

FCC Sets Effective Date for TCPA “Reasonable” Consent Revocation Rules

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The Federal Communications Commission has announced that its new Telephone Consumer Protection Act rules related to “reasonable” revocation of consent will become effective on **April 11, 2025**.

The rules were approved by the FCC earlier this year, and set forth as follows:

- Called parties can revoke consent using any reasonable method to clearly express a desire not to receive further calls or text messages.
- The following opt-out requests are a “reasonable means per se to revoke consent,” and if utilized, “consent is considered definitively revoked”:
 - Using an automated, interactive voice or key press-activated opt-out mechanism on a call;
 - Using the words “stop,” “quit,” “end,” “revoke,” “opt out,” “cancel,” or “unsubscribe” sent in reply to an incoming text message; or
 - Pursuant to a website or telephone number designated by the caller to process opt-out requests.
- For texting, if using “a texting protocol that does not allow reply texts, [the texter] must provide a clear and conspicuous disclosure on each text to the consumer that two-way texting is not available due to technical limitations of the texting protocol, and clearly and conspicuously provide on each text reasonable alternative ways to revoke consent.
- All reasonable opt-out requests must be honored within a reasonable time not to exceed ten business days from receipt of such request.
- Callers/texters may not designate an exclusive means to request revocation of consent.
- If there is a dispute about whether an opt-out request was conveyed in a “reasonable manner,” the finder of fact must apply a totality of circumstances analysis (subject to a rebuttable presumption that the consumer has revoked consent if the consumer can produce evidence that the request was made).

The as-written rules will apply to revocation requests for both marketing and informational calls and texts that require TCPA consent. The FCC did acknowledge, however, revocation requests would not

necessarily extend to “exempted informational” calls and texts (e.g., certain package delivery and healthcare-related messages), unless a request was made in direct response to an exempted message.

Additionally, pursuant to a separate rule that became effective on April 4, 2024, businesses are permitted to send a one-time confirmatory message to confirm an opt-out request, provided that the text is sent within five minutes of the opt-out request and does not contain any marketing or promotional information (e.g., winback content). In cases where a number has previously opted into multiple categories of messages, the confirmatory text can also request clarification as to whether an opt-out request was meant to encompass all messages, but “the sender must cease all further texts for which consent is required absent further clarification that the recipient wishes to continue to receive certain text messages.” For businesses that engage in multiple forms of outreach by phone, such as engaging in both marketing and informational SMS text campaigns, as well as outbound calls, this means appropriately processing opt-out requests across these channels where consent was required to send such texts or to make such calls. A practical point to keep in mind as well: suppressing further outbound telephonic texts and calls across channels may require a master suppression list and updating training and compliance-focused policies and procedures that a business may rely on, for example, for its DNC safe harbor program.