

State Regulation of Social Media and Children in the United States

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Abstract

Over the past year, political sentiment, has pushed states to regulate social media use for children in the United State. This article will analyze the 300 bills in US state legislators to understand which states are the biggest regulators of social media.

Methods

We scraped the data from the National Conference of State Legislatures (“Social Media and Children 2024 Legislation,” n.d.). The data was imported on October 3, 2024. We utilized rstudio, along with the tidyverse package and usmap package to read in and analyze the data.

In total, there are 50 states and 9 different statuses for the legislation, including “Enacted”, “To governor”, “Adopted”, “Pending”, “Pending - Carryover”, “Failed - Adjourned”, “Failed”, “Vetoed”, and ” ” for NA values. We then cleaned the data to remove all values in the dataset that indicated the state had no legislation related to social media and children.

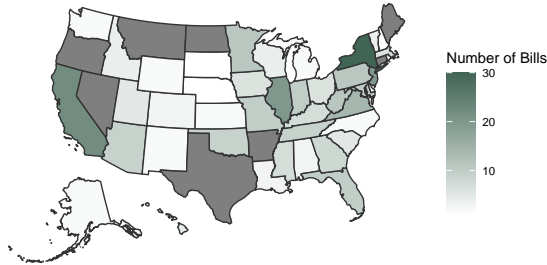
When analyzing the data, we looked to understand which states introduced the highest number of bills. We also calculated how many bills were passed by state legislatures and in which state. Finally, we read in data from the National Conference of State Legislatures on the of state legislatures and governments that passed bills regulating social media and child welfare. We used this data to understand the political control of the legislatures that introduced and passed legislation regulating social media.

Results

We found 42 states had introduced 300 pieces of legislation related to social media and children.

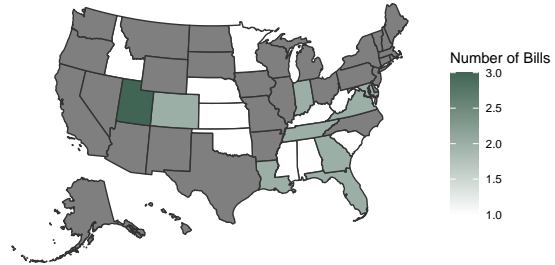
Out of the 42 states, 19 states ended up passing legislation related to social media and children. At most, states only passed 3 bills related to social media.

State's with Bills Regulating Social Media in 2024
States with No Bills have a Gray Fill



SOURCE: National Conference of State Legislatures

State's that Passed Bills on Social Media
States with No Bills have a Gray Fill



SOURCE: National Conference of State Legislatures

Partisan Breakdown

Overall, 14 of the state legislatures are democrat controlled, 25 are republican controlled, and 3 are divided. This suggests that interest in social media regulation is relatively bipartisan across party lines.

The states that have introduced the most legislation are large Democrat or swing states, including New York, California, Illinois, New Jersey, and Virginia.

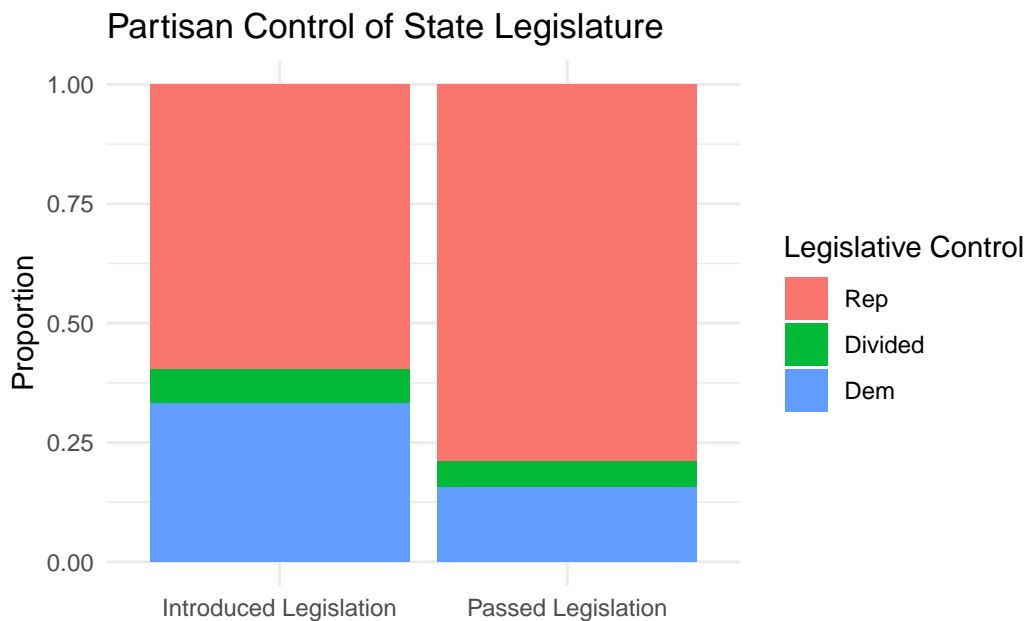
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# A tibble: 10 x 3
  state      n Leg_Control
  <fct>    <int> <chr>
1 New York    30 Dem
2 California   22 Dem
3 Illinois    20 Dem
4 New Jersey  20 Dem
5 Virginia    14 Dem
6 Minnesota   11 Divided
7 Pennsylvania 11 Divided
8 West Virginia 11 Rep
9 Florida     10 Rep
10 Indiana    10 Rep
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For states that passed legislation, the partisan control of state legislatures is mixed, with Republican controlled legislatures, such as Utah, and Democrat controlled legislatures, such as Maryland, passing bills related to social media regulation. However, only four of the 19 states, Colorado, Maryland, Virginia, Kentucky, Minnesota that have passed legislation regarding children and social media have Democrats controlling at least one house of the state legislature.

Discussion

Overall, its clear that regardless of partisan affiliation, Democrats and Republican state legislatures seem equally interested in introducing legislation regarding social media and children.

An interesting result is that while Democratic states were some of the states that introduced the most bills, a higher proportion of Republican controlled state legislatures passed bills.



An explanation for this is that while Democrats are more inclined to regulate the technology industry, there is a heavy technology lobbying presence in the state, making it harder to pass bills. Both New York and California are known for their technology industry, whose presence may lead to more lobbying in the states against bills.

Large States and Small States

With the exception of Florida, most states that have passed legislation regulating social media have medium to low populations. This suggests two possibilities: large states may have larger state legislators, which leads to more deliberation by legislators. Technology companies may also be more inclined to intensely lobby in states with large populations, stalling the passage of social media legislation.

Implications

The 2024 election flipped the senate and presidency from Democrat to Republican, creating a trifecta in the federal government. This means legislation such as the Kids Online Safety Act (KOSA) and COPPA 2.0 may have a perilous future on the federal level. On one hand, Republicans such as Mike Johnson have indicated opposition to KOSA (“Johnson Calls Kids Online Safety Act ‘Very Problematic’,” n.d.). but Trump appointees, such as incoming surgeon general have called for banning social media (Napier 2024). It remains unclear how policymakers may proceed with social media regulation on a federal level.

State governments may continue to push for bills to regulate social media. This however may make it hard for technology companies to operate platforms. A state by state system of technology regulation could lead to fragmented laws, creating a complex web of rules for any technology company to operate in.

Drawbacks and Areas for Future Analysis

The analysis only includes data from the beginning of 2024 through October 2024. Since the beginning of October, states may have passed new legislation changing the status of these legislation. Further, states have passed before 2024. A future area of inquiry may consider the trends in state legislation of children and social media over the past few years.

The data set only analyzed the partisan control of state legislators, not the individual political affiliations of those sponsoring each bill. Future analysis in the political affiliations of those sponsoring the bills may provide better insight into the relationship between partisanship and sponsoring of child safety legislation.

Conclusion

Federal regulation may prove to be more effective at both creating safer social media platforms, alongside offering a more streamlined system for child safety and wellness online. However, given the unknown state of KOSA and other legislation, state governments may prove to be the only alternative.

“Johnson Calls Kids Online Safety Act ‘Very Problematic’” n.d. <https://thehill.com/policy/technology/4932971-johnson-calls-kids-online-safety-act-very-problematic/>.

Napier, Andi Shae. 2024. “Trump’s Surgeon General Pick Called for Banning Social Media for Teens - Washington Examiner.” November 26, 2024. <https://www.washingtonexaminer.com/policy/technology/3242191/trump-surgeon-general-pick-called-ban-social-media-teenagers/>.

“Social Media and Children 2024 Legislation.” n.d. <https://www.ncsl.org/technology-and-communication/social-media-and-children-2024-legislation>.