Patrick Hedger
Director of Policy, NetChoice
Washington, DC 20005

NetChoice
Protecting Free Speech and Free Enterprise Online

Virginia HB 757, The App Store Accountability Act

TESTIMONY IN OPPOSITION

February 12, 2026

Virginia House of Delegates
Labor and Commerce - Subcommittee #2

Dear Chair Lopez and Distinguished Members of the Committee:

NetChoice respectfully asks that you **oppose HB 757** which requires app stores to verify users' ages and obtain parental consent for minors' downloads and purchases. If enacted, this bill would almost certainly violate Virginian's First Amendment rights, weaken their privacy, and fail to keep kids safe.

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members have taken the issues of children's and teen safety seriously and, in recent years, have rolled out new features, settings, parental tools, and protections to better empower parents and help them monitor their children's use of social media. We ask that you oppose age verification proposals and instead focus on proposals that more effectively protect young people online without violating the constitutional rights of every Virginian of any age.

Age Verification–whether at the app store level, device or website-level raises constitutional issues—and is now being litigated in other states.

The Supreme Court and other federal courts have ruled that age verification mandates that block access to the exercise of First Amendment rights are unconstitutional. Age verification laws have recently failed to withstand legal scrutiny in several states. NetChoice has secured permanent injunctions against such censorious laws in Arkansas, Louisiana, and Ohio.[1] Implementing such a measure in Virginia would likely meet the same fate and lead to costly legal challenges without providing any real benefits to the state's residents.

[1] See NetChoice v. Griffin, Western District of Arkansas (2023) https://netchoice.org/netchoice-v-griffin/ NetChoice v. Murrill, Middle District of Louisiana (2025) https://netchoice.org/netchoice-v-murrill-louisiana/ NetChoice v. Yost, Southern District of Ohio (2024) https://netchoice.org/netchoice-v-yost.

As Federal Judge John W. deGravelles noted in granting a full injunction against Louisiana's age restriction law, "'It is . . . well established that the [Free Speech Clause] protects the right to receive information and ideas,' *Stanley v. Georgia*, 394 U.S. 557, 564 (1969), because 'the right to receive ideas follows ineluctably from the sender's First Amendment right to send them' and is necessary for the recipient's own 'meaningful exercise' of First Amendment rights, *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867 (1982) (plurality opinion). Even minors 'are entitled to a significant measure of First Amendment protection': '[O]nly in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to them.' *Erznoznik*, 422 U.S. at 212–13. Although States "possess[] legitimate power to protect children from harm, . . . that does not include a free-floating power to restrict the ideas to which children may be exposed.'"[2]

Most recently, in December 2025, U.S. District Judge Robert Pitman blocked Texas Senate Bill 2420, the App Store Accountability Act, from taking effect. The Computer & Communications Industry Association (CCIA) successfully challenged the law, which would have required app stores to verify users' ages and obtain parental consent for minors- provisions nearly identical to those in HB 757. The court ruled that "[Texas] SB 2420 is unconstitutional in the vast majority of its applications" under the First Amendment and compared the law to requiring every bookstore to verify the age of every customer at the door and demand parental consent before a child could enter or purchase a book.[3]

Given that legal landscape, HB 757's age-verification, parental-consent requirements, and data-related requirements cannot survive judicial review. Unlike regulating access to physical products no one has a constitutionally enumerated right to buy (cigarettes, alcohol), requiring ID (or similar "identity-based" burdens) for accessing lawful speech violates the First Amendment rights of adults, minors, and businesses alike. "Age-verification schemes," a federal district court recently held in enjoining Arkansas's similar age-verification requirements, "are not only an additional hassle, but they also require that website visitors forgo the anonymity otherwise available on the internet."[4]

Finally, HB 757 would likely be ruled unconstitutional under the Dormant Commerce Clause because it regulates behavior and activities that take place outside of Virginia. The law also imposes requirements on app stores about users who are under the age of 18. These requirements conflict with COPPA, a federal law that governs how websites handle minors' data. Therefore, HB 757 also violates the Constitution's Supremacy Clause.

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[2] NetChoice v. Murrill, https://netchoice.org/wp-content/uploads/2025/12/Louisiana-MSJ_Granted.pdf

[3] *Computer & Communications Industry Association v. Paxton*, Case No. 1:25-cv-01660-RP (W.D. Tex. Dec. 23, 2025)

[4] NetChoice v. Griffin, https://netchoice.org/wp-content/uploads/2025/04/Court-Permanently-Halts-Arkansas-Age-Verification-Law_NetChoice-v-Griffin_Mar-31-2025.pdf

Age Verification proposals undermine parental authority.

Poorly-designed age verification laws not only face legal challenges, but also encroach upon parents' long-established prerogatives in guiding their children's upbringing and online activities. Many online platforms have already implemented robust parental control features. For example, some online platforms have led the way with suites of tools for parents and teens to better protect themselves.

Additional parental controls are available at the device level. For example, iPhones and iPads already empower parents to limit the time their children can spend on the device, choose which applications (e.g., YouTube, Facebook, Snapchat, or Instagram) their children can use, set age-related content restrictions for those applications, filter online content, and control privacy settings. Market-driven innovation allows for diverse solutions that address different needs and preferences.

Moreover, if onerous requirements are forced onto app stores or devices, minors will quickly shift their access to use browsers instead of specialized apps, circumventing the protections the law aims to establish. This highlights the ineffectiveness of device-level or app store-level verification as a comprehensive solution.

Simply put, a one-size-fits-all government mandate will give users a false sense of security and will flatten the offerings for youth safety that are currently provided by the private sector. It would stifle innovation in this space and potentially reduce protections for Virginia youth, as companies focus on compliance rather than developing more effective, tailored solutions.

Age Verification proposals would put Virginians' private data at risk, leaving them vulnerable to breaches and crime.

Mandating age verification creates immediate privacy and cybersecurity liabilities for users. Age verification systems require collecting and storing sensitive personal data, potentially including government-issued IDs or biometric information. This not only contradicts the bipartisan aim of improving data security but also creates a new target for cybercriminals, potentially putting Virginia consumers at risk of identity theft or other forms of fraud. As we know from recent experience, any time there is a store of sensitive information it becomes a prime target for identity thieves and other nefarious individuals. Even government agencies have fallen victim to these attacks.

A quarter of minors become a victim of identity fraud or theft before their 18th birthday.[5] The problem is even worse for minors in foster care and child welfare systems. Identity fraud incidents can affect a young person's credit reports, holding them back on the path to financial stability. Age verification mandates stand to make this problem a catastrophe.

Conclusion

While age-verification proposals are well-intended, NetChoice strongly believes that the drawbacks outweigh potential benefits. We respectfully urge the committee to reject this unconstitutional and ineffective approach. Instead, we encourage fostering private sector innovation in parental controls and youth safety tools. NetChoice members remain committed to protecting minors online through empowering parents, educating users, and working with policymakers to develop more effective and constitutional solutions to address concerns about underage access to sensitive content or services.

We want to be a resource to discuss these issues in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.

Sincerely,

Patrick Hedger
Director of Policy
NetChoice[6]

NetChoice is a trade association that works to protect free expression and promote free enterprise online.

[5] 25 percent of kids will face identity theft before turning 18. Age-verification laws will make this worse. - R Street Institute (2024).
[6] The views of NetChoice expressed here do not necessarily represent the views of all NetChoice members.