

BILL ANALYSIS

C.S.H.B. 186
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Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Federal Trade Commission, the federal Children's Online Privacy Protection Act (COPPA) was enacted in 1998 to establish a regulatory baseline for children younger than 13 in the burgeoning online landscape, giving parents tools to control information collected about their children online. The author of the bill informed the committee, however, that since COPPA's enactment, the digital landscape has seen rapid and radical growth, including the rise of social media platforms and modern smartphones, and that during this period of growth, issues surrounding teen mental health have also come to light. According to *The Anxious Generation* by Dr. Jonathan Haidt, from 2010 to 2020, emergency visits for self-harm rose by 188 percent among teenage girls and 48 percent for teenage boys. In the same period, the suicide rate for younger adolescents increased by 167 percent for girls and 91 percent for boys. In January of 2025, the bill author co-chaired the Joint Committee to Study the Effects of Media on Minors, where testimony was taken from experts and victims regarding some of the dangers that the use of certain social media platforms present, including the addictive nature of a platform, exposure to inappropriate content, threats of violence, and peer pressure.

C.S.H.B. 186 seeks to address these dangers by setting user age limitations, to the extent permitted by federal law, including COPPA, and age verification requirements for the social media platforms whose use is subject to regulation under applicable state law. The bill makes a violation of its provisions a deceptive trade practice under the Deceptive Trade Practices Act and subject to action by the consumer protection division of the attorney general's office under specified provisions of that act. The bill also seeks to change the definition of "social media platform" for purposes of applicable state law regulating the use of such platforms by excluding from the definition an online service, application, or website used primarily for the purpose of interactive gaming.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 186 amends the Business & Commerce Code to exempt the use of an online service, application, or website used primarily for the purpose of interactive gaming from regulation under the applicable state law, as amended by the bill, that regulates the use of certain social media platforms by expressly excluding such a service, application, or website from the definition of "social media platform" applicable to such regulation.

C.S.H.B. 186, in a provision applicable only to access to an applicable social media platform on or after January 1, 2026, prohibits a child younger than 18 years of age, to the extent permitted by federal law, including the federal Children's Online Privacy Protection Act, from using a social media platform whose use is subject to regulation under applicable state law. The bill requires such a social media platform to do the following:

- prohibit a child from entering into a contract with the social media platform to become an account holder, defined by the bill as a Texas resident who opens an account or creates a profile or is identified by the platform by a unique identifier while using or accessing a platform;
- verify that a person seeking to become an account holder is 18 years of age or older before accepting the person as an account holder; and
- use a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

The bill establishes that any personal information obtained in the verification process may only be used for age verification purposes and may not be retained, used, transmitted, or otherwise conveyed, regardless of whether consideration is given for the information.

C.S.H.B. 186 requires an applicable social media company to do the following:

- delete personal information immediately upon completion of the age verification process;
- delete the account of a child and cease the further use or maintenance in retrievable form, or future online collection, of personal information collected from the child's account on all its platforms not later than the 10th day after receiving a request to do so from the child's verified parent or guardian; and
- provide a reasonable, accessible, and verifiable means by which a parent or guardian may request such an account removal.

C.S.H.B. 186 establishes that an applicable social media company commits a violation of the bill's provisions regarding the prohibited access by children if it knowingly does any of the following:

- fails to verify a person's age before accepting the person as an account holder;
- allows a child to use its platform;
- misuses or otherwise conveys personal information provided in the age verification process; or
- fails to remove an account following the request of a parent.

The bill classifies such a violation as a deceptive trade practice subject to applicable actions by the consumer protection division of the Office of the Attorney General.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 186 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that exempts the use of an online service, application, or website used primarily for the purpose of interactive gaming from regulation under the applicable state law, as amended by the bill, that regulates the use of certain social media platforms by expressly excluding such a service, application or website from the definition of "social media platform" applicable to such regulation.