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February 27, 2023

The Honorable C.T. Wilson, Esq.
Taylor House Office Building, Room 231
6 Bladen Street, Annapolis, MD 21401

RE: HB 1082 - Protection of Minors from Unfiltered Devices

Dear Chair Wilson and Members of the Economic Matters Committee,

On behalf of TechNet's member companies, I respectfully submit this letter of opposition to HB 1082, protection of minors from unfiltered tablets and smart phones.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over five million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, and Washington, D.C.

While TechNet understands the intent of this legislation, the approach outlined in the bill is neither feasible nor advisable, and we therefore are opposed to the bill in its current form.

Currently, there are many paid and free content filtering and blocking solutions available to the public that enable consumers to protect their families from illegal or inappropriate content. These solutions are widely available as both integrated and independent solutions for a wide range of technologies. Completely reliable identification, blocking, and filtering capabilities like the bill calls for, however, are not technologically feasible, and therefore compliance with HB 1082 would not be possible. For example, an inevitable but unintended consequence of HB 1082 would be the inadvertent blocking of legal, non-obscene content, which would limit Marylanders' access to legitimate information. The definition "Harmful to Minors" is also incredibly broad, further leading to inadvertent restriction of age-appropriate material.

Additionally, the legislation would place device manufacturers in the impossible role of deciding what content is obscene and whether it should be restricted. If a private company inadvertently blocked lawful content, the company would face public backlash from website owners and users, including potential civil liability and monetary damages. The courts, working closely with law enforcement, are the only lawful authority in the position to make these determinations.

The bill also contains a private right of action, as well as several fines. Private rights of action encourage an abundance of frivolous lawsuits and costly litigation. Companies should be focusing their resources on supporting digital citizenship and online safety education, as opposed to focusing time and resources on costly and time-consuming litigation.

Finally, products are not manufactured in a manner that tailors them to consumers living in a specific state. Tablets and smart phones are the result of years-long design efforts, incredibly complicated international supply chains, mass production, and global shipping to consumers. Manufacturers are unable to design operating systems on a state-by-state basis.

Our members work with law enforcement, educational institutions, government agencies, and a wide range of organizations to provide consumer education to help protect children and adults from illegal and distasteful content on the internet. An educated consumer armed with technology is always the best protection against unwanted online interactions.

TechNet appreciates your consideration of this important issue and opposes the bill in its current form. If you have any questions, please don't hesitate to reach out.

Sincerely,

Margaret Durkin

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