



Analysis of State-Level Social Media Regulations Regarding Children

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OVERVIEW

There exist multiple developmental stages that occur before the age of 18, demonstrating unique needs for different aged-children. In the past 20 months, there have been several pieces of legislation that aim to restrict how minors interact with social media sites and platforms and often lump together all children under the age of 18. This undergraduate thesis examined ten of these state laws to answer the following research questions:

- RQ1:** Who or what entity is being regulated by these laws; how is social media being defined?
- RQ2:** Who is being protected; how are vulnerable populations defined?
- RQ3:** How are policymakers protecting children online; how is the anticipated 'harm' defined?

METHODS

This thesis presents ten different state laws from eight different states that all meet the following criteria: (a) they were passed within the last 20 months, (b) they aim to protect children (c) through the regulation of social media companies.

I conducted a **qualitative textual analysis** to uncover key attributes, as well as differences in the language of each law. Using an **inductive coding process**, I developed a codebook that I broke into two separate tables: *regulations and protections in state legislation and; potential 'harms' and solutions present in state legislation.*

Law	State	Title	Rule Effect Date
SB0152 HB0311	Utah	Utah Social Media Regulation Act	March 1, 2024
HB18	Texas	Securing Children Online Through Parental Empowerment Act	September 1, 2024
HB61	Louisiana	Provides for consent of a legal representative of a minor who contracts with certain parties.	August 1, 2024
SB162	Louisiana	Secure Online Child Interaction and Age Limitation Act	July 1, 2024
SB396	Arkansas	Social Media Safety Act	September 1, 2023
AB2273	California	California Age-Appropriate Design Code Act	July 1, 2024
SB262	Florida	Technology Transparency	July 1, 2024
S419	Montana	TikTok in State	January 1, 2024
Public Act No. 23-56	Connecticut	An Act Concerning Online Privacy, Data and Safety Protections	Sec. 1-6: July 1, 2023 Sec. 7: July 1, 2024 Sec. 8-13: October 1, 2024 Sec. 14-15: January 1, 2024
HB3	Florida	Online Protections for Minors	January 1, 2025

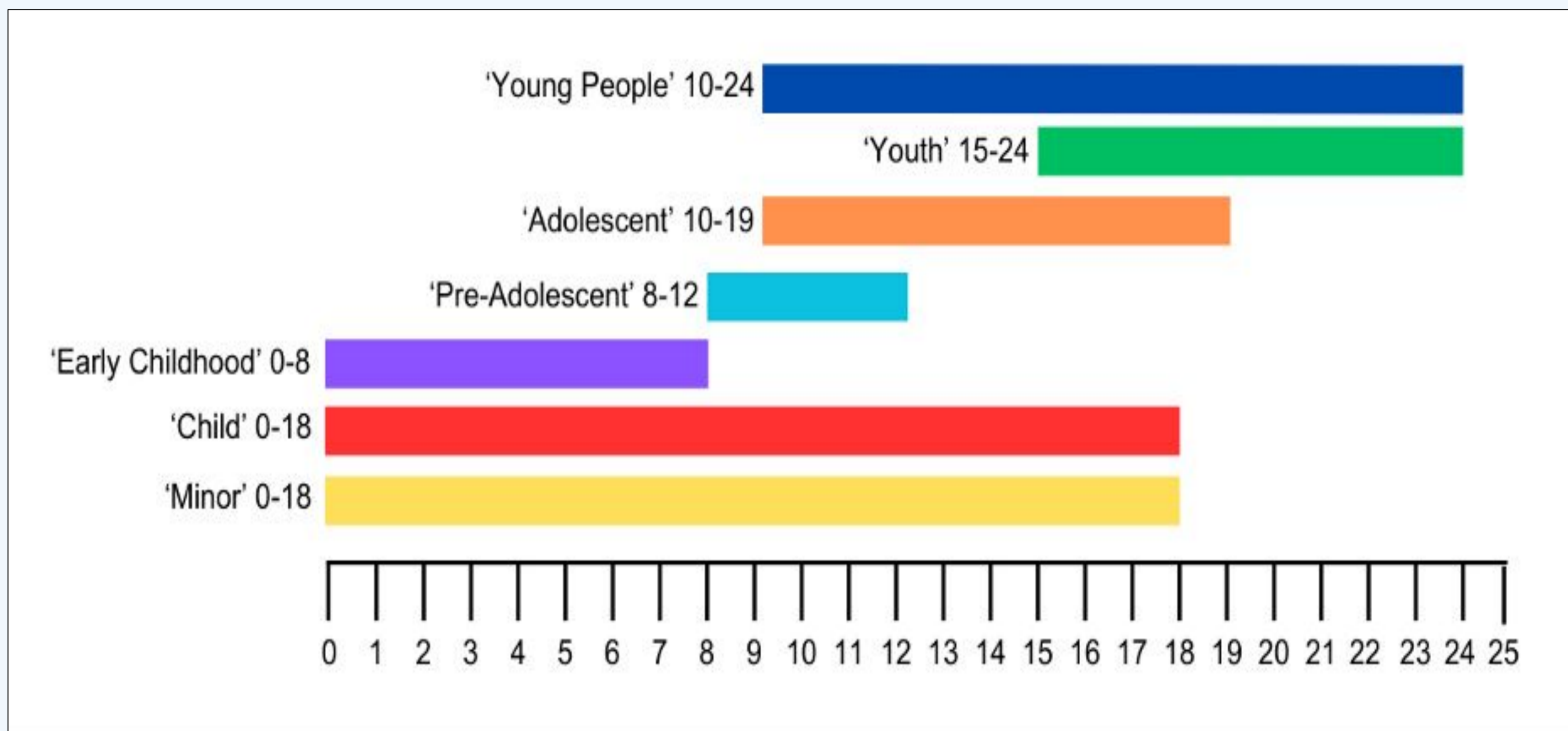
RESULTS

Vulnerable Populations

- Discrepancy in terms
 - Laws from **Texas, Utah, Louisiana, Arkansas, and Connecticut** all protect 'minors' defined as individuals under 18.
 - Laws from **California and Florida's SB262** protect 'children' defined as an individual under 18.
- Variation in how the term 'child' or 'minor' was defined
 - As stated above, **California and Florida's SB262** define 'child' as an individual under 18.
 - **Connecticut** defines 'child' to have the "same meaning provided in COPPA" which is an individual under 13.
- Discrepancy amongst laws from the same state
 - **Louisiana's HB61** defines 'minor' as an individual under 18 who is not married or emancipated; **Louisiana's SB162** defines 'minor' as an individual under 16 who is not married or emancipated.
 - **Florida's SB262** protects 'children' (individuals under the age of 18); **Florida's HB3** aims to protect "minors younger than 14 years of age" and "minors who are 14 or 15 years of age"

Potential Harms and Solutions

- **Data collection** is addressed in the greatest number of laws: 8 out of 10
- **Mental health/well-being** was addressed in 5 out of 10 state laws.
- **Addiction** was addressed in 3 out of 10 state laws.
- The requirement for **parental control or consent** was addressed in 7 out of 10 state laws. However, there is variation amongst these bills regarding the level of control parents have over the child's social media account or usage.
- **Age verification** was addressed in 5 out of 10 state laws.



CONCLUSION AND DISCUSSION

The answering of my research questions allowed me to compare my findings with existing literature in the media and technology space, as well as the child development space. I compared the language and concepts of the laws with that of researchers in order to determine if there was a common ground, or a disconnect in what they believed to be potential harms or vulnerable populations.

- I found a **disconnect** between the legislation and research by developmentalists regarding who is the **vulnerable population and how is that population defined**. The laws placed one set of regulations on these companies to protect a population that encompassed either individuals ages 0-13 or, most often, individuals ages 0-18. The legislation seems to ignore developmental research saying that there are unique needs for children of different ages.
 - Developmentalists are stating the benefits of social media use for adolescents, while recognizing this may not be the case for those in pre-adolescence, or early childhood. By lumping together all children ages 0-18, these laws are ignoring those needs of adolescents.
- I found a **disconnect** regarding **privacy** due to the literature's concern over the risk of data collection and the laws' implementation of age verification.
 - It is to note that 8 out of 10 of these laws aim to protect against these laws, therefore drawing a level of agreement between the policy and research. However, age verification systems require the collection of sensitive and personal data which can then be shared or sold, thereby creating the risks both the literature and some of these laws are aiming to protect against.
- There was a level of **disconnect** regarding the **consequences of social media on mental health or well-being**. The laws that referenced well-being stated that social media use results in negative consequences, typically related to mental health. However, I reviewed literature stating that social media use is beneficial to youth, specifically marginalized groups such as LGBTQ or children from rural areas.
 - That being said, there exists a limitation here for me to state outright that there is a disconnect between policy and science, as there is a lack of consensus in the literature. There is research stating that social media use is linked to mental health issues such as self-harm, eating disorder, or suicidal thoughts in children or adolescents. There is also research stating the benefits of social media use in adolescents due to the benefit of social connection and identity-building.