

AGs Aren't Kidding about KOSA

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Led by Tennessee Attorney General Skrmetti, 32 attorneys general (AGs) sent a bipartisan [letter](#) (19 Republicans and 13 Democrats) to both houses of Congress this week, supporting the passage of the Kids Online Safety Act (KOSA). This comes after a bipartisan [letter from 42 AGs](#) to Congress in September concerning social media warning labels.

The state AGs provide background on threats from social media platforms, including addictive products, selling data, and harms associated with use, citing current investigations of some of these platforms for the same practices (as we [have reported](#)). The letter asks Congress to “aid [these] state-level efforts” by passing KOSA. The AGs say KOSA addresses the threats by requiring platforms 1) automatically enable the strongest safety settings, 2) provide settings for parents and minors to choose to disable the most “most addictive product features” and algorithmic recommendations, and 3) provide parents with controls and reporting to “support their children.”

The letter explains that the version of KOSA AGs support provides for state enforcement, which the AGs say “is a great improvement over the earlier version” as states have “vigorously” used their consumer protection laws in the online space. The AGs acknowledge there are currently multiple KOSA drafts circulating, but they support a version “that would not prohibit a State from enacting a law, rule, or regulation that provides greater protection to minors.” This may be especially important as similar state laws, such as [Texas’ Scope Act](#), have already been in active use.

The letter concludes with the specific request of passage of KOSA “this year.” While some AG press releases note the reasoning for the timing of the request is in protecting children, prior controversies may also be playing a role in the expediency. Since KOSA was first introduced in 2022, multiple versions of the bill have been met with criticism stemming from the potential chilling effect it could have across the internet. Specifically, the Senate version of the bill, which passed the Chamber July 2024, seeks to impose a “duty of care” that would require online platforms to take reasonable measures to prevent children from harm on their websites. The most recent draft of the legislation provides primary authority to enforce the duty of care to the Federal Trade Commission and limits AGs’ authority to provisions on safeguards, disclosures and transparency requirements. Some have suggested that this duty of care could be used to define “harm” in a way that gives enforcers the ability to broadly censor content. Despite these criticisms, this bipartisan coalition of AGs demonstrates that their priority remains on passing legislation that includes the core protections of children they identify in their letter. We expect this overall goal of addressing children’s online safety to remain a priority in 2025.