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THE VOICE OF THE
INNOVATION ECONOMY

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February 21, 2025

The Honorable C.T. Wilson
Chair
House Economic Matters Committee
Maryland House of Delegates
230 Taylor House Office Building
6 Bladen Street, Annapolis, MD 21401

RE: HB 1212 (McComas) - Criminal Law - Obscene Material - Device Filters – Unfavorable

Dear Chair Wilson and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on HB 1212 related to device filters.

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 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, Tallahassee, and Washington, D.C.

TechNet's member companies prioritize the safety and well-being of minors who access their platforms and devices. Our members strongly believe children deserve a heightened level of protection, and TechNet members have been at the forefront of raising the standard for digital well-being across the industry by creating new features such as settings, parental tools, and protections that are age-appropriate, empower families to create the online experience that fits their needs, and are tailored to the differing developmental needs of young people

TechNet is concerned with the operational challenges HB 1212 poses. 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 1212 would be difficult. For example, an inevitable but unintended consequence of HB 1212 would be the inadvertent blocking of legal, non-obscene content, which would limit Maryland's citizens access to legitimate information.

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 contains a private right of action, which encourages 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 expensive 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. For the above state reasons, TechNet is opposed to this bill. Thank you for your time and we look forward to continuing these discussions with you.

Sincerely,



Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic