

The Kids Online Safety Act (KOSA)

The Kids Online Safety Act, now S. 2073, commonly referred to as KOSA, is an online censorship bill that passed the Senate in July. The bill allows the Federal Trade Commission to sue apps and websites that don't take measures to "prevent and mitigate" various harms to minors, including anxiety, depression, substance use, and eating disorders. Mitigating such harms is worthwhile, but KOSA doesn't do the job. KOSA is an unconstitutional censorship bill that gives the FTC, and potentially state Attorneys General, the power to restrict protected online speech they find objectionable.

Online Censorship

KOSA will stifle online speech. Apps and websites will have to comply with a vague and overbroad provision demanding that they prevent "harm to minors" in all "design features." Because they could be liable for content public officials believe causes anxiety, depression, "compulsive use," or other alleged harms to minors, the provision incentivizes censorship. For example, some elected officials claim information about LGBTQ+ life is harmful to children and already have banned books to that end. Other officials might target information about sports or hobbies they believe are dangerous. They could also target news and political commentary on social media, if they believe it causes anxiety or depression.

Platforms will respond to KOSA's vague new liability standard, written into the bill as a "duty of care," by censoring users' lawful speech on topics that government officials deem harmful under the law. KOSA is ambiguous enough that different administrations could censor content all along the political spectrum, from guns to vaccines to transgender issues to abortion.

Age Verification

KOSA will also result in online services imposing age-verification systems to prevent minors from having the same access to content as adults. These systems require everyone—adults and minors—to verify their age. All age verification systems burden the rights of adults to read, get information, and speak and browse online anonymously.

Collecting ID online is fundamentally different—and more dangerous—than in-person ID checks in the physical world. Online ID checks are not just a momentary display: They require adults to upload data-rich, government-issued identifying documents, and create a potentially lasting record of their visit.

Better Options Exist

Consumer-focused, comprehensive federal privacy laws would protect young people without infringing on the First Amendment rights of everyone who uses the internet. Stronger competition laws would open the field and force platforms to innovate, offering more user choice for parents and teens.

Want more information? Please contact Director of Federal Affairs India McKinney at india@eff.org.



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