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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 25-H 5291, RELATING TO COMMERCIAL LAW – RHODE ISLAND SOCIAL MEDIA REGULATION ACT March 27, 2025

While we appreciate the concerns expressed by some about the effect of social media on minors, the ACLU of Rhode Island strongly opposes this bill which would require express parental or guardian consent for a minor in Rhode Island to create an account on social media platforms.

While the bill attempts to shield minors from online explicit content, in reality it imposes unnecessary burdens on all users' ability to access internet spaces and express themselves freely online. This is especially harmful for young people by limiting their ability to learn about the world, partake in government and political discussions, and build community. The internet has become an essential space for youth to connect with peers, gather information, and find social support they may not have access to elsewhere.

This bill would effectively block social media access for any minor who is unable to demonstrate parental consent. Today, political activism and protests are often coordinated online on social media platforms. Limiting youth access to these types of forums by requiring parental consent will stifle political interest and engagement and infringe upon First Amendment rights.

In addition to blocking minors from being able to access sensitive sites on their own (e.g., information on LGBTQ+ issues, sex-related information, etc.), this age verification process sets a dangerous precedent, leading to potential privacy violations, including mandatory ID collections and facial scans. Additionally, mandating parental consent for Rhode Island residents would require social media companies to access location data to verify that users are located within the state.

This legislation also raises a number of practical issues. It directs the department of business regulation to create the process by which a parent or guardian consents on behalf of the minor. Besides this requirement, this bill does not outline procedures for how this would work in practice. Not only would a parent or guardian have to prove that they approve of the minor's use of this platform, they would also have to prove that they are in fact the parent or guardian of this child. Confirming the identity of a parent or guardian, who is not the user of the platform raises another privacy issue, and maintaining both user and parental anonymity will prove to be complicated. Some troubling tactics that have already been employed include: requiring a consent form to be signed by parents and returned via mail or fax; requiring a parent to use a credit card;

and holding a video conference with the parent.¹ All of these methods prove to be onerous for the parent and do not take into account a large number of non-traditional families. It is not clear how these examples would function for children who have different last names than their parents, or who are in foster care, or those with guardians who are not their biological parents.

In addition to all these policy and practical concerns, courts across the country have recently struck down similar laws requiring parental consent as unconstitutional.²

The ACLU of RI therefore urges rejection of this legislation. Thank you for considering our views.

¹ All of which require the parent or guardian to share more private information with these companies and rely on technology or access that the families may not have. <https://www.eff.org/deeplinks/2023/05/law-should-not-require-parental-consent-all-minors-access-social-media>

² See *NetChoice, LLC v. Reyes*, 2024 WL 4135626 (D. Utah Sept. 10, 2024); *Comput. & Commc'ns Indus. Ass'n v. Paxton*, 2024 WL 4051786 (W.D. Tex. Aug. 30, 2024); *NetChoice, LLC v. Yost*, 2024 WL 555904 (S.D. Ohio Feb. 12, 2024); *NetChoice, LLC v. Griffin*, 2023 WL 5660155 (W.D. Ark. Aug. 31, 2023).