



May 22, 2023

The Honorable Garlan Gudger
Chair
Senate Fiscal Responsibility and Economic Development Committee
Alabama State House - Suite 825
11 South Union Street
Montgomery, AL 36130-4600

The Honorable April Weaver
Vice Chair
Senate Fiscal Responsibility and Economic Development Committee
Alabama State House - Suite 825
11 South Union Street
Montgomery, AL 36130-4600

The Honorable Vivian Figures
Ranking Minority Member
Senate Fiscal Responsibility and Economic Development Committee
Alabama State House - Suite 825
11 South Union Street
Montgomery, AL 36130-4600

Subject: Alabama House Bill 298

Dear Chair Gudger, Vice Chair Weaver and Ranking Minority Member Figures:

I am writing to express the Software and Information Industry Association's (SIIA) opposition to HB 298, which has passed the Alabama House of Representatives and been referred to the Senate Fiscal Responsibility and Economic Development Committee.

By way of background, SIIA is a trade association representing over 450 companies in the software, digital content, and information industries. Our members include the nation's leading publishers and innovative developers of digital products and services for K-20 education, as well as financial information providers, creators of software and platforms used by millions worldwide, and companies specializing in data analytics and information services.

We appreciate the intent of the sponsors to enact policies that protect children and teenagers in Alabama from inappropriate content online. We acknowledge and support the broad agreement by state and federal lawmakers about the need to protect children's privacy and safety. We agree that establishing legal guardrails for businesses is important. However, we are concerned that the approach reflected in HB 298 is technologically unfeasible, will not solve the





concerns that animated the legislation, and will create new problems that require further attention by the Alabama legislature and the courts.

Device manufacturers and software providers have developed a range of content filtering and blocking solutions that enable parents to protect their children from accessing inappropriate content and empower parents to set limitations on how their children use mobile devices and the internet. These tools provide parents (and other consumers) with ways to block children from accessing particular services, applications, and websites, to manage children's online accounts, and to monitor children's online usage.

These tools require some level of consumer (e.g., parental) involvement, because it is not technologically feasible to install a "switch" that automatically blocks certain groups of consumers (e.g., minors) from accessing content across the internet and any number of online applications that meet certain criteria. HB 298's requirement that device manufacturers embed all new devices with a filtering mechanism that automatically detects and blocks a minor from accessing any harmful content calls for technology that does not exist and is not possible.

Even were the technological requirements of HB 298 possible, we would remain concerned about how HB 298 makes device manufacturers responsible for determining what constitutes content harmful to minors. This includes interpreting phrases subject to multiple meanings, such as "patently offensive" and "prevailing standards in the adult community as a whole." We fear that applying the terms of HB 298 would inevitably generate public outcry from those concerned that a device manufacturer has inadvertently blocked lawful content or inadvertently failed to block inappropriate content. This creates significant legal risk that may ultimately cause device manufacturers to reconsider providing products and services to residents of Alabama.

An alternative approach, such as the one contained in HB 441 and in [legislation that recently took effect in Louisiana](#), provides a workable solution that will help to achieve the goals of the HB 298 sponsors. This approach puts the onus on the publishers and distributors of material harmful to minors, rather than on the manufacturer of devices that may be used to access that content. In addition, we urge further education of parents and other consumers about the availability of *already available* tools, such as content filters, that empower parents to set parameters for their children's use of the internet.

Thank you for considering our views.

Respectfully submitted,





A handwritten signature in purple ink, appearing to read "Paul Lekas".

Paul Lekas
Senior Vice President, Global Public Policy and Government Affairs
Software & Information Industry Association

