

NetChoice



SIIA



Computer & Communications  
Industry Association

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April 17, 2026

**Members of the Massachusetts Senate**

**RE:** H.R. 5366, Opposition to Proposed Legislation Banning Social Media for Minors Under 14 and Restricting Access for Ages 14–15

Dear Senator:

On behalf of the undersigned organizations, we write with respect to legislation before the Massachusetts Senate addressing social media use by minors and cellphone use in schools. Restricting student use of personal electronic devices during the school day is a reasonable, content-neutral regulation of conduct that falls well within the Legislature’s authority and the government’s power to manage the school environment. Those provisions are sound policy and we support their inclusion.

We write, however, in firm opposition to the social media provisions — specifically, the ban on social media use for users under 14 and the requirement of verifiable parental consent for users aged 14 and 15. While we share the Legislature’s genuine concern for the online safety of Massachusetts’s young people, those provisions are unconstitutional under the First Amendment, pose serious and irreconcilable privacy risks, and are likely to be enjoined in federal court. We respectfully urge the Senate to oppose the social media portions of this bill while advancing the cellphone-in-school restrictions.

**The Social Media Ban Violates the First Amendment**

The Supreme Court has repeatedly struck down laws that require platforms to verify the age of users as a precondition to accessing lawful speech and information. Such requirements chill protected expression by deterring both speakers and listeners from participating in online discourse. *Reno v. ACLU*, 521 U.S. 844, 855–857 (1997); *Ashcroft v. ACLU*, 542 U.S. 656 (2004). The government may not erect gatekeeping burdens as the price of accessing lawful speech, regardless of how well-intentioned those burdens may be.

Additionally, the bill’s requirement that 14- and 15-year-olds obtain verifiable parental consent before accessing social media is directly foreclosed by *Brown v. Entertainment Merchants Ass’n*, 564 U.S. 786 (2011), in which the Supreme Court struck down a California law requiring parental approval for minors to access certain video games. The Court held that the government cannot condition a minor’s access to lawful content on parental consent, even where the content is deemed harmful by some. Social media is constitutionally at least as protected as the video games at issue in *Brown*. The consent requirement in this bill cannot survive that precedent. When confronted with similar proposals, courts across the country have rejected similar state

proposals to restrict minors' access to social media and the treasure trove of lawful speech those websites make available.

### **The Bill Puts Minors' Sensitive Data at Risk**

Whatever the bill's intent, its practical effect would be to mandate the mass collection of sensitive personal data from every Massachusetts resident who uses social media — not just minors. Compliance with the age verification requirements would force platforms to gather government-issued identification, birth certificates, or equivalent documentation from all users. This sweeping data collection regime would create a centralized repository of sensitive personal information that is highly attractive to hackers and bad actors, exposing Massachusetts residents to identity theft and related harms.

The "verifiable consent" requirement for 14- and 15-year-olds compounds these risks. Platforms would need not only to verify the age of the minor, but also to authenticate the identity of the parent or guardian and confirm the family relationship — potentially requiring birth certificates, adoption papers, or court guardianship orders. The privacy implications for Massachusetts families are substantial.

The bill also contains a fundamental internal contradiction. It mandates prompt deletion of data gathered for age verification, while simultaneously requiring platforms to continuously enforce age-based restrictions. Platforms cannot comply with both mandates at once: they cannot know a user is a minor (to enforce restrictions) while having deleted the very information that established their minor status. In practice, this paradox would likely drive platforms to retain more data for longer periods in order to demonstrate compliance — the precise opposite of what a privacy-protective law should achieve.

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We wish to be clear that our opposition is directed solely at the social media provisions. The cellphone-in-schools policy rests on an entirely different and far more solid constitutional footing. Regulating the use of personal devices during the school day is a content-neutral restriction on conduct within a government-controlled environment. The Senate-passed cellphone bill (S. 2581) was sound, and the House's version extending and strengthening that policy is sound as well.

We urge the Senate to separate the cellphone provisions from the social media provisions and advance the former on its own merits, rather than allowing the constitutional vulnerabilities of the social media ban to jeopardize or delay what is otherwise well-grounded legislation.

Sincerely,

NetChoice  
Computer & Communications Industry Association (CCIA)  
Software & Information Industry Association (SIIA)