



March 3, 2026

The Honorable Matthew LaMountain
Chair, Senate Committee on Judiciary
State House, 82 Smith Street
Providence, RI 02903-1105

RE: Oppose SB 2406 - Age-Appropriate Design Code

Dear Chair LaMountain and members of the Committee:

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a society in which all people benefit from technological advances, **I respectfully urge you to oppose SB 2406**, which would impose a broad duty-of-care and mandatory impact-assessment regime for online services accessible to minors that will effectively require age verification, increase data collection, and pressure platforms to restrict lawful features and speech to reduce liability risk, disproportionately harming marginalized and at-risk youth, and conflicting with well-established First Amendment protections.

We recognize the efforts of SB 2406 to address harm to minors, and we remain committed to advocating for policies that prioritize online safety for young people. However, we must also emphasize the importance of safeguarding fundamental rights such as freedom of speech and privacy, and we are concerned about the potential harm this bill may cause to youth in Rhode Island.

Age verification mandates put everyone's privacy at risk

As written, SB 2406's broad language would effectively require covered companies to verify the identity and age of ALL users - a tremendous encroachment of individual privacy. In fact, estimating the age of a user will require more data, acting contrary to data minimization efforts. Moreover, many adult users reasonably would prefer not to share their identifying information with online services - creating an unpleasant dilemma for adult users: turn over sensitive personal data to access protected speech online, or forego enjoyment of that online service entirely.

There are a number of other concerns with mandating age verification. For example, strict age verification, which would require confirming a user's age without collecting additional personally identifiable information, is not technically feasible while still

respecting users' rights, privacy, and security.¹ While SB 2406 does not prescribe a specific age-assurance method, it authorizes covered entities to process personal data to “estimate age” and treats inferred age or “closely related proxies” as “actual knowledge,” creating strong incentives for platforms to implement more intrusive age-assurance measures, potentially including checks that depend on government-issued identification. Requiring such documents creates strong incentives for covered operators to collect sensitive identity information even from adults. This approach threatens online privacy for everyone. To avoid legal risk, companies would be incentivized to collect age or identity information from all users, increasing data collection rather than reducing it.

Compelling companies to gather personal information from so many users also threatens cybersecurity. Privacy violations online enhance the severity and risk of real-world violence. In 2024, LGBTQ+ people experienced increases in physical threats,² and in 2022, 54% of respondents reported experiencing severe harassment, including stalking, physical threats, and doxing.³ This is not a theoretical threat: recently, a company that offered verification services to online platforms was found to have left personal data unprotected, threatening the privacy of untold numbers of users.⁴

SB 2406 could prevent the age-appropriate design of online services

Online services are working hard to design age-appropriate services for teenagers, particularly younger teens. Online platforms use algorithms to provide a different experience for a thirteen-year-old than the experience they provide for a seventeen-year-old. Just like movie ratings restrict access to films depending on the age of a minor, algorithms tailor content by age. SB 2406 would risk undermining that approach by restricting the profiling and processing of a known child's personal data for personalization and curation unless a company can show it is reasonably necessary to provide a feature the child is actively and knowingly engaged with, and that appropriate safeguards are in place. Faced with uncertainty and enforcement risk, many services may default to a more uniform, less personalized experience for minors, potentially limiting beneficial, age-tailored design choices.

A recent Common Sense Media survey of teens and young adults aged 14 to 22 found that most value algorithmic curation for their social media feeds, allowing them to shape their

¹ Sarah Forland et al. *Age Verification: The Complicated Effort to Protect Youth Online*. Open Technology Institute, New America, Apr. 22, 2024.

<https://www.newamerica.org/oti/reports/age-verification-the-complicated-effort-to-protect-youth-online/>

² Center for Technology and Society. *Online Hate and Harassment: The American Experience 2024*. Anti-Defamation League, Jun. 11, 2024.

<https://www.adl.org/sites/default/files/documents/2024-06/online-hate-and-harassment-the-american-experience-v2-024.pdf>

³ Center for Technology and Society. *Online Hate and Harassment: The American Experience 2022*. Anti-Defamation League, Jun. 20, 2022. <https://www.adl.org/resources/report/online-hate-and-harassment-american-experience-2022>

⁴ Joseph Cox. "ID Verification Service for TikTok, Uber, X Exposed Driver Licenses." 404 Media Podcast, Jun. 26, 2024. <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver>

online experience.⁵ Among respondents, 76% actively used tools to filter out unwanted content, and 67% had curated their feeds by engaging with content that aligns with their interests. LGBTQ+ youth were even more proactive, with 89% avoiding disliked content and 78% personalizing their feeds.

Young people with moderate to severe depressive symptoms were also more likely to curate their feeds: 90% filtered out disliked content, and 81% tailored their feeds, compared to peers with no symptoms. According to Common Sense Media, these curation practices are vital for helping teens build healthier, more supportive online environments. SB 2406 risks weakening these protective and empowering systems for minors, even though they can help teens avoid harmful content and find positive communities.

SB 2406's restrictive defaults may harm more than they protect

SB 2406 requires covered entities to set "high level of privacy" as the default for known children, absent a "compelling reason." This vague standard invites enforcement challenges, likely pushing many services to eliminate youth-facing features rather than tailor them. While encouraging safety-conscious defaults for minors is a reasonable goal, such restrictions could cut young people off from the social connections and community engagement that make online services valuable in the first place.

These mandates could overlook the realities of youth who rely on online platforms for support networks, especially those navigating unsafe or abusive home environments. For these young people, restrictive defaults that hide their connections and disable social feedback can function less as a safety tool and more as a barrier to essential social support, information, and community.

Limiting young people's access to social media could create more risks than protections, especially for those who need connection and resources the most. Research shows that social media provides critical support for at-risk youth and those facing adversity. Online interactions can be particularly beneficial for youth, "particularly during periods of social isolation, when experiencing stress, when seeking connection to peers with similar developmental and/or health conditions, and perhaps especially for youth who experience adversity or isolation in offline environments."⁶

⁵ A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health. Common Sense, May 21, 2024.
https://www.common Sense Media.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report_final-release-for-web-v2.pdf

⁶ "Health Advisory on Social Media Use in Adolescence." American Psychological Association.
<https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use>

Similarly, recent research finds that social media can have protective effects for individuals at risk of self-harm who struggle to form in-person connections.⁷ SB 2406 risks cutting off these vital lifelines, leaving vulnerable youth without crucial social support, mental health resources, and other resources.

SB 2406 invites litigation and raises major First Amendment issues

Recent rulings from courts in Arkansas,⁸ Utah,⁹ Mississippi,¹⁰ and Ohio¹¹ underscore the principle that regulatory measures impacting the core editorial and curatorial functions of social media companies, such as age verification mandates, even when intended to safeguard young users, are subject to rigorous constitutional scrutiny under the First Amendment.

SB 2406 directly contradicts established legal precedent. As the Supreme Court emphatically explained in *Moody v. NetChoice*, the First Amendment restricts governmental interference with the editorial discretion of private entities.¹² And the Supreme Court has routinely held that the First Amendment protects the rights of individuals, regardless of age, to access lawful expression. SB 2406, through its content-based and speaker-based restrictions, infringes upon these fundamental freedoms. Moreover, similar legislative efforts aimed at restricting minors' access to protected speech have been met with significant judicial skepticism.¹³ Courts have consistently demanded a compelling justification for such measures, alongside concrete evidence of their necessity and effectiveness in mitigating harm. The failure to meet this high bar of constitutional scrutiny renders these attempts legally untenable.

As such, SB 2406 not only contravenes core constitutional values but also is likely to be adjudicated as unconstitutional on the grounds of the First Amendment, among other legal and policy considerations.

⁷ Prof Paul Moran, Prof Amy Chandler, Prof Pat Dudgeon, Olivia J. Kirtley, Duleeka Knipe, Prof Jane Pirkis, et al. "The Lancet Commission on Self-Harm." *The Lancet*, Oct. 12, 2024.

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01121-8/abstract](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01121-8/abstract)

⁸ *NetChoice, LLC v. Griffin*, No. 5:23-cv-05105 (W.D. Ark. filed June 29, 2023). "If the State's purpose is to restrict access to constitutionally protected speech based on the State's belief that such speech is harmful to minors, then arguably Act 689 would be subject to strict scrutiny."

⁹ *NetChoice, LLC v. Reyes*, No. 2:23-CV-00911-RJS-CMR, 2024 WL 4135626 (D. Utah Sept. 10, 2024)

¹⁰ *NetChoice, LLC v. Fitch*, No. 1:24-CV-170-HSO-BWR, 2024 WL 3276409 (S.D. Miss. July 1, 2024)

¹¹ *NetChoice, LLC v. Yost*, 2024 WL104336 (S.D. Ohio Jan. 9, 2024). "As the [Supreme] Court explained, '[s]uch laws do not enforce parental authority over children's speech and religion; they impose governmental authority, subject only to a parental veto.' The Act appears to be exactly that sort of law. And like other content-based regulations, these sorts of laws are subject to strict scrutiny."

¹² *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2405, 219 L. Ed. 2d 1075 (2024)

¹³ The *Griffin* Court noted "[E]ven though the State's goal of internet safety for minors is admirable, 'the governmental interest in protecting children does not justify an unnecessarily broad suppression of speech addressed to adults.'" Similarly, the *Bonta* Court found that the California Age Appropriate Design Code is not based on any direct evidence demonstrating a causal link between social media use and harm to younger users.

We caution the Committee that similar laws in Texas,¹⁴ Maryland,¹⁵ California,¹⁶ and Arkansas¹⁷ have been struck down in court, as the courts have reaffirmed that the First Amendment protects individuals, regardless of age, in their right to access and engage with lawful expression.

For these reasons, **I respectfully urge you to oppose SB 2406.** While protecting young people online is essential, this bill would erode privacy, restrict access to supportive digital communities, chill innovation and speech, and is likely to be struck down as unconstitutional under long-standing First Amendment precedent.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna January". The signature is fluid and cursive, with the first name being more prominent.

Brianna January
Director of State & Local Government Relations, Northeast US

¹⁴ Ayden Runnels. "Texas' social media law takes another hit with temporary blocks on three more provisions." The Texas Tribune, Feb. 7, 2025. <https://www.texastribune.org/2025/02/07/texas-scope-act-minors-social-media>

¹⁵ Bryan P. Sears. "Social media companies head to court, claim Maryland Kids Code is unconstitutional." Maryland Matters, Feb. 3, 2025. <https://marylandmatters.org/2025/02/03/social-media-companies-head-to-court-claim->

¹⁶ Kenneth Schrupp. "9th Circuit fully blocks California social media age verification law until trial." The Center Square, Jan. 29, 2025.

¹⁷ Ufonobong Umanah. "Arkansas Social Media Verification Law Struck Down by Judge (1)." Bloomberg Law, Apr. 1, 2025. <https://news.bloomberglaw.com/daily-labor-report/arkansas-social-media-age->