



April 22, 2026

Massachusetts State House
24 Beacon St
Boston, MA 02108

Re: H. 5349 – OPPOSE

Dear Honorable Senate President Spilka, Senate Ways and Means Chair Rodrigues, Speaker Mariano, and House Ways and Means Chair Michlewitz,

I write today on behalf of the Electronic Frontier Foundation, a San Francisco-based, non-profit organization that works to protect civil liberties in the digital age. EFF represents more than 32,000 individual active donors and members, including thousands of people in Massachusetts. We write to respectfully oppose H. 5349, which would prohibit all Massachusetts residents under the age of 14 from accessing social media platforms entirely, and prohibits 14- and 15-year-old users from accessing social media platforms without verifiable parental consent. Critically, the bill violates young people's First Amendment rights to speak and get information online. In the process, H. 5349 also burdens adults' free speech rights, destroys the right to online anonymity, and jeopardizes everyone's privacy and data security. It also removes power from parents and young people to decide for themselves whether to use social media and jeopardizes young people's wellbeing. Lawmakers must not sacrifice their constituents' First Amendment and privacy rights, and should instead be working on constitutional measures to help young people use the internet safely.

Banning Youth From Social Media is Unconstitutional

First, [there is no "kid exception" to the First Amendment](#). Just like adults, young people enjoy First Amendment rights to speak and to access speech on social media. Indeed, courts across the country have [struck down](#) laws banning young people from social media, ruling that the laws violate both young people's and adults' First Amendment rights. And the Supreme Court has repeatedly struck down laws that restrict minors' speech or impose parental-permission requirements on non-sexual content. Banning young people entirely from social media is an extreme measure that doesn't match the actual risks of online engagement. Requiring parental consent and mandating that parents have access to their child's personal account data not only chills young people's speech, but also endangers the safety of young people in unsupportive households or other precarious situations. Finally, Massachusetts does not have a valid interest in overriding parents' and children's rights to decide for themselves how to use social media.

Banning Youth From Social Media is Bad Public Policy

Besides being unconstitutional, banning young people from social media is bad public policy. While efforts like H. 5349 are often intended to protect youth, cutting off their online access will both [erase their important voices and perspectives](#) and frustrate their development, ability to form in-person relationships, and autonomy. After all, social

media sites are not just sources of entertainment; they already provide crucial spaces for young people to explore their identities—whether by creating and sharing [art](#), practicing [religion](#), community building, or [civic engagement](#).

For many young people, especially those who lack support in their physical environments, these online communities can provide meaningful connection and a sense of belonging.¹ Research has [disproven](#) the oft-assumed link between social media use and poor mental health in youth; in fact, young people actually benefit from online connection.² A 2025 Pew Study has reported that a majority of teens see social media as a positive space for friendships and creativity, with 74% of teens saying these platforms make them feel more connected to their friends, and 63% that it gives them a place to show off their creative side.

For LGBTQ+ youth in particular, social media provides an essential lifeline of support. A survey by The Trevor Project revealed that most LGBTQ+ young people agreed that they go online to connect with people because it is difficult finding others to relate to and connect with in their daily lives. Compared to their cisgender peers, trans and non-binary youth were more likely to agree that they go online to find others because it is hard to make in-person connections (79% vs. 65%), and because they feel they can be their complete selves online (78% vs. 64%).³

The harms of a social media ban like H. 5349 are [further magnified](#) for other members of marginalized groups, including young people who are rural, homeschooled, in foster care, have a disability, or are living in an unsupportive or abusive home. Additionally, social media can be a very useful tool for adolescents to obtain factual and scientifically accurate information about a wide array of topics, including sexuality and gender identities.⁴ These resources can be particularly crucial for young people living in places

¹ See UNICEF, Statement: Age Restrictions Alone Won't Keep Children Safe Online (Dec. 10, 2025), <https://www.unicef.org/press-releases/age-restrictions-alone-wont-keep-children-safe-online>; Manushya Foundation, Statement on Age-Gating Laws (Aug, 21, 2025), <https://www.manushyafoundation.org/manushya-s-statement-on-age-gating>.

² See, e.g., Mike Masnick, “Two Major Studies, 125,000 Kids: The Social Media Panic Doesn't Hold Up,” TechDirt (Jan. 21, 2026), <https://www.techdirt.com/2026/01/21/two-major-studies-125000-kids-the-social-media-panic-doesnt-hold-up/> (“For girls, moderate use became most favorable from middle adolescence onward, while for boys, *no use became increasingly problematic from midadolescence*, exceeding risks of high use by late adolescence.”); see also Kelsey L McAlister et al., “Social Media Use in Adolescents: Bans, Benefits, and Emotion Regulation Behaviors,” JMIR Mental Health (Nov. 4, 2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11554337/>.

³ Trevor Project, *Online Experiences and Mental Health of LGBTQ+ Young People* (Sept. 17, 2025), <https://www.thetrevorproject.org/research-briefs/online-experiences-and-mental-health-of-lgbtq-young-people/>.

⁴ Rainier Harris (high school senior, Queens NY), “How Young People Use Social Media to Engage Civically,” PBS News Hour Classroom (Nov. 5, 2020), <https://www.pbs.org/newshour/classroom/classroom-voices/student-voices/2020/11/student-voice-how-young-people-use-social-media-to-engage-civically>.

where open discussions of sexuality are restricted. Finally, adolescents also face increasing obstacles to information on sex, reproductive health, and abortion services. Studies have shown that social media is the primary information source for that population.⁵ Blocking our youth from these diverse online spaces and mandating parental consent restricts young people from opportunities to develop and participate in public life, and to seek information from online communities that they may not be able to access in the physical world.

H. 5349 Harms the Privacy and Expressive Rights of Adults and Youth Alike

To comply with H. 5349, social media platforms must either build and implement their own [expensive and invasive age verification systems](#) (using discriminatory methods like AI-based age estimation, biometric scans, or collection of government ID) or contract with third-party companies to do the same. Both of these options come with [a slew of privacy, security, and expressive harms](#)—not only for young people, but for adult users too.

Moreover, multiple studies have shown that no method of age verification is both privacy-protective and entirely accurate; rather, each and every method endangers user data security *and* threatens access to lawful expression in some way.⁶ Many of these mandates imagine technology that [does not currently exist](#). And they are often easy to circumvent and will expose consumers to [real data breach risk](#). ID-based systems of access can lock people out if they don't have the right form of ID, and biometric systems or facial recognition scans are often discriminatory or inaccurate. All methods are [disproportionately harmful](#) to Black and Hispanic Americans, immigrants, lower-income individuals, trans and gender non-conforming adults, and people with disabilities. And importantly, requiring users to identify themselves before speaking also [chills anonymous speech](#)—protected by the First Amendment, and essential for those who risk retaliation.

H. 5349's parental consent and account data access provisions further chill young users' speech while compounding the safety risks to the personal data of minors and parents alike. There is [no good way](#) to securely and accurately verify the relationship between parent and child; any method that a platform may employ to attempt to comply with this provision will require families to hand even more of their sensitive and immutable

⁵ Lee Hasselbacher et al., *Exploring Adolescent Abortion Information Sources and Preferences Post-Dobbs in the Midwestern United States*, *J. of Women's Health* (June 10, 2025), <https://journals.sagepub.com/doi/full/10.1089/jwh.2024.0563>; Woodhull Freedom Foundation, *Report: Age-Verification Laws Impacting Sex Educators* (Apr. 2, 2026), <https://www.woodhullfoundation.org/press-release/report-age-verification-sex-educators/>.

⁶ See, e.g., Online age verification: Balancing Privacy and the Protection of Minors. CNIL. (n.d.), <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>; Roadmap for age verification., (n.d.), https://www.esafety.gov.au/sites/default/files/2023-08/Roadmap-for-age-verification_2.pdf; Joint Statement of Security and Privacy Scientists and Researchers on Age Assurance (March 2, 2026), <https://csa-scientist-open-letter.org/ageverif-Feb2026>.

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personal information over to platforms, third-party identity-checking companies, and any number of [unseen online intermediaries in that transaction](#).

How to Make the Internet Safer—For All of Massachusetts

The internet is an essential part of how we speak, learn, and participate in public life. Instead of cutting young people off from this crucial tool of self-discovery, we should support them as they grow into well-rounded members of adult society. Instead of broad censorship mandates like the age gate provisions of H. 5349, lawmakers should consider supporting: [comprehensive consumer data privacy laws](#) that would keep all of our sensitive data safe from bad actors; digital literacy education measures like those in Section 103 of the bill that could arm young people with the knowledge they need to stay safe while exploring online spaces; and public education and advocacy efforts that would help parents and teachers utilize existing tools to customize online experiences according to each young person's unique developmental needs.

For these reasons, we must respectfully oppose H. 5349 and respectfully urge your "no" vote. Thank you.

Sincerely,



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cc: All Members of the Massachusetts House and Senate