

Federal judge permanently blocks Ohio law requiring parental consent for social media

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A federal judge permanently blocked Ohio's new law [restricting children's access](#) to social media.

The law, which was slated to take effect in January 2024, would have required social media companies to get parental consent before allowing children under 16 to use their platforms.

But U.S. District Court [Judge Algenon L. Marbley](#) wrote on April 16 that Ohio's social media restrictions violate First Amendment and due process rights. While he understands what lawmakers sought to do, they went too far, he wrote in a 49-page decision.

"This Court lauds the State's effort through the Act to protect the children of this state. This Court finds, however, that the Act as drafted fails to pass constitutional muster and is constitutionally infirm," Marbley wrote.

He added that the law was either underinclusive or overinclusive, or both. "Ohio's response to a societal worry that children might be harmed if they are allowed to access adult-only sections cannot be to ban children from the library altogether absent a permission slip."

Ohio Attorney General Dave Yost's office is reviewing the decision and will determine their next steps.

NetChoice, a trade association for technology companies, sued to block Ohio's social media restrictions, contending that the rules violated the First Amendment and were too confusing to enforce.

Last year, [Marbley temporarily blocked the law](#), calling it a "breathtakingly blunt instrument for reducing social media's harm to children."

Ohio has a [high legal bar](#) to clear if it wants to limit speech. The state must prove it has a compelling interest to limit speech and to do so in the least restrictive way.

Ohio Assistant Attorney General Stephen Tabatowski argued at a hearing that Ohio didn't have to meet that high standard because the social media restrictions were content-neutral. Instead of regulating speech, Ohio was regulating whether minors could enter contracts with social media companies.

NetChoice attorney Jeremy Maltz said Ohio was restricting children's First Amendment rights by requiring parental consent to access social media sites but not news organizations or websites where they could leave reviews.

“The government has put its thumb against minors accessing the place where there’s a tremendous amount of protected speech,” Maltz said.

The U.S. Supreme Court recently reviewed Florida and Texas laws that would limit social media companies' ability to restrict or remove users based on their political views. The laws were approved after the Jan. 6, 2021, attack on the U.S. Capitol when Twitter and Facebook suspended Donald Trump's accounts. The laws were billed as a way for conservatives to [fight back against Big Tech](#).

The [court kicked those cases back for additional review](#). However, they hinted that Texas's law, in particular, was likely unconstitutional. [Justice Elena Kagan wrote](#): "A State cannot prohibit speech to rebalance the speech market."

Marbley reiterated that sentiment during a March 12 hearing: “Government is not in the business of making sure the marketplace of ideas is balanced.”

Maltz said there are less restrictive ways to achieve what Ohio's law tries to do. Parents could cut off their children's Facebook access, or guardians could sign their kids up for a teen account instead.

In the year since this lawsuit was filed, [Meta has launched Teen Accounts on Instagram](#), restricting what users younger than 18 can see and whom they can message. Apple recently announced it would allow parents to share their children's age range with apps to receive age-appropriate content.

Ohio lawmakers recently introduced a new proposal to limit teens' access to smartphone applications and social media by [giving parents a one-stop control point: the app store](#).

USA TODAY and Reuters contributed to this article.