

HB 43: Protection of Minors from Unfiltered Devices Act

Five Fast Facts on Technical Aspects of the Bill

1. This bill is designed to **empower parents who are trying to protect their children from extreme pornography** that is readily accessible on digital devices such as phones and tablets. More than half of American children own a smartphone by age 11, and much younger children use tablets frequently.
2. Digital devices with Apple, Google, and Amazon operating systems **already have built-in pornography filters installed**. However, the filters default to “off” when devices are first activated, and set up is complicated. HB 43 would **require the filters to default to “on”** when activated in Alabama, while maintaining adults’ ability to bypass or simply turn off the filter with a passcode. This simplifies the set-up process while providing automatic protection for vulnerable children.
3. The **bill applies only to device manufacturers**, not local retailers, salespeople, or cellular service providers and the penalties for non-compliance are minimal because we expect manufacturers will comply with the law as they do with hundreds of other laws and regulations. Brick-and-mortar stores and online sellers will not be impacted, and competition in the marketplace—and interstate commerce—will not be restricted, or impacted, in any way. Even a device bought online or secondhand will trigger the filter to “on” if geolocated in Alabama.
4. As long as adults have access, **the U.S. Supreme Court has repeatedly recognized that the state may restrict children’s exposure to pornography** and has a compelling interest in doing so. The court has specifically ruled that filters on devices at the receiving end are not burdensome and meet the requirements of the First Amendment.
5. Utah has enacted similar child protection legislation, and it is now under consideration in a number of states such as Arizona, Idaho, Iowa, South Carolina, and Tennessee. **The law will not take effect until five states have enacted similar legislation.**

In February 2020, Alabama became the 16th state in which the state legislature passed a resolution declaring pornography a public health crisis. Therefore, Alabama has formally recognized the vast research exposing the detrimental impact of pornography to the brain, relationships, and society at large.

The Alabama Filter Bill, HB 43 is a practical next step towards decreasing pornography related harm to the public, particularly children.