

Utah social media law is ambitious, but is it enforceable?

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Utah's sweeping [social media legislation](#) passed this week is an ambitious attempt to shield children and teens from the ill effects of social media and empower parents to decide whether their kids should be using apps

like [TikTok](#) or Instagram.

What's not clear is if—and how—the new rules can be enforced and whether they will create unintended consequences for kids and teens already coping with a mental health crisis. And while parental rights are a central theme of Utah's [new laws](#), experts point out that the rights of parents and the best interests of [children](#) are not always aligned.

For instance, allowing parents to read their kids' private messages may be harmful to some children, and age verification requirements could give [tech companies](#) access to kids' personal information, including biometric data, if they use tools such as facial recognition to check ages.

"Children may be put at increased risk if these laws are enforced in such a way that they're not allowed to some privacy, if they are not allowed some ability for freedom of speech or autonomy," said Kris Perry, executive director of the nonprofit Children and Screens: Institute of Digital Media and Child Development.

The laws, which will go into effect in a year, impose a digital curfew on people under 18, require minors to get parental consent to sign up for social media apps and force companies to verify the ages of all their Utah users. They also require tech companies to give parents access to their kids' accounts and private messages, which has raised alarms for child advocates who say this could further harm children's mental health by depriving them of their right to privacy. This is especially true for LGBTQ+ kids whose parents are not accepting of their identity.

The rules could drastically transform how people in this conservative state access social media and the internet, and if successful, serve as a model for other states to enact similar legislation. But even if the laws clear the inevitable lawsuits from tech giants, it's not clear how Utah will be able to enforce them.

Take age verification, for instance. Various measures exist that can verify a person's age online. Someone could upload a government ID, consent to the use facial recognition software to prove they are the age they say they are.

"Some of these verification measures are wonderful, but then also require the collection of sensitive data. And those can pose new risks, especially for marginalized youth," Perry said. "And it also puts a new kind of burden on parents to monitor their children. These things seem simple and straightforward on their face, but in reality, there are new risks that may emerge in terms of that that collection of additional data on children."

Just as teens have managed to obtain fake IDs to drink, they are also savvy at skirting online age regulations.

"In Southeast Asia they've been trying this for years, for decades, and kids always get around it," said Gaia Bernstein, author of "Unwired," a book on how to fight technology addiction.

The problem, she said, is that the Utah rules don't require social networks to prevent kids from going online. Instead, they are making the parents responsible.

"I think that's going to be the weak link in the whole thing, because kids drive their parents insane," Bernstein said.

There is no precedent in the United States for such drastic regulation of social media, although several states have similar rules in the works.

On the federal level, companies are already prohibited from collecting data on children under 13 without [parental consent](#) under the Children's Online Privacy Protection Act. For this reason, [social media platforms](#)

already ban kids under 13 from signing up to their sites—but children can easily skirt the rules, both with and without their parents' consent.

Perry suggests that instead of age verification, there are steps tech companies could take to make their platforms less harmful, less addictive, across the board. For instance, Instagram and TikTok could slow down all users' ability to mindlessly scroll on their platforms for hours on end.

The laws are the latest effort from Utah lawmakers focused on children and the information they can access online. Two years ago, Gov. Spencer Cox signed legislation that called on tech companies to automatically block porn on cell phones and tablets sold, citing the dangers it posed to children. Amid concerns about enforcement, lawmakers in the deeply religious state revised the bill to prevent it from taking effect unless five other states passed similar laws—which has not happened.

Still, [child development](#) experts are generally hopeful about the growing push to regulate [social media](#) and its effects on children.

"Children have specific developmental needs, and we want to protect them at the same time that we're trying to push back on Big Tech," Perry said. "It's a two-part effort. You have to really put your arm around the kids while you're pushing Big Tech away."

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