

BILL ANALYSIS: HB 186

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PURPOSE

House Bill 186 prohibits the use of social media platforms by children. The bill relies on the common law contract principle that a child under 18 years old cannot enter into an enforceable contract. Accordingly, a social media platform must verify that a person seeking to become an account holder is at least 18 years old before accepting the person as an account holder. The method of age verification mirrors existing Texas law, using “a commercially reasonable method that relies on public or private transactional data to verify the age of an individual” ([Civil Practice and Remedies Code, Sec. 129B.003\(b\)\(1\)\(B\)](#)). Personal information obtained may be used for age verification purposes only and must be deleted immediately upon verification. HB 186 also requires social media platforms to delete a child’s account within 10 days of receiving a request from a verified parent or guardian ([Business & Commerce Code, Sec. 509.101](#)).

BACKGROUND

Children in Texas are spending an increasing amount of time on digital services. With 35% of teenagers using at least one social media platform almost constantly ([Vogels et al., 2022](#)) and an average screen time of nine hours a day for teens, the majority of their waking hours are spent using digital services ([American Academy of Child & Adolescent Psychiatry, 2020](#)). While there may be benefits to teens using digital services that provide educational content, for example, the harms children experience online are growing at an alarming rate. The list of harms children are exposed to and experience as a result of increased use of digital services is troubling and ever-growing: addiction, depression, loneliness, dissatisfaction with life, anxiety, self-harm, eating disorders, sex trafficking, cyberbullying, Child Sexual Abusive Material (CSAM), suicide, and more ([Whiting, 2023](#)).

The unfortunate reality is that for many of the physical, emotional, and psychological harms outlined above, there was a steady decrease in these symptoms from 1991 to 2011, with a sharp rise after 2011 ([Twenge et al., 2022](#); [Keyes et al., 2019](#)). This is contemporaneous with the precipitous rise in digital service usage that occurred during the mid- to late-2000s. Furthermore, it was revealed that certain digital service providers have been aware of the harms their products cause for children, are hiding internal research, and are doubling down on getting users hooked at younger and younger ages ([Oremus, 2021](#)).

Additionally, despite the fact that children cannot enter into enforceable contracts, myriad digital service providers enter into agreements with children without parental consent. While parents continue to do

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their best by investing time and resources into improving the safety of their child online, many currently available resources on digital services are cumbersome, costly, and easy to circumvent. And parents say they need more help. Sixty-six percent say parenting is harder in the digital age and 71% feel anxious about the impact of children’s screentime ([Auxier et al., 2020](#)).

SECTION-BY-SECTION

Section 1

Defines “account holder” and “child.”

Prohibits a child from using a social media platform. The bill amends Chapter 120 of the Business & Commerce Code, which already defines a “social media platform” as “an Internet website or application that is open to the public, allows a user to create an account, and enables users to communicate with other users for the primary purpose of posting information, comments, messages, or images” ([Sec. 120.001\(1\)](#)). The definition of social media platform does not include internet service providers, e-mail services, or certain online services, applications, or websites that consist primarily of news, sports, entertainment, or similar content which is not user generated, is preselected by the provider, and “for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on” the aforementioned content categories ([Sec. 120.001\(1\)\(A\)–\(C\)](#)).

Requires social media platforms to verify, using commercially reasonable methods, the age of a person seeking to become an account holder. Personal information used to verify age must be deleted immediately upon verification.

Requires social media platforms to delete a child’s account within ten days of receiving a request from a verified parent or guardian. Social media platforms must make access to account deletion requests reasonable, accessible, and verifiable. The process of becoming a verified parent or guardian was created by HB 18 ([2023](#)). Accordingly, it is already established under state law, requiring digital service providers to verify, using commercially reasonable methods, the person’s identity and relationship to a known minor in order to perform certain functions ([Business & Commerce Code, Sec. 509.101](#)).

Violations of the bill include knowingly failing to verify age at account creation, allowing a child to use a platform, misusing personal information during age verification, or failing to remove a child’s account upon request of a parent or guardian. Violations are enforced under the Deceptive Trade Practices Act.

Section 2

The bill only applies to accessing a social media platform on or after January 1, 2026.

Section 3

Establishes the effective date as September 1, 2025.

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Prior to joining the Foundation, he served as a state senator in his native state of Iowa. He served as Assistant Majority Leader, chair of the Labor and Business Relations Committee, and vice chair of the Administrative Rules Review Committee. Prior to the senate, Zach worked as a Legislative Assistant and Policy Advisor to a member of Congress. He graduated summa cum laude with a B.A. in political science from Stetson University and earned a J.D. from the Regent University School of Law.

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