

**Rhode Island HB 5830, related to the  
creation of an online speech code**

**OPPOSITION TESTIMONY**

March 25, 2025

**Rhode Island General Assembly  
House Innovation and Technology Committee**

Chair Baginski, Vice-Chair Handy, Vice-Chair Carson and Members of the House Innovation and Technology Committee.

I write today in strong opposition to HB 5830, legislation that would follow other states' already failed attempt at instituting an online Speech Code.<sup>1</sup> This bill would mandate that online platforms censor lawful and constitutionally protected expression on behalf of the state. It is in direct violation of the constitution, has already failed when challenged in court, and will undermine privacy and cyber security protections of young people. The bill would invite immediate and costly legal challenges and would likely never go into effect.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members take teen safety seriously and have rolled out new features, settings, parental tools, and protections to better empower parents in monitoring their children's use of social media. We ask that you oppose the unconstitutional HB 5830 and instead focus legislative conversation about how best to protect minors online and consider alternatives that do not raise constitutional issues.

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<sup>1</sup> NetChoice v. Bonta (2022), [Third Time Still Not a Charm: Court Rules Against California Online Speech Code Again in NetChoice v. Bonta - NetChoice](#)

## **Online Speech Codes are already losing in court**

HB 5830 largely mirrors California’s unconstitutional Speech Code (and an import from the United Kingdom) which would impose sweeping restrictions on online speech through an unconstitutional regulatory regime masquerading as a data privacy law. This month, California’s Speech Code was fully enjoined by a federal judge. The judge prevented the bill from going into effect because NetChoice, as the plaintiff, will “likely succeed...under the First Amendment.”<sup>2</sup> Like similar laws recently enjoined nationwide, HB 5830 violates bedrock First Amendment principles through content-based restrictions that trigger and fail strict scrutiny. In recent oral arguments, the federal judge stated: “nothing shown to me shows that the [state] Legislature cared one whit about the Constitution. [California’s AADC] was not designed to pass successfully through the filter of the First Amendment, and now [the State] is trying to reverse engineer it.”

Rhode Island’s Speech Code is similarly likely to run afoul of the First Amendment due to its strong inducement for online platforms to over-censor content in order to avoid being penalized under the law’s vague concept of what might be harmful to minors. Under threat of massive fines for misjudging what may be considered psychologically or emotionally harmful to children, many platforms will certainly default to taking down all content on entire subjects, which is likely to remove beneficial, constitutionally protected material along with anything genuinely harmful. Make no mistake, we are talking about the government banning speech online. That is why the New York Times filed as amicus curiae supporting NetChoice in our lawsuit against California’s version of the Age Appropriate Design Code.<sup>3</sup>

## **Age assurance requires massive collection of sensitive personal information**

Additionally, HB 5830 imposes on websites an age-assurance requirement on most websites available to Rhode Island users, including news sites and certain online retailers. Age assurance could require children and adults alike to share sensitive personal information like government-issued identification documents or face scans that, should they fall into the wrong hands, can be used for identity theft and other nefarious purposes. As Judge Freeman noted in granting a preliminary injunction in California, the

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<sup>2</sup> Decision by US District Judge Beth Labson Freeman, March 2025, [NetChoice-v-Bonta-CA-Speech-Code-PI-Granted-Mar-13-2025.pdf](#)

<sup>3</sup> See <https://splc.org/2023/05/amicus-brief-in-netchoice-v-bonta-n-d-calif-2023/>

law compromises privacy, writing that it is “actually likely to exacerbate the problem by inducing covered businesses to require consumers, including children, to divulge additional personal information.”<sup>4</sup>

Beyond its First Amendment violations, HB 5830 is unconstitutional under the Dormant Commerce Clause because it regulates behavior and activities that take place outside of Nebraska. The law also imposes requirements on websites for the use, tracking, and storage of information about their users who are under the age of 18. These requirements conflict with COPPA, a federal law that governs how websites handle minors’ data. Therefore, HB 5830 also violates the Constitution’s Supremacy Clause.

On the policy front this legislation requires a data collection on virtually every Rhode Island resident on a scale never before seen. Age verification for those under 18 mandates age-verification for those over 18. If enacted websites would be required to collect the most sensitive information about Rhode Island adults trying to use the internet. We’re talking passports, drivers licenses, Social Security numbers, and more to prove the person behind the keyboard is who they say they are and are as old as they claim to be. And this is not just large operators but any website that might be accessed by a 17-year old.

## **There is a better approach**

There is no evidence that such a government mandate would lead to improved outcomes for young people. HB 5830 assumes a straightforward causal relationship between social media use and negative mental health outcomes. However, the research in this area remains nuanced, with many studies showing that impacts vary significantly based on how platforms are used, individual characteristics, and other factors. Additionally, research shows that repetitive warnings quickly become ineffective as users develop “warning fatigue.” By mandating that warnings appear every time a platform is accessed, users will likely become desensitized to them, rendering the warnings ineffective and merely an annoyance.

That does not mean that the state cannot or should not engage regarding the issue of mental health outcomes for children on social media. The state is free, and should be encouraged, to expand high quality research into this issue. There does not currently exist substantial scientific literature and there is no general consensus from which to meaningfully operate. The state is also free to make available to parents directly information currently available on the studies that do exist or information regarding parental controls, blocks, and other tools made available by the private sector.

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<sup>4</sup> See *NetChoice v. Bonta* 2023  
<https://netchoice.org/wp-content/uploads/2023/09/NETCHOICE-v-BONTA-PRELIMINARY-INJUNCTION-GRANTED.pdf>

Florida and Virginia have passed laws requiring specific online and social media education in the classroom. This helps arm young people with the information they need to keep their data more secure, focused on age appropriate content, and away from bad actors who would do them harm. Solutions for families and kids don't need to come in the form of government mandates and they need not violate the constitutional rights of Rhode Island citizens.

For these reasons, we respectfully ask you to **oppose HB 5830**. As ever, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter. <sup>5</sup>

Sincerely,

Zachary Lilly  
Deputy Director of State and Federal Affairs  
NetChoice

*NetChoice is a trade association that works to make the internet safe for free enterprise and free expression.*

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<sup>5</sup> The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.