into law. This new law coupled with the numerous resources and technologies our industry provides will allow parents to choose the right digital experience to protect their children from obscene content, while avoiding the substantial burdens of imposing technically infeasible requirements on manufacturers and the unachievable task of determining what content is deemed appropriate for a family's children.

The wireless industry takes the issue of child safety seriously by offering tools with the capability to block content and will continue to do so.

CTIA and its members respectfully urge you not to move HB 167.

Sincerely,

Mike Blank  
Director of State Legislative Affairs