

IS KOSA UNCONSTITUTIONAL?

A new decision in *NetChoice v. Griffin* highlights important legal and policy issues with the Kids Online Safety Act in Congress.

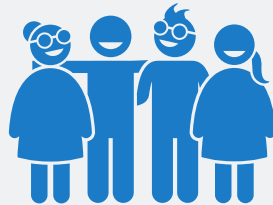
1: Social media age verification **conflicts with the First Amendment.**



To avoid liability under KOSA, social media services will need to verify each of their users, resulting in every user, regardless of age, being required to provide government-issued IDs to express themselves on social media. Judge Brooks described in *Griffin* that this likely violates the First Amendment because it chills free speech.

This type of massive data collection scheme will also harm the privacy and security of all Americans online—including minors.

2: Unworkable, one-size-fits-all laws **chill constitutionally protected speech.**



KOSA's "duty of care" standard will empower politically motivated AGs to sue social media for hosting constitutionally protected speech. As Judge Brooks explained in *Griffin*, laws that "broadly" suppress lawful, diverse speech in this way likely violate the First Amendment.

Minors are individuals, with different, unique needs, but KOSA is a one-size-fits-all mandate to complex and personal issues.

3: **Parents should make digital parenting decisions—not the government.**



"Of course, parents may rightly decide to regulate their children's use of social media—including restricting the amount of time they spend on it, the content they may access, or even those they chat with. And many tools exist to help parents with this."
—Judge Brooks in his recent decision in *NetChoice v. Griffin*

Protect Parental Rights. Reject Big Government.

What can Congress do instead?

Pass the Invest in Child Safety Act and educate American families on readily available online safety tools.