



January 29, 2026

The Honorable John Hunt  
Chair  
Committee on Commerce and Consumer Affairs  
Room 229, South Building  
1 Granite Place  
Concord, NH 03301

**RE: Oppose HB 1650 - Age-Appropriate Design Code**

Dear Chair Hunt and members of the committee,

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a society in which all people benefit from technological advances, **I respectfully urge you to oppose HB 1650**, which would mandate sweeping age verification and content governance requirements that undermine user privacy, encourage over-moderation of lawful speech, disproportionately harm marginalized and at-risk youth, and conflict with well-established First Amendment protections.

We recognize the efforts of HB 1650 to address harm to minors, and we remain committed to advocating for policies that prioritize online safety for young people. However, we must also emphasize the importance of safeguarding fundamental rights such as freedom of speech and privacy, and we are concerned about the potential harm this bill may cause to youth in New Hampshire.

**HB 1650 would undermine the privacy and online experiences for *all* users**

As written, HB 1650 would effectively require covered companies to verify the identity and age of ALL users - a tremendous encroachment of individual privacy. In fact, estimating the age of a user will require more data, acting contrary to data minimization efforts. Moreover, many adult users reasonably would prefer not to share their identifying information with online services - creating an unpleasant dilemma for adult users: turn over sensitive personal data to access protected speech online, or forego enjoyment of that online service entirely.

Compelling companies to gather personal information from so many users threatens cybersecurity. Specifically, services that cater to LGBTQ+ communities would be at particular risk for targeting since their data could be used for cyberbullying or blackmail.

Privacy violations online often lead to offline violence. In 2024, LGBTQ+ people experienced increases in physical threats,<sup>1</sup> and in 2022, 54% of respondents reported experiencing severe harassment, including stalking, physical threats, and doxing.<sup>2</sup> This is not a theoretical threat: recently, a company that offered verification services to online platforms was found to have left personal data unprotected, threatening the privacy of untold numbers of users.<sup>3</sup>

## **HB 1650 could prevent the age-appropriate design of online services**

Online services are working hard to design age-appropriate services for teenagers, particularly younger teens. Online platforms use algorithms to provide a different experience for a thirteen-year-old than the experience they provide for a seventeen-year-old. Just like movie ratings restrict access to films depending on the age of a minor, algorithms tailor content by age. Instead, HB 1650 would make it much harder for platforms to offer personalized, age-calibrated feeds for teens by restricting how minors' data can be used to tailor algorithmic recommendations.

A recent Common Sense Media survey of teens and young adults aged 14 to 22 found that most value algorithmic curation for their social media feeds, allowing them to shape their online experience.<sup>4</sup> Among respondents, 76% actively used tools to filter out unwanted content, and 67% had curated their feeds by engaging with content that aligns with their interests. LGBTQ+ youth were even more proactive, with 89% avoiding disliked content and 78% personalizing their feeds.

Young people with moderate to severe depressive symptoms were also more likely to curate their feeds—90% filtered out disliked content, and 81% tailored their feeds, compared to peers with no symptoms. According to Common Sense Media, these curation practices are vital for helping teens build healthier, more supportive online environments. HB 1650 risks weakening these protective and empowering systems for minors, even though they can help teens avoid harmful content and find positive communities.

---

<sup>1</sup> Center for Technology and Society. *Online Hate and Harrassment: The American Experience 2024*. Anti-Defamation League, Jun. 11, 2024. <https://www.adl.org/sites/default/files/documents/2024-06/online-hate-and-harrassment-the-american-experience-v2024.pdf>

<sup>2</sup> Center for Technology and Society. *Online Hate and Harrassment: The American Experience 2022*. Anti-Defamation League, Jun. 20, 2022. <https://www.adl.org/resources/report/online-hate-and-harrassment-american-experience-2022>

<sup>3</sup> Joseph Cox. "ID Verification Service for TikTok, Uber, X Exposed Driver Licenses." 404 Media Podcast, Jun. 26, 2024. <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver-licenses-au10tix/>

<sup>4</sup> A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health. Common Sense, May 21, 2024. [https://www.common Sense Media.org/sites/default/files/research/report/2024-double-edged-sword-hop-elab-report\\_final-release-for-web-v2.pdf](https://www.common Sense Media.org/sites/default/files/research/report/2024-double-edged-sword-hop-elab-report_final-release-for-web-v2.pdf)

## **Platforms may over-moderate for all users, disparately impacting historically marginalized youth**

HB 1650's vague and sweeping duty-of-care requirements for minors are concerning because they are overly broad, subject to many interpretations, and provide limited clarity about what compliance looks like in practice. This creates legal uncertainty and invites inconsistent enforcement, pushing covered platforms to become the arbiter of what content and features are acceptable for minors across a wide range of ages and circumstances.

Such ambiguous provisions in HB 1650 will cause social media platforms to avoid litigation by over-moderating, resulting in a diminished experience for users of *all* ages and restricting vulnerable youth from the resources they need the most. Marginalized and at-risk youth have the most to gain from social media engagement, particularly if they face adversity or isolation offline. Researchers have identified that social media can be beneficial by offering meaningful social interactions, confirmed by a Pew survey indicating 81% of American teens say social media makes them feel more connected, while 68% say social media makes them feel that they have a support network in the face of hardship.<sup>5</sup> The network benefit is most critical for marginalized youth, including but not limited to youth of color,<sup>6</sup> LGBTQ+ youth, youth with disabilities,<sup>7</sup> Neurodiverse youth, and low-income youth. Common Sense Media reports that for Black, Latino, and LGBTQ+ youth, "social media is a vital source of connection, news, and inspiration."<sup>8</sup>

HB 1650 risks restricting content for LGBTQ+ youth who use online platforms to seek emotional support, search for information about their identities, and find communities that accept them when their own parents do not.<sup>9</sup> In fact, only 40% of LGBTQ+ youth report living in affirming households, while 68% reported finding online spaces to be supportive, and 64% identified role models on social media.<sup>10</sup>

---

<sup>5</sup> Zain Jafar, et. al. *Social media for public health: Reaping the benefits, mitigating the harms*. National Library of Medicine, Jul. 10, 2023. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10439458/#R18>

<sup>6</sup> Thomas, A., Jing, M., Chen, H. Y., & Crawford, E. L. *Taking the good with the bad?: Social Media and Online Racial Discrimination Influences on Psychological and Academic Functioning in Black and Hispanic Youth*. 52(2), 245–257. *Journal of Youth and Adolescence*, Oct. 13, 2022. <https://doi.org/10.1007/s10964-022-01689-z>

<sup>7</sup> The Learning Network. "I'm a Disabled Teenager, and Social Media Is My Lifeline." *The New York Times*, Jun. 5, 2019. <https://www.nytimes.com/2019/06/05/learning/im-a-disabled-teenager-and-social-media-is-my-lifeline.html>

<sup>8</sup> *A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health*. Common Sense, May 21, 2024. [https://www.commonsensemedia.org/sites/default/files/research/report/2024-double-edged-sword-hop-elab-report\\_final-release-for-web-v2.pdf](https://www.commonsensemedia.org/sites/default/files/research/report/2024-double-edged-sword-hop-elab-report_final-release-for-web-v2.pdf)

<sup>9</sup> Michele Ybarra, et. al., *Online social support as a buffer against online and offline peer and sexual victimization among U.S. LGBT and non-LGBT youth*. National Library of Medicine, Sept. 2, 2015. <https://pubmed.ncbi.nlm.nih.gov/25192961/>

<sup>10</sup> "2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People." The Trevor Project, 2024. <https://www.thetrevorproject.org/survey-2024/>

We agree that greater protections for young users are needed, but this bill's requirements would undermine those protections and harm vulnerable users.

### **One-size-fits-all defaults may harm more than they protect**

While parental involvement can be important to help keep minors safe online, lawmakers should be cautious about imposing one-size-fits-all restrictions through platform defaults. HB 1650 requires covered platforms to apply the “highest level of privacy” settings for minors by default, including limits on account visibility and adult interactions, disabling search indexing, and turning off push notifications.

These blanket defaults may overlook the realities of youth who rely on online platforms for support networks, especially those navigating unsafe or unsupportive home environments. For these young people, reduced discoverability, reduced communication tools, and broadly restricted interaction settings can function less as a safety measure and more as a barrier to essential social support, information, and community.

We agree that greater protections for young users are needed, but HB 1650's approach risks imposing rigid defaults that can unintentionally cut off vital lifelines for the very youth who need connection and resources the most.

### **HB 1650 guarantees litigation and raises major First Amendment issues**

Recent rulings from courts in Arkansas,<sup>11</sup> Utah,<sup>12</sup> Mississippi,<sup>13</sup> and Ohio<sup>14</sup> underscore the principle that regulatory measures impacting the core editorial and curatorial functions of social media companies – such as age verification mandates – even when intended to safeguard young users, are subject to rigorous constitutional scrutiny under the First Amendment.

HB 1650 directly contradicts established legal precedent. As the Supreme Court emphatically explained in *Moody v. NetChoice*, the First Amendment restricts governmental interference with the editorial discretion of private entities.<sup>15</sup> And the Supreme Court has routinely held that the First Amendment protects the rights of individuals, regardless of age, to access lawful expression. HB 1650, through its content-based and speaker-based restrictions, unequivocally infringes upon these

---

<sup>11</sup> *NetChoice, LLC v. Griffin*, No. 5:23-cv-05105 (W.D. Ark. filed June 29, 2023). “If the State’s purpose is to restrict access to constitutionally protected speech based on the State’s belief that such speech is harmful to minors, then arguably Act 689 would be subject to strict scrutiny.”

<sup>12</sup> *NetChoice, LLC v. Reyes*, No. 2:23-CV-00911-RJS-CMR, 2024 WL 4135626 (D. Utah Sept. 10, 2024)

<sup>13</sup> *NetChoice, LLC v. Fitch*, No. 1:24-CV-170-HSO-BWR, 2024 WL 3276409 (S.D. Miss. July 1, 2024)

<sup>14</sup> *NetChoice, LLC v. Yost*, 2024 WL104336 (S.D. Ohio Jan. 9, 2024). “As the [Supreme] Court explained, ‘[s]uch laws do not enforce parental authority over children’s speech and religion; they impose governmental authority, subject only to a parental veto.’ The Act appears to be exactly that sort of law. And like other content-based regulations, these sorts of laws are subject to strict scrutiny.”

<sup>15</sup> *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2405, 219 L. Ed. 2d 1075 (2024)

fundamental freedoms. Moreover, similar legislative efforts aimed at restricting minors' access to protected speech have been met with significant judicial skepticism.<sup>16</sup> Courts have consistently demanded a compelling justification for such measures, alongside concrete evidence of their necessity and effectiveness in mitigating harm. The failure to meet this high bar of constitutional scrutiny renders these attempts legally untenable.

As such, HB 1650 not only contravenes core constitutional values but also is likely to be adjudicated as unconstitutional on the grounds of the First Amendment, among other legal and policy considerations.

For these reasons, **I respectfully urge you to oppose HB 1650.** While protecting young people online is essential, this bill would erode privacy, restrict access to supportive digital communities, chill innovation and speech, and is likely to be struck down as unconstitutional under long-standing First Amendment precedent.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna January". The signature is fluid and cursive, with the first name being more prominent.

Brianna January  
Director of State & Local Government Relations, Northeast US

---

<sup>16</sup> The *Griffin* Court noted “[E]ven though the State’s goal of internet safety for minors is admirable, ‘the governmental interest in protecting children does not justify an unnecessarily broad suppression of speech addressed to adults.’” Similarly, the *Bonta* Court found that the California Age Appropriate Design Code is not based on any direct evidence demonstrating a causal link between social media use and harm to younger users.