

SUMMARY COMPARISON OF SELECT U.S. STATE CHILDREN’S ONLINE LAWS

APPLICATION

	AR (Act 689) ¹	CA (AB 2733) ²	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181) ³	UT (SB 152)
Covered entities	Social media companies	Businesses that provide online services, products, or features likely to be accessed by children	Controllers that offer any online service, product, or feature to consumers whom such controllers have actual knowledge, or wilfully disregard, are minors	Digital service providers	A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors	Social media companies
Age threshold	Minor (individual under 18 years of age)	Child (consumers who are under 18 years of age)	Minor (consumer who is younger than 18 years of age)	Minor (child who is younger than 18 years of age who has not had the disabilities of minority removed for general purposes)	Minor (individual younger than 18 years of age)	Minor (an individual who is under the age of 18)

¹ On August 31, 2023, the United States District Court for the Western District of Arkansas granted NetChoice’s motion for preliminary injunction finding that Act 689 is unconstitutionally vague and violates the First Amendment.

² Pending court’s ruling on NetChoice’s motion for preliminary injunction in NetChoice v. Bonta, United States District Court for the Northern District of California, in which NetChoice alleges that California Age-Appropriate Design Code Act is unconstitutional.

³ On August 31, 2023, the United States District Court for the Western District of Texas granted Free Speech Coalition’s motion for preliminary injunction finding that HB 1181 violates the First Amendment.

REQUIREMENTS

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
Parental consent for minors to create accounts	✓	✗	✗	✗	✗	✓
Age verification	✓	Estimate the age of child users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business or apply the privacy and data protections afforded to children to all consumers	✗	Digital service provider must "register the person's age" before allowing them to create account Digital service providers that knowingly distribute material that is more than 1/3 harmful or obscene must use age verification	✓	✓
Provide content warnings	✗	✗	✗	✗	✓	✗
Duty of care	✗	✗	✓	✗	✗	✗
Prepare data protection impact assessments	✗	✓	✓	✗	✗	✗
Implement plan to mitigate risks identified in DPIA	✗	✓	✓	✗	✗	✗
Develop and implement strategy to prevent known minor's exposure to harmful material	✗	✗	✗	✓	✗	✗
Default privacy settings for children	✗	✓	✗	✗	✗	✗
Provide information in language suited to age of child	✗	✓	✗	✗	✗	✗
Signal to child if their activity or location is being monitored by parent, etc.	✗	✓	✗	✗	✗	✗

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
Enforce published terms, policies, and community standards	✗	✓	✗	✗	✗	✗
Provide tools to exercise privacy rights	✗	✓	✗	✗	✗	✗
Use any system design feature to significantly increase, sustain or extend any minor's use of such online service, product or feature	✗	To be considered as part of DPIA	✓	✗	✗	✗
Allow parents to access minor's account to view all posts, responses, and messages	✗	✗	✗	✗	✗	✓
Create tools to allow parents to control minors' privacy and account settings	✗	✗	✗	✓	✗	✗
Create tools to allow parents to monitor and limit minors' use of digital services	✗	✗	✗	✓	✗	✗
Restrict advertising to minors that promote unlawful products / activities	✗	✗	✗	✓	✗	✗
Make disclosures around use of algorithms	✗	✗	✗	✓	✗	✗
Allows parents to access and delete minor's personal data	✗	✗	✗	✓	✗	✗
Not allow minor to make purchases or engage in financial transactions	✗	✗	✗	✓	✗	✗
Prohibit minors' access to social media account from 10:30 p.m. to 6:30 a.m.	✗	✗	✗	✗	✗	✓

DATA PROCESSING RESTRICTIONS

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
Do not use personal data in way that is materially detrimental to physical health, mental health or well-being of child	✗	✓	✗	✗	✗	✗
Do not profile a child	✗	✓	✓	✗	✗	✗
Do not collect or use personal data unnecessary to provide product	✗	✓	✓	✓	✗	✗
Do not use personal data for new processing purposes	✗	✓	✓	✓	✗	✗
Do not use personal data for longer than is necessary to provide product	✗	✗	✓	✗	✗	✗
Do not collect, sell or share precise geolocation	✗	✓	Cannot collect precise geolocation unless reasonably necessary for product, service or feature and only for time necessary	✗	✗	✗
Provide signal to child if precise geolocation is collected	✗	✓	✓	✗	✗	✗
Do not use dark patterns to collect unnecessary information	✗	✓	✓ (linked to consent)	✗	✗	✗
Cannot use personal data for purpose of targeted advertising to child (absent consent)	✗	✗	✓	✓ (cannot use digital service to display targeted advertising)	✗	✓ (cannot display any advertising in account)
Cannot sell personal data (absent consent)	✗	✗	✓	✓ (cannot share, disclose or sell personal data absent consent)	✗	✗
Cannot collect precise geolocation (absent consent)	✗	✗	✗	✓	✗	✗

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
Implement safeguards to prevent unsolicited messages from adults to children they are unconnected to	✗	✗	✓	✗	✗	✗
Prohibit direct messaging between the account and any other user that is not linked to the account through friending	✗	✗	✗	✗	✗	✓
Not show minor's account in search results for any user that is not linked to account through friending	✗	✗	✗	✗	✗	✓
Not collect or use any personal data from the posts, content, messages, text, or usage activities of the account unless an exception applies	✗	✗	✗	✗	✗	✓
Not use of targeted or suggested groups, services, products, posts, accounts, or users in the account	✗	✗	✗	✗	✗	✓

Enforcement

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
	Attorney General and private right of action	Attorney General (90 day right to cure)	Attorney General (30 day right to cure, sunseting December 31, 2025)	Attorney General and limited private right of action	Attorney General	Attorney General and private right of action

Effective Date

	AR (Act 689)	CA (AB 2733)	CT (SB 3, § 9)	TX (HB 18, Art. 2)	TX (HB 1181)	UT (SB 152)
	September 1, 2023	July 1, 2024	October 1, 2024	September 1, 2024	September 1, 2023	May 3, 2023