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ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 26-S 2968,
RELATING TO COMMERCIAL LAW – RHODE ISLAND SOCIAL MEDIA
REGULATION ACT
April 7, 2026**

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 young people to connect with peers, gather information, and find social support they may not have access to elsewhere. Social media acts as an extension of an individual's social life, meaning they can deepen social bonds with peers or even find a community of shared interests or experiences. Finding those connections is essential for individuals to feel accepted, supported, and understood, regardless of where that community is formed. Restricting access to online communities will have a direct impact on groups like LGBTQ+ youth, and other young people facing familial issues based on their sexuality or gender identity.

This bill will also have a direct impact on protected speech. Today, political activism and protest organizing are often coordinated online on social media platforms. Limiting youth access to these types of forums by requiring parental consent will effectively stifle political interest and engagement and infringe upon First Amendment rights. This impact is not limited solely to minors but will have broader consequences for all social media users. Adults will also be subject to the burdensome age-verification system employed to prove that they are not a minor. These systems are not perfect and will inevitably block some adults from accessing lawful speech.

This legislation further 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, but they would also have to prove that they are in fact the parent or guardian of this child. Some troubling tactics that have already been employed for parental verification include: requiring a consent form to be signed by parents and returned via mail or fax; requiring a

parent to use a credit card; holding a video conference with the parent; and submitting government-issued identification like a driver's license or a social security number.¹ All of these methods prove to be onerous for the parent and ignore the very real privacy rights implicated in providing this information.

Relying on government-issued identification for age-verification also assumes that every adult confirming their identity has current identification reflecting their correct name and address. This is flawed logic given that approximately 30 million adults in the United States do not have a valid driver's license and that individuals with disabilities are less likely to possess a current driver's license.² An estimated 21% of Black adults, 23% of Hispanic adults, and 68% of transgender people do not have a valid, accurate driver's license.³ Because of this, transgender individuals will be faced with the choice of using documents that do not reflect their current name and gender markers or lose access to platforms entirely.

Age-verification and parental consent methods also fail to take into account the large number of non-traditional families. We foresee this legislation disproportionately impacting children who have different last names than their parents or who live with guardians who are not their biological parents. This legislation also fails to account for youth who live in foster care where they do not have legal guardians who can provide consent or who live with temporary foster parents who cannot prove guardianship, effectively shutting out access to social media platforms.

In addition to all of these practical issues, the age-verification process that would be required to implement this law sets a dangerous precedent, leading to potentially significant privacy violations, including mandatory ID collections and facial scans. There is an inherent tension in ensuring a minor's privacy and requiring platforms to know information about every single platform user. If age-verification requires submitting sensitive information contained on IDs, financial statements, or other attestations, it is unclear who receives, controls, and retains that information and for how long. The same risks exist for location data, because the social media platforms would likely need access to location data to verify that users are in fact located in Rhode Island. Possessing all of this information opens the door for potential data breaches and the possibility that the information could be mishandled or otherwise exposed.

In addition to all these policy and practical concerns, and certainly not the least of them, courts across the country have recently struck down similar laws requiring parental consent as unconstitutional.⁴

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 <https://www.mapresearch.org/id-documents-report>

³ *Id.*

⁴ See, e.g., *NetChoice, LLC v. Reyes*, 748 F.Supp.3d 1105 (D. Utah 2024); *Comput. & Commc'ns Indus. Ass'n v. Paxton*, 747 F.Supp.3d 1011 (W.D. Tex. 2024); *NetChoice, LLC v. Yost*, 716 F.Supp.3d 539 (S.D. Ohio 2024); *NetChoice, LLC v. Griffin*, 2025 WL 978607 (W.D. Ark. 2025).