Tyler Fields
Government Affairs Associate, NetChoice

NetChoice
Protecting Free Speech and Free Enterprise Online

Puerto Rico PC 1136

Testimony in Opposition

June 23, 2026

Senate of Puerto Rico

Dear Senators,

On behalf of NetChoice, a trade association working to make the internet safe for free enterprise and free expression, we write in opposition to PC 1136 which would ban minors under 14 from accessing social media. PC 1136 suffers from significant constitutional flaws namely:

1. PC 1136 is unconditional under the First Amendment,
2. It would put Puerto Rican's privacy and data at risk, leaving them vulnerable to breaches and crime and
3. The bill violates parental rights.

While intended to improve child mental health outcomes and protect child safety, goals which NetChoice and our members share, an unconstitutional law helps no one. Several US states have attempted to enact similar pieces of legislation, which have been blocked in court time after time. Other nations, including Iran and Australia, have also taken steps to curtail online speech. But unlike citizens of those countries who have little protection from government mandates, Puerto Ricans of all ages are protected by the Constitution and Bill of Rights. NetChoice members have taken issues of teen safety seriously and, in recent years, have rolled out numerous new features, settings, parental tools and protections to better empower parents and assist in monitoring their children's use of social media. We ask that you oppose PC 1136 and use this opportunity to jumpstart a larger conversation about how to best protect children online while protecting the constitutional, parental, and privacy rights of Puerto Ricans of all ages.

PC 1136 is unconditional under the First Amendment

Social media platforms are forums for speech, and that speech does not lose its constitutional protection because the speaker, reader, or listener is a minor. Federal courts applying the First Amendment to

nearly identical state laws have repeatedly held that blanket age based access bans and mandatory age verification regimes are subject to heightened constitutional scrutiny because they restrict the public's ability to access and disseminate lawful speech, not merely an incidental byproduct of some unrelated regulatory purpose.

Courts have already applied this scrutiny to legislation materially indistinguishable from PC 1136. A federal court permanently blocked Louisiana's social media age verification statute in December 2025 on First Amendment grounds. A federal judge in Georgia found that a comparable age verification and parental consent law for under 16 accounts infringes on minors' free speech rights by chilling anonymous expression and access to information online, agreeing the law will not withstand strict constitutional scrutiny. Bills resembling PC 1136 have been enjoined, struck down, or are currently the subject of active First Amendment litigation in Arkansas, California, Mississippi, Nebraska, Ohio, Tennessee, Texas, Utah, and Virginia, among others. We see no reason a Puerto Rico statute built on the same model would fare differently in federal court.

Mandatory Age Verification Creates the Very Safety & Privacy Concerns This Bill Purports to Fix

Section 4 of PC 1136 requires every covered platform to verify the age of every user in Puerto Rico through "high precision technological standards." In practice, no such system exists that does not also function as an identity verification and data storing system. To comply with this bill, platforms would need to collect government identification, biometric data, and other sensitive personal information from millions of users — including the adults the bill does not intend to restrict — simply so they can continue using lawful, protected services. This creates a privacy nightmare. Companies would be forced to store this data for an undefinable amount of time for compliance reasons, creating a treasure trove of information online predators, and identity thieves would undoubtedly attempt to exploit. Section 4(ii)'s promise of "immediate deletion" after verification does not eliminate this exposure; the data must still be collected, transmitted, and processed before it can be deleted, and a single intervening breach cannot be undone by a subsequent deletion mandate.

This Bill Violates Parental Rights

Section 3's "parental consent" exception is a one time, platform administered gate, not an ongoing tool for parents to tailor their own children's access to the platforms, features, and content they judge appropriate. Many parents reasonably decide that supervised, or even unsupervised social media use,

with the safety tools platforms already offer — content filters, screen time controls, privacy defaults for minor accounts, and reporting tools — is the right approach for their own family. This is a decision best left up to parents who know their children and families better than anyone, including the government. This bill strips away parents' rights to decide for themselves and their families how to best protect their children.

Conclusion

We urge the Senate not to consider PC 1136. The Commonwealth's interest in protecting minors online is legitimate and one NetChoice's members take seriously, including through age appropriate design features, parental controls, and reporting tools already deployed across major platforms. But a strict social media access ban enforced through mandatory identity verification is the wrong tool: it is unconstitutional, it forces the collection of sensitive data from every user, and it has failed in every courtroom across the country. We welcome the opportunity to be a resource on this or any other issue and discuss alternative approaches that can withstand constitutional scrutiny and protect the rights of all Puerto Ricans.

Sincerely,

Tyler Fields, NetChoice[1]

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

[1] The views of NetChoice expressed here do not necessarily represent the views of all NetChoice members.