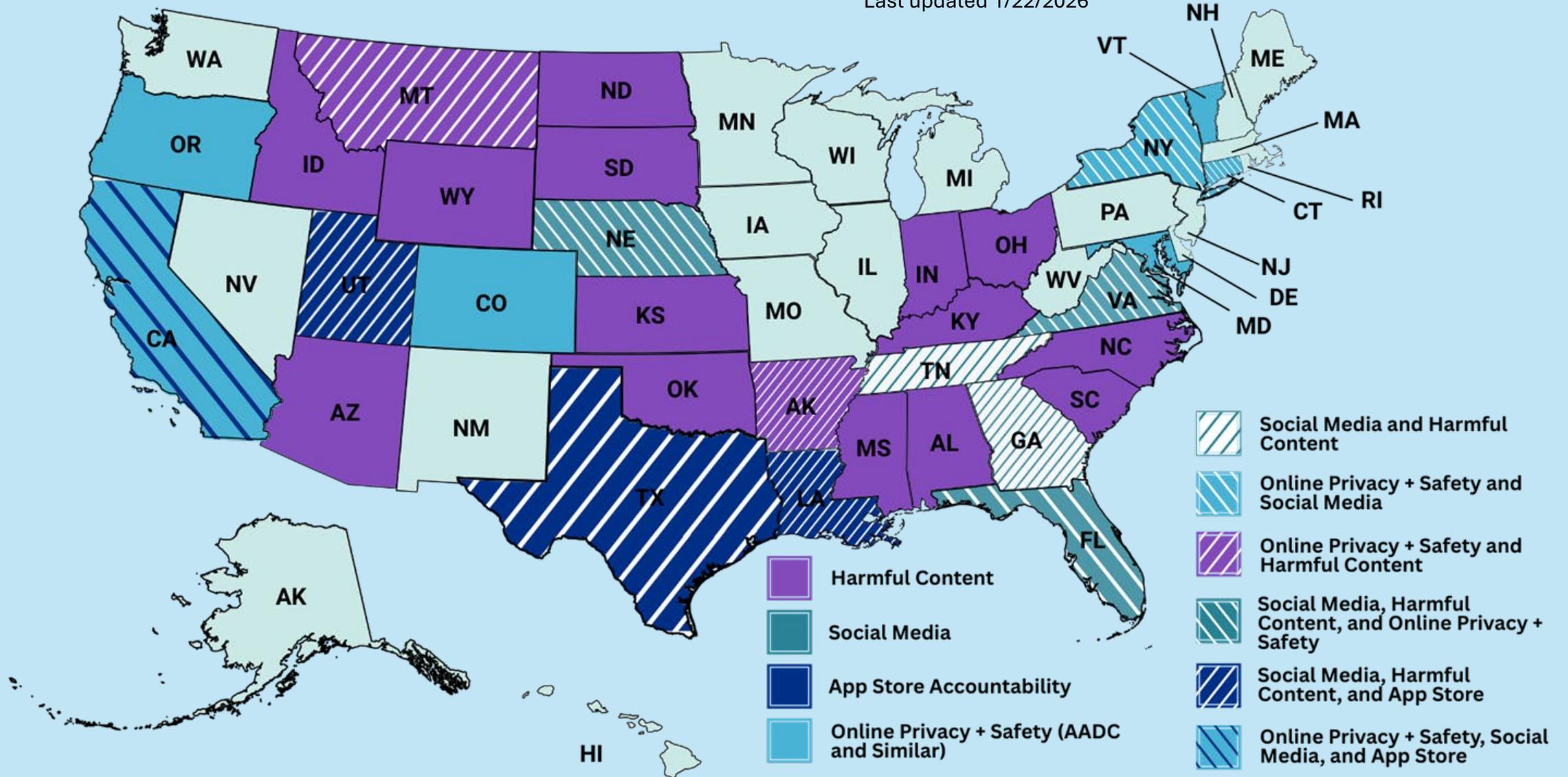


Laws to Protect Children

Last updated 1/22/2026





Why Knowing Age Matters

“The digital world is not optional for most children. It is where they access education, health services, entertainment, build relationships, and engage in civic and social activities.”

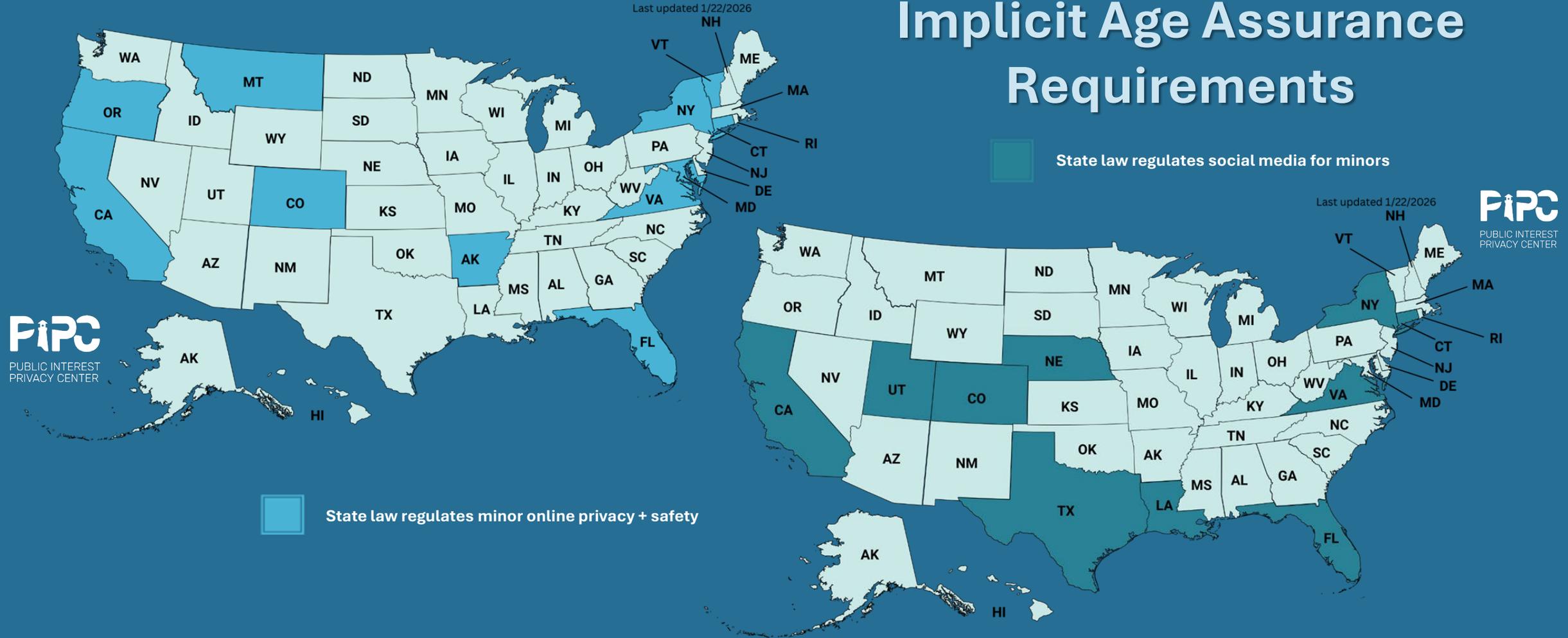


The Other Half...



...of the Landscape

Implicit Age Assurance Requirements





Free Speech Coalition v. Paxton, 606 U.S. 461 (2025)



Settled

- States can require proof of age to access content that is obscene to minors;
- Age verification requirements to access content that is obscene to minors triggers intermediate scrutiny; and
- The burden on adults to prove that they are adults—including verification methods that involve having to provide a government ID—should be viewed as "incidental."

Not Settled

- Whether intermediate scrutiny is also the standard that should be applied to laws regulating non-obscene content, such as laws mandating age verification to access social media; and
- How courts will balance child protection interests against privacy concerns in non-obscenity contexts.

“*[Social-media] fall[s] outside the statute to the extent that less than a third of their content is obscene to minors [and] it is reasonable for Texas to conclude that a website with a higher proportion of sexual content are more inappropriate for children to visit than those with a lower proportion.*”

“*[Indecent speech—defined as including ‘large amounts of nonpornographic material with serious educational or other value’]* —“*is a broader category than obscenity to minors and so is entitled to greater First Amendment protection...[A] burden on obscenity to minors may not trigger strict scrutiny even if a comparable burden on indecent speech would.*”



NetChoice v. Finch,
No. 25A97 (U.S. August 14, 2025)
(Kavanaugh, J., concurring)



“*I concur in the Court’s denial of NetChoice’s application for interim relief because NetChoice has not sufficiently demonstrated that the balance of harms and equities favors it at this time. To be clear, **NetChoice has, in my view, demonstrated that it is likely to succeed on the merits—namely, that enforcement of the Mississippi law would likely violate its members’ First Amendment rights under this Court’s precedents...** it is no surprise that the District Court in this case enjoined enforcement of the Mississippi law and that seven other Federal District Courts have likewise enjoined enforcement of similar state laws.”*

Justice Kavanaugh

Legal Challenges to State Laws



Federal litigation by circuit court • January 2025

13

ENJOINED

11

IN EFFECT

8

CIRCUITS

0

FINAL RULINGS

4th Circuit MD	5th Circuit TX, LA, MS	6th Circuit OH, TN	7th Circuit IN
<p>MD • AADC</p> <p>In Effect</p> <p>Awaiting 4th Circuit</p>	<p>TX • HB 20 Prelim. Enjoined Remanded to District Court</p> <p>TX • HB 18 (SCOPE) Partial Enjoined Awaiting 5th Circuit</p> <p>TX • HB 18 (SEAT) Partial Enjoined Consolidated with CCIA and NetChoice</p> <p>TX • HB 1181 In Effect SCOTUS reversed</p> <p>TX • SB 2420 Prelim. Enjoined Appealed to 5th Circuit</p> <p>LA • HB 142 In Effect Voluntarily dismissed</p> <p>LA • SB 162 Perm. Enjoined Permanently enjoined re: NetChoice members</p> <p>MS • HB 1126 In Effect SCOTUS denied emergency stay application</p>	<p>OH • HB 33 Enjoined Appealed</p> <p>TN • HB 1891 In Effect Preliminary injunction denied</p> <p>TN • SB 1792 In Effect Preliminary injunction denied and remanded to District Court</p>	<p>IN • SB 17</p> <p>In Effect</p> <p>Motion to dismiss</p>
8th Circuit AR, MN	9th Circuit CA, MT	10th Circuit CO	11th Circuit FL, GA
<p>AR • Act 689 Perm. Enjoined Concluded</p> <p>AR • Act 901 & 900 Prelim. Enjoined Appealed to 8th Circuit</p> <p>MN • SF 4097 In Effect Complaint filed</p>	<p>CA • AADC Prelim. Enjoined Awaiting 9th Circuit</p> <p>CA • SB 976 Partial Enjoined Remanded to District Court</p> <p>MT • SB 544 In Effect Dismissed for Lack of Standing</p>	<p>CO • HB 24-1136</p> <p>Partial Enjoined</p> <p>Appealed to 10th Circuit</p>	<p>FL • SB 7072 Prelim. Enjoined Remanded to District Court; motion to dismiss denied</p> <p>FL • HB 3 (social) In Effect Injunction stayed</p> <p>FL • HB 3 (harmful) In Effect Voluntarily dismissed</p> <p>GA • SB 351 Prelim. Enjoined Appealed to 11th Circuit</p>

■ Permanently Enjoined

■ Preliminarily/Partially Enjoined

■ In Effect (Being Challenged)



Policy & Privacy Questions

What Happens



Once We Know?

**Age verification identifies a child.
The question is: then what?**

- Parents need protections that don't disappear when they click “agree.”
- Children will find ways online. The question is whether they will have protections when they get there.
- When honesty leads to better treatment instead of exclusion, children are less likely to look for workarounds.



Policy Considerations



- *Before the gate:* Many risks disappear when platforms build with safe defaults like limited tracking, no stranger contact, and private profiles. **Privacy and safety by design reduces what is otherwise riding on age assurance alone.**
- *At the gate:* Verification that doesn't create new risks. **Collect only what's needed, delete it quickly, don't repurpose it.** Information gathered to identify children shouldn't become a vulnerability itself.
- *After the gate:* **Companies must do something different once they know a user is a child.** Not just request parental consent, but implement safeguards and practices designed for children.
- *Throughout:* **Enforcement.** The FTC has made COPPA enforcement a priority. That's essential—requirements only work when companies follow them.

Resources



Court Cases

- [The legal and policy landscape of age assurance online for child safety and well-being](#), OECD
- [Age assurance practices of 50 online services used by children](#), OECD
- [U.S. Age Assurance Is Beginning to Come of Age: The Long Path Toward Protecting Children Online and Safeguarding Access to the Internet](#), Common Sense Media
- [But how do they know it's a child?](#), 5Rights
- [What happens once you know it's a child? Rethinking age assurance for a rights-respecting digital world](#), 5Rights
- [Weighing in on the Age Verification Debate: Risk-Based Approaches To Minimizing Harm for Child Users](#), Public Knowledge
- [Age Verification: The Complicated Effort to Protect Youth Online](#), OTI
- [Children's Rights and Online Age Assurance Systems: The Way Forward](#), The International Journal of Children's Rights
- [Social Media Age-Verification Legislation](#), R Street Institute
- [Mapping age assurance typologies and requirements](#), European Commission
- [States lead the way in regulating social media use by minors](#), The Cincinnati Herald
- [The Kids Aren't Alright Online: How To Build a Safer, Better Internet for Everyone](#), Public Knowledge
- [Supreme Court Upholds Age Verification: A Game-Changer for Child Online Safety Laws](#), PIPC
- [The Age of Age Restrictions Poses Policy Dilemmas for Kids Online Safety](#), Tech Policy Press
- [When Age Assurance Laws Meet Chatbots](#), Tech Policy Press
- [Check the age of the child and parental consent while respecting the child's privacy](#), CNIL
- [Age Verification in the United States](#), Tech Policy Press
- [Exploring Privacy-Preserving Age Verification: A Close Look at Zero-Knowledge Proofs](#), OTI
- [Analyzing the 2025 Children's Privacy Laws and Regulations](#), Troutman Pepper Locke
- [Supreme Court allows restrictions on children's access to social media to remain in place](#), SCOTUSblog
- [Free Speech Coalition v. Paxton, 606 U.S. 461 \(2025\)](#)
- [Netchoice v. Griffin \(1\)](#)
- [Netchoice v. Griffin \(2\)](#)
- [Netchoice v. Bonta \(1\)](#)
- [Netchoice v. Bonta \(2\)](#)
- [Netchoice v. Weiser](#)
- [NetChoice & CCIA v. Uthmeier](#)
- [CCIA & NetChoice v. Uthmeier](#)
- [Free Speech Coalition v. Moody](#)
- [Netchoice v. Carr](#)
- [Free Speech Coalition v. Rokita](#)
- [Free Speech Coalition v. LeBlanc](#)
- [Netchoice v. Murrill](#)
- [Netchoice v. Brown](#)
- [Netchoice v. Ellison](#)
- [Netchoice v. Fitch](#)
- [Free Speech Coalition v. Knudsen](#)
- [Netchoice v. Yost](#)
- [Netchoice v. Skrmetti](#)
- [Free Speech Coalition v. Skrmetti](#)
- [Netchoice & CCIA v. Paxton](#)
- [CCIA & NetChoice v. Paxton](#)
- [Students Engaged in Advancing Texas v. Paxton](#)
- [Free Speech Coalition v. Paxton](#)
- [CCIA v. Paxton](#)