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A New Age of Age Verification

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Laws that would require age verification before users can access online platforms are popping up across the county. While some laws have been found constitutional, courts are still drawing lines over what age verification doesn't restrict speech in violation of the First Amendment.

Earlier this month, the Supreme Court allowed Mississippi's age verification law to go into effect while the merits of the law are litigated in court. Mississippi's age verification law is broader than other states (*e.g.,* Texas' age verification law which applies to sexually explicit sites) and requires age verification before a user can access general social media sites and other web platforms that allow users to create profiles that can be used to communicate with others.

Impacted sites must verify the age of all users and implement a system that prevents a known minor's exposure to harmful materials or other content that facilitates harm to minors on the site. "Harm to minors" includes content related to eating disorders, use of illegal drugs, online bullying or harassment, child porn, incitement of violence or any other illegal activity. Generally speaking, these laws provide wide leeway for the state governments to decide what content is harmful.

The impact of age verification laws can be far reaching. The Mississippi law has already led the social media site BlueSky to block access to their site for all IP addresses originating from Mississippi. Justice Kavanaugh noted in his concurrence that "the Mississippi law is likely unconstitutional", but while the case winds its way through the court system, social media companies and other impacted web platforms should be aware of Mississippi's (potentially temporary) age verification obligations. Each violation of Mississippi's age verification law can result in up to $10,000 of civil penalties.