

Utah's First-of-its-Kind Social Media Laws Impose Sweeping Protections for Kids and Teens

The Bottom Line

- Two new Utah laws will require social media companies to get parental consent for all users under 18, re-verify the age of existing users, prohibit advertising to such minors, and more.
- These onerous requirements may lead social media companies to avoid Utah altogether.
- Both laws take effect soon – on March 1, 2024.

Earlier this month, Utah's Legislature quietly passed two significant social media bills aimed at protecting in-state children and teens under 18.

[House Bill 311](#), also known as the Social Media Regulation Act, imposes liability on covered social media companies in connection with platform practices, designs or features that cause social media addiction in minors.

[Senate Bill 152](#), also known as the Social Media Regulation Amendments, represents a considerable departure from social media laws throughout the nation regarding minor's access to social media. Most notably, the bill requires social media companies to obtain parental consent for children under age 18 to use social media.

Gov. Spencer Cox signed both bills into law on March 23, 2023. They take effect March 1, 2024, leaving little time for social media companies to implement the significant changes.

The Social Media Regulation Act

The Social Media Regulation Act (HB 311) presents a major departure from the current social media liability landscape. Under HB 311, covered social media companies will be subject to liability for their platforms' practices, designs or features if they cause "a minor to have an addiction to the company's social media platform." This new law provides for

both regulatory action by Utah's Division of Consumer Protection and a private right of action to collect damages caused by a platform's harm to minors.

The Social Media Regulation Amendments

The Social Media Regulation Amendments (SB 152) are intended to protect children who use social media platforms from online predators and inappropriate content. While the goal of protecting children is important, the implementation of such a process could impose significant burdens on social media platforms, particularly on smaller platforms that may not have the resources to implement the necessary policies and procedures.

While the intention behind these provisions is laudable, social media companies will face potentially onerous implementation requirements to comply with the laws. Significantly, the Social Media Regulation Amendments defines "minors" as Utah residents under age 18.

SB 152 requires social media companies, defined as "a person or entity that (a) provides a social media platform that has at least 5,000,000 account holders worldwide, and (b) is an interactive computer service," to take the following actions with respect to social media platform accounts held by Utah residents under age 18:

- prohibit a Utah minor to be an account holder on the social media company's social media platform unless the minor has the express consent of a parent or guardian and
- verify the age of an existing or new Utah account holder and, if the existing or new account holder is a minor, confirm that a minor has parental or guardian consent as required under the law.

Further, social media companies must take the following actions with respect to social media platform accounts held by Utah residents under age 18:

- prohibit direct messaging between the account and any other user that is not linked to the account through friending
- avoid showing the account in search results for any user that is not linked to the account through friending
- prohibit the display of any advertising in the account
- not collect or use any personal information from the posts, content, messages, text or usage activities of the account other than information that is necessary to comply with, and to verify compliance with, state or federal law, which information includes a parent or guardian's name, a birth date and any other information required to be submitted under this section

- prohibit the use of targeted or suggested groups, services, products, posts, accounts or users in the account

The Current Regulatory Framework – Increased Privacy Regulation for Minors

In [our prior alert](#), we discussed the California Age-Appropriate Design Code Act's new obligations for businesses, including requiring covered businesses to design products and services with the highest level of privacy (by default) for California minors. The Utah laws go much farther. But, taken together, the California and Utah laws may lead to blanket prohibitions on targeted advertising to individuals under 18 by implication. As the California and Utah laws demonstrate, children's privacy is certainly receiving increased regulatory attention.

Conclusion

Privacy protection for kids and teens is increasing across the U.S. and globally. It remains to be seen how the new Utah compliance requirements will be enforced and how they will impact the social media market, but they clearly represent a significant challenge for social media platforms. Some social media companies may simply choose to prohibit Utah minors from using their platforms altogether to avoid the onerous compliance requirements.

For More Information

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