

Guide to U.S. SMS Compliance

BEST PRACTICES FOR BUSINESS

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Knowing who, what, how, and when to message consumers in the United States can be challenging. The business SMS messaging ecosystem is complex and can easily seem overwhelming. Sending a message to the wrong person at the wrong time may not only affect your customer's experience, but could also put your business at risk of legal action. Buzzwords like opt-in, opt-out, P2P, A2P, TCPA, and the CTIA can make the idea of sending messages to customers that much more daunting. On the other hand, a welcome text message to the right person can be a powerful and effective way to communicate with your users.

Twilio is here to help. In this white paper, we've compiled SMS best practices from the Cellular Telecommunications Industry Association (CTIA) and the Telephone Consumer Protection Act (TCPA), which provide a strict structure for how to engage your customers. We've also embedded our expert experience to help you determine your compliance strategy when sending messages to your end users.

Keep in mind, we aren't your lawyers, so we aren't at liberty to give you or your organization legal advice. The below information is Twilio's interpretation of SMS best practices as of the date of publication. Please note that compliance with legal frameworks, such as the TCPA, may be fact-and and context-specific. The information contained in this whitepaper should not be relied upon as legal advice or to determine how CTIA requirements or the TCPA applies to your use of SMS. We encourage you to seek guidance from your legal counsel with regard to how these frameworks apply specifically to your business or organization and how to ensure compliance. This information is provided "as-is" and may be updated or changed without notice. You may copy and use this content for your internal, reference purposes only.



1 Executive Summary

Simply stated, the underlying purpose of both the U.S. regulatory and telecommunication industry rules that govern businesses' and organizations' use of SMS to communicate with users is to ensure that people do not receive SMS communications that they do not want to receive. Put another way, people should only receive SMS communications they want to receive from businesses or organizations.

As a business or organization, it only makes sense that this is (and should be) your goal as well—to send communications to individuals who want to receive them. For the same reasons that SMS is an effective mode of communication (i.e., 98% of received SMS are read by the recipient), unwanted SMS communications are source of irritation. Not only is sending unwanted SMS a waste of time and resources, it is also likely to irritate people, resulting in potential damage to your organization's brand.

So, when thinking about building a compliant SMS campaign, remember first the underlying goal of the compliance frameworks: to protect people against unwanted SMS communications.

Of course, whether a message is unwanted or not, is in the mind of the recipient. This is where the best practices outlined in this whitepaper can help. These best practices outline the industry-standard ways that organizations ensure that the messages they send are, in fact, wanted by the people receiving them, and in the process, ensure that they are in compliance with regulatory and industry requirements.

With this understanding as the backdrop, this whitepaper will provide you with guidance on the following:

- **Calls to Action:** When messaging your customers, it's imperative to display clear calls to action while requesting your customer's phone number. You should always tell consumers exactly what they are signing up to receive. This guide provides step-by-step instructions to ensure you are operating within accepted guidelines, regardless of the number you are using to send SMS messages.
- **Opt-in Mechanisms:** First and foremost, always offer transparent opt-in mechanisms. Consumers must consent clearly to all

recurring messages; simply entering a mobile phone number does not necessarily constitute a compliant opt-in. Be sure to send an opt-in confirmation message when you send your first message. For recurring messages programs, confirmation messages must include clear opt-out instructions. Messages should also remind consumers from time to time that they are still enrolled.

- **Honoring Opt-Outs:** Always respect and acknowledge opt-out requests. Regardless of whether you are using long code, toll free numbers, short codes, or some other means of messaging, senders must acknowledge and act on all opt-out requests. Failure to do so can put your business at risk of legal action. Twilio is not responsible for any action taken against a business due to messaging complaints.

This guide provides best practices and examples to make this process easy. Note that there may be additional regulatory or industry best practice considerations depending on your use case or industry. You should consult with your legal counsel to ensure your SMS use case is compliant with all applicable laws and frameworks, including TCPA and CTIA requirements.

2 Background

First, let's discuss the two main governing frameworks that affect how you send messages to consumers in the United States.

The Telephone Consumer Protection Act (TCPA) is a federal statute enacted in 1991, designed to safeguard consumer privacy. This legislation places restrictions on telecommunications via voice calls, SMS texts, and fax. The intent of the TCPA is to empower consumers to decide which auto-dialed calls and text messages they receive and to prevent receipt of unwanted auto-dialed calls and text messages. It is important to note that violations of the TCPA carry a hefty penalty—allowing aggrieved consumers to sue for damages of \$500 per call or text message or \$1500 per call or text message if the violation was knowing or willful.

The Cellular Telecommunications Industry Association (CTIA) is a [trade association](#) representing the [wireless](#) communications industry in the United States. It represents [wireless carriers](#), suppliers, manufacturers, and providers of wireless products



and services. The CTIA exists as the voice and guidance of the wireless industry in the United States. Their primary responsibilities are advocating for legislative and regulatory policies and helping to create industry-wide standards for messaging and other wireless products we interact with on a daily basis.

You may be wondering if you should follow the CTIA guidelines if they aren't legally binding. The answer is simple—yes. These guidelines were created through consultation with industry stakeholders and aligned to the TCPA to ensure consumer protection. The guidelines were also developed to ensure that individuals are able to receive the messages they want, either from other individuals or from organizations. They were created specifically for those organizations and individuals looking to send Application-to-Person (A2P) traffic over the wireless networks.

Following these guidelines will not only protect your organization, but will offer your customers the best experience when interacting with your organization and brand. Furthermore, with the Federal Communications Commission (FCC) and Federal Trade Commission (FTC) reporting millions of complaints from consumers regarding unwanted calls and messages each year, the regulatory and industry pressure to protect consumers from unwanted text messages is only likely to increase.

2 P2P vs. A2P

The first step in ensuring you provide a compliant and contextual messaging experience for your end users is knowing what Person-to-Person (P2P) versus Application-to-Person (A2P) messaging is.

The CTIA defines messaging interactions in two distinct ways: Person-to-Person (P2P) and Application-to-Person (A2P).

Person-to-Person (P2P) is defined by the CTIA as the low-volume exchange of wireless messages (SMS, chat, etc.) between individuals. Some examples you might be familiar with are: a sales rep messaging with a potential customer, a customer inputting a key press into an IVR to start a messaging conversation with a support rep, or a messaging survey where a certain type of review automatically escalates to a support rep to kick off a one-to-one conversation.

Note: For Person-to-Person proxied conversations, where a Twilio phone number sits between the individuals communicating, it's

important to disclose to your consumers that this is occurring. This is commonly done in the company's Privacy Policy. Common examples of a proxied conversation are a rider interacting with a driver to coordinate a point of pickup, or a delivery driver communicating with the delivery recipient. If you'd like more information, Twilio offers [best practices for managing communications and records between users](#).

Application-to-Person (A2P) is defined by the CTIA as all traffic that falls outside the normal one-to-one interactions. Think marketing, appointment notifications, IT alerts, and other types of calls to action. A2P traffic is a large point of focus by regulators and carriers alike in today's messaging landscape.

3 Number Types

Now that you know the difference between P2P and A2P traffic, you need understand the types of phone numbers. Different types of phone numbers provide customers with different options for both P2P and A2P traffic, and each comes with different benefits and risks.

Twilio offers three types of numbers for SMS messaging: short codes, long codes, and toll-free numbers. Each type of number offers different benefits in terms of throughput, cost, ease-of-acquisition, and how effective they are at sending A2P or P2P traffic.

Short codes are five- or six-digit phone numbers (ex. 234546) which are leased through [Twilio's console](#) annually or quarterly. You can select a random short code or a vanity short code, which is a short code number that you choose. You can find out if the number you want is available by searching here: <https://usshortcodes.com/>

Short code numbers have to go through an eight- to twelve-week approval process with the carriers, which allows their traffic to avoid any potential filtering. Not only that, but short codes are able to send at a higher throughput than any other type of phone number, but U.S. short codes can only send messages to U.S. phone numbers. This is a must-have for any fully-scaled A2P use case where you will be messaging in mass. On the other hand, short codes may feel less personal for P2P use cases. One thing to note is that the CTIA does periodically audit short codes to



ensure usage matches what was submitted during the approval process.

Long codes are 10-digit phone numbers (ex. 415-234-5618) which are purchased through [Twilio's API](#) or [console](#) and billed monthly. Long code numbers can be used immediately to send messages. They can provide a more localized and personal-feeling customer experience when sending messages for P2P use cases.

That said, long codes can only send at a rate of one message per second and messages sent from them can be filtered at the carrier's discretion. Long term, we recommend using a short code along with your long codes and other number types, like toll-free numbers, to send your messages all together with Twilio's free [Messaging CoPilot](#).

Toll-free numbers are 10-digit phone numbers (ex. 800-234-5618) which are purchased through [Twilio's API](#) or [console](#) and billed monthly. These numbers can be used immediately and are another option for businesses looking to send messages while they wait for a short code for their A2P use case. These can send at a rate of three messages per second. Messages sent from toll-free numbers can be filtered at the carrier's discretion just like long codes. Regardless of the number(s) you're using to send your messages, opt-ins are a mandatory component of any messaging flow.

The Opt-Ins and Outs of Messaging Consumers

Because the goal of a compliant SMS campaign is to send communications to consumers that they want to receive, handling *opt-ins* and *opt-outs* properly is fundamental.

An *opt-in* is the consumer's consent to receive messages. It is the most straightforward way to determine whether the messages you intend to send to the consumer are wanted—you ask them. However, just as in everyday life, the way you ask the consumer if they want to receive your messages matters. The goal is to ensure that you and the consumer have a "meeting of the minds" as to whether that consumer wants to receive the messages you intend to send. To ensure there is a "meeting of the minds," opt-ins should be contextual and timely.

Think of this in terms of campaigns: consumers should be opting in to specific messages for a reasonable period of time. For example, a voter that opted in for one election cycle does not necessarily opt in for the next one. Customer experience is affected when messages are sent for reasons outside the ones consumers signed up for and when messages are sent long after the consumer remembers opting in to receive the messages.

In addition, under the TCPA, certain opt-ins, such as for automated SMS marketing messages, must be memorialized in some form of writing—whether that writing by electronic or old fashioned pen and paper. However, we recommend that all opt-ins be memorialized in some way so that you can demonstrate how and when you received the consumer's consent to send him or her messages if there is ever a question later.

To remain compliant, and to minimize risk related to customer complaints, we also recommend establishing a double opt-in. Once a consumer signs up to be messaged, remind them that they signed up with their first message, then have them respond with their consent to begin the messaging campaign. This is not always necessary, but it is an industry best practice.

Opt-outs are the revocation of consent from the consumer to receive a message. Commonly, this is done by replying 'STOP' to a message, but can expand to other reply language or opting out via web forms, voice calls, and other means of communication captured by a business. Indeed, the FCC has stated that consumers should be able to opt-out through "any reasonable means." Accordingly, you should be careful to not unreasonably restrict how consumers can express their desire to opt out of further messages from you. The definition of "reasonable means" is contextual and will be dictated by the nature of your use case and business.

Ultimately, opt-ins are always required—double or not—and, respecting a consumer's choice to opt-out, no matter how expressed, is a must, as there are real business risks for sending messages without consent, with both Twilio, the CTIA, and under the TCPA.



Types of Opt-Ins

As noted in the previous section, obtaining a clear opt-in from consumers before you message them is a key component of a successful SMS campaign. Here are some examples of various types of opt-ins for different use cases:

Handset Opt-In

Your consumers might see a short code or other phone number marketed somewhere, like a sporting event, billboard, or website which asks the consumer to text a phone number in order to opt in. There are many uses for this type of opt-in, including: giveaways and promotions, beginning a support conversation, and different kinds of notifications and updates.

Example

Recipient: {Keyword}

Short code: Welcome to {Campaign Name} {Description} Alerts! Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Note: The “description” should be a single word to define the kind of alerts, e.g. “Account Alerts,” “News Alerts,” “Promo Alerts,” etc. The message frequency must be specific, but can be any interval, for example: “1 message per day,” “4 messages per month,” “2 messages per transaction,” etc. If the message frequency will vary based on user interaction, “1 message/user request” is standard.

Non-Handset Opt-In

Non-Handset Opt-ins occur through different types of consumer action outside of sending an SMS. Consumers may opt in to support assistance through a web form or app, an IVR/phone tree, or during a purchase through a point of sale (POS) device.

Web, App, or Paper Forms

Your consumers might opt in to receive messages when they give their mobile number to a website, mobile app, or paper form, or otherwise without using a handset.

Example

While no longer required under CTIA guidelines for recurring message programs, we still recommend that when a recipient initially signs up by any means other than from a mobile handset, a double opt-in process is used. The message flow might look like this:

Recipient signs up without using mobile handset, such as on a web form, and receives a text message from the short code asking to confirm the opt-in.

Short code: Text YES to join {Campaign Name} {Description} Alerts. Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Recipient: YES

Short code: Welcome to {Campaign Name} {Description} Alerts! Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Note: Rather than confirming the opt-in with a text message keyword such as YES, recipients may confirm by entering a verification code online instead. Once the verification code has been entered, a compliant welcome message must be sent to the handset.

IVR Opt-In

There are a few newer types of opt-ins we are seeing in the market. More and more consumers are opting in via an interactive voice response (IVR)/phone tree.

These opt-ins can occur when a contact center’s reps are overloaded and there are high hold times. The consumer has an option to “Press 1” to begin a messaging support conversation.

Example

Recipient inputs a digit in the IVR call flow and then receives a text message from the short code asking to confirm the opt-in.

Short code: Text YES to join {Campaign Name} {Description} Alerts. Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Recipient: YES



Short code: Welcome to {Campaign Name} {Description} Alerts! Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Note: As with the traditional non-handset opt-in, rather than confirming the opt-in with a text message keyword such as YES, recipients may confirm by entering a verification code online instead. Once the verification code has been entered, a compliant welcome message must be sent to the handset.

Point of Sale (POS) Opt-In

A POS opt-in occurs after a purchase is made, generally in a brick and mortar location. A typical workflow is when consumer completes their purchase and wants to opt in to a loyalty rewards program or receive their receipt via text.

Example

Recipient inputs their phone number into the point of sales hardware post-purchase and then receives a text message from the short code asking to confirm opt-in.

Short code: Text YES to join {Campaign Name} {Description} Alerts. Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

Recipient: YES

Short code: Welcome to {Campaign Name} {Description} Alerts! Msg&data rates may apply. {Message frequency} Reply HELP for help, STOP to cancel.

How Twilio Handles Opt-Outs for Different Number Types

Twilio, by default, handles standard English-language reply messages such as STOP, STOPALL, UNSUBSCRIBE, CANCEL, END, or QUIT for toll-free and long code messages, in accordance with industry standards. Supported opt-out and opt-in keywords for Twilio Programmable Messaging are listed below.

Long Codes

For long code messages, Twilio [handles opt-outs](#) for the following replies: STOP, STOPALL, UNSUBSCRIBE, CANCEL, END, or QUIT. Any future messages will error out with the [error code 21610](#) and fail to send to consumers that have opted-out automatically. You can [track delivery](#) and opt-outs of SMS in real time using status callback urls. You can also track who has opted out by using the API to query your logs for messages that contain these opt-out keywords in the body, like STOP.

Users can always opt back in by replying START, YES, and UNSTOP. Keywords are not case sensitive.

Customers can handle their own opt-outs if they so choose in order to opt consumers out of a wider set of keywords. Customers can choose to manage their own long code opt-outs by submitting a request to Twilio's support team.

Short Codes

Twilio [does not handle opt-outs](#) for short code phone numbers on behalf of our customers. We've found that businesses want control of creating and maintaining a blacklist of those customers that have opted out of receiving future messages in order to create a more branded opt-in/out experience, remain compliant with Twilio's acceptable use policy and CTIA guidelines, and to avoid any legal risk to their business. A how-to guide on how to manage opt-outs on short codes can be found in [this article](#).

Note: For recurring short code campaigns, be wary of numbers that may no longer belong to the previous owner. Sometimes numbers are moved from one consumer to another without much notification. It is important when sending messages for recurring campaigns to periodically confirm with consumers that the number they provided is still their number. This can be done in a few ways: periodically using Twilio's [Caller Lookup](#) to confirm the owner of the phone number is the same, sending an email to the consumer to confirm the phone number still belongs to them, or in-app confirmation to the consumer prompting them to confirm that the number is still their phone number.



Conclusion

A great messaging experience will delight your customers and is a major key to driving additional and returning business. Regardless of the channel or type(s) of numbers you choose to use, these guidelines and best practices will not only help mitigate any potential legal risk, but will enhance your customers' experience as they interact with your brand.

Remember to ensure that all customers you're messaging have opted in and that they can opt out at any time. Make your messages contextual and timely. Don't overstay your welcome in customer's inboxes, and remember that every customer is an advocate for your brand wherever they go. Make their experience with your company magical!

Questions, comments, or concerns? Shoot us a note at help@twilio.com.

Additional Resources:

- **TCPA:** <https://www.twilio.com/docs/glossary/what-is-telephone-consumer-protection-act-tcpa>
- **CTIA Short code book:** https://docs.wixstatic.com/ugd/9456a5_72a6056a11f5401c95d29181e850625b.pdf
- **CTIA Messaging Principles and Best Practices:** <https://api.ctia.org/docs/default-source/default-document-library/170119-ctia-messaging-principles-and-best-practices.pdf>
- **Twilio Acceptable Use Policy:** <https://www.twilio.com/legal/aup>
- **Managing SMS between your users:** <https://support.twilio.com/hc/en-us/articles/360011435554-Best-Practices-for-Using-Twilio-to-Manage-and-Record-Communications-Between-Users>



Twilio powers the future of business communications, enabling phones, VoIP, and messaging to be embedded into web, desktop, and mobile software. We take care of the messy telecom hardware and expose a globally available cloud API that developers can interact with to build intelligent and complex communications systems.