

South Carolina Age-Appropriate Design Code Nears Finish Line

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South Carolina is slated to join a [growing group](#) of states that have passed age-appropriate design code (AADC) requirements for online products used by children and teens. On January 21, 2026, the South Carolina Senate enrolled [House Bill 3431](#), meaning the measure has now cleared both chambers and, following ratification, will head to Governor Henry McMaster's desk. If signed, the bill would impose a set of privacy-by-design and product-design guardrails for online services that are reasonably likely to be accessed by consumers under 18. Among other restrictions, the bill would also prohibit covered online services from "facilitating" targeted advertising to minors.

On January 21, 2026, NetChoice, an industry group that has already challenged similar "kids code" statutes in California and Maryland, [publicly urged](#) Governor McMaster to veto HB 3431, arguing that the bill's age-verification and youth-design mandates would restrict access to protected speech while creating new privacy and cybersecurity risks for South Carolinians.

What HB 3431 Would Require

Who is covered. The bill targets "covered online services" that do business in South Carolina, are reasonably likely to be accessed by minors, and meet specified size/scale thresholds (e.g., gross annual revenues over \$25 million or annually shares the personal data of 50,000 or more consumers).

HB 3431 defines the "reasonably likely to be accessed by a minor" trigger in two ways. Either the service i) has actual knowledge a particular user is under 18 (including age inferences or age attributes the service uses for marketing, advertising, or product development); or ii) the service is directed to children under COPPA.

Similar laws in [California](#), [Maryland](#), and [Vermont](#) use a different approach than HB 3431 in determining which online services, products, or features are in-scope. Rather than key coverage primarily to whether a service is COPPA child-directed or has actual knowledge that a particular user is under 18, these laws generally look to whether an online product or service is "likely to be accessed by children" under a broader, multi-factor standard, considering factors such as youth-oriented design elements, youth-directed advertising, audience composition, and other indicators suggesting minors are a meaningful segment of the user base.

Youth controls and protective defaults. HB 3431 would require covered online services to offer easy-to-use controls that allow consumers to turn off "covered design features" (i.e., features that encourage or increase a minor's time spent or activity), limit time on the service, and disable purchases. The bill also pushes covered online services to tighten default visibility and contact

settings for minors by limiting unsolicited contacting, restricting profile and content visibility, and giving users control over whether others can see their connections. Users must additionally be able to restrict their location visibility, and the service must provide notice when a minor's precise geolocation is tracked or shared.

Annual independent audit report. By July 1, each year, a covered online service must publish a report prepared by an independent third-party auditor, which must consult with experts on minors' internet use, and submit it to the Attorney General for public posting. Notably, because the bill frames this requirement as an "audit" rather than an internal "assessment" or in-house risk review, the bill would require a more formal, third-party exercise. As a practical matter, this may require companies to engage outside vendors and absorb additional compliance costs. Annual reports must describe how the service functions for minors, including:

- How likely it is to be accessed by minors;
- How youth-related harm reports are handled;
- What minors' personal (and sensitive) data the service collects and why;
- What youth safety and privacy measures and parental tools are in place;
- What age verification or estimation methods are employed; and
- Descriptions of the algorithms the service uses.

Enforcement and timing. The South Carolina Attorney General would enforce HB 3431, and the bill would become effective immediately upon the Governor's signature. The enforcement provisions are notably robust, authorizing treble damages for violations and permitting personal liability for officers and employees in cases involving willful and wanton misconduct.

Constitutional Challenge

NetChoice's call on Governor McMaster to veto the legislation arrives against the backdrop of active, closely watched litigation over similar "kids code" statutes. In California, the Age-Appropriate Design Code Act [remains enjoined](#) (with the district court re-entering a broad preliminary injunction in 2025 after the [Ninth Circuit's 2024 decision](#) sent key issues back for further review). In Maryland, NetChoice's challenge to the Kids Code is moving forward on the merits. A federal court denied Maryland's [motion to dismiss](#) in November 2025, allowing NetChoice's First Amendment and vagueness theories to proceed.

If HB 3431 is signed, those cases provide a roadmap for anticipated constitutional challenges. Expect the initial focus to center on the bill's design-mandate features (including defaults and recommendation controls), coupled with arguments that the statute's structure pressures online services towards age assurance and, in turn, limits minors' access to lawful speech and user anonymity.

What to watch

Looking ahead, companies should watch for whether the bill is enacted as enrolled or modified before finalization, how the Attorney General signals enforcement priorities, particularly around costly audits and any early requests for compliance documentation, and how ongoing litigation over similar laws in California and Maryland continues to shape both court arguments and state drafting

strategies.