

Online Age Verification Has Guaranteed Costs and Uncertain Benefits

BY DAVID INSERRA AND JENNIFER HUDDLESTON

Many Americans are becoming increasingly alarmed about negative mental health and behavioral trends among the nation's youth. The Centers for Disease Control and Prevention (CDC) reports that 20.6 percent of children ages 3 to 17 have been diagnosed at some point with a mental, emotional, or behavioral health condition, according to parent-reported data.¹ Some scholars have come to believe young people's use of social media is likely to blame. This has led many youth safety advocates to propose implementing laws requiring social media companies to verify the age of their users. Supporters believe mandatory age-verification policies or similar age-based restrictions on social media will improve young people's mental health by reducing their time spent online at minimal costs to adults' free speech. Policymakers, however, should consider not only the potential benefits but also the significant costs

of imposing such requirements. In addition, they should consider the likelihood that proposed policies would achieve their intended goals. In this paper, we discuss six key costs and assess the evidence that age verification can achieve its purported benefits.

THE COSTS OF AGE VERIFICATION

In this section we discuss the following key cost considerations for age-verification laws:

1. **False Positives for Adults and Disparate Impact on Minority Groups:** Easy circumvention, false negatives, false positives, and error: Young people can often get around age checks using virtual private networks (VPNs), fake IDs, and friends or family. Age-verification technology can also mistakenly let minors



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through while false positives can block adults. Some age-verification systems also have greater errors for certain groups of people.

2. **Compliance and Opportunity Costs:** Age-verification software can be expensive, requiring companies to divert time, money, and staff from improving their products and serving customers.
3. **Data-Breach and Privacy Risks:** Age verification can require users to provide sensitive information such as IDs, financial information, or biometrics that could be exposed in a breach.
4. **Restricted Access to Lawful Information for Users:** By requiring age verification to access various platforms, constitutionally protected speech on those platforms that ranges from news and political commentary to educational and self-help materials is restricted.
5. **Loss of Anonymous and Pseudonymous Speech:** Requiring people to prove who they are can undermine the long-standing American tradition to speak about controversial or sensitive issues without revealing one's identity.
6. **Weakened Role of Parents:** Age-verification policies shift authority from families to government, weakening parents' ability to make decisions related to young people's access to information and media consumption.

False Positives for Adults and Disparate Impact on Minority Groups

Age-verification software has repeatedly been shown to be a problematic and ineffective technology. Many age-verification technologies have inaccurately classified adults as children, thereby restricting their access. This is particularly common among certain groups—people of color, trans and nonbinary individuals, and individuals with disabilities—and often results in additional friction getting online.² Everywhere from Utah to the UK, kids are bypassing age restrictions by using VPNs, friends and family, fake IDs, and even fake mustaches to appear older.³ Companies voluntarily instituting age-verification measures have found similar failures; both false positives that prevent adult access and false negatives that grant underage users access are being reported in the media.⁴

The ease with which bans and restrictions can be circumvented has led to even more concerning policy responses, such as demands for more invasive identity-verification measures, banning VPNs, and even outlawing anonymous speech.⁵ Proposed as ways to crack down on criminals, protect democracy, and prevent users from circumnavigating local age-verification and online speech laws, such radical proposals threaten important cybersecurity tools and the very ability of users to speak and seek speech in secret. Such efforts fly in the face of important historical examples of anonymous speech, including *Cato's Letters*, *Common Sense*, and *The Federalist Papers*.⁶

Compliance and Opportunity Costs

Another consideration is the cost of implementing age-verification software. On the low end, that could cost a start-up a couple thousand dollars, but for a growing platform or more complex regimes, costs could quickly rise into the tens of thousands of dollars.⁷ For example, one study looking at a US age-verification proposal found that for small app developers, a conservative estimate would be \$20,000 in development and legal costs. The same study estimated that at least 3.5 million small US businesses would be expected to comply, resulting in a compliance burden of \$70 billion to \$280 billion.⁸ The UK government estimated that compliance with its Online Safety Act would cost around \$3 billion over 10 years, though a significant portion of that is for additional content-moderation requirements.⁹

The costs of compliance are also measured in engineering hours. Regulations require companies to divert resources from improving their core product or developing more parental controls for young users. The full opportunity cost will vary depending on the complexity of the law, its various requirements, and the size of the company, but said cost could range from hundreds to thousands of hours. This means content moderation and engineering would be largely focused on confirming compliance with legislation, rather than responding to customer needs and concerns.

Research suggests that age-verification compliance costs can also prevent new businesses from entering the market. For instance, one academic study found that more regulated industries had fewer start-ups emerging and more start-ups closing.¹⁰

Data-Breach and Privacy Risks

Advocates of age verification argue that adults would simply need to provide some kind of identifying information to avoid being stopped by the age-verification process. However, this requires people to upload sensitive material such as government IDs, financial information, and biometrics into databases at risk of being hacked.

The Federal Trade Commission logs over a million identity theft reports every year, many of them fueled by thousands of large-scale data breaches and hacks.¹¹ In 2024, the AARP estimated that identity fraud cost Americans more than \$43 billion.¹² The cost of data breaches to companies is already high and rapidly increasing. Recently, IBM estimated that the average cost of a data breach was just under \$5 million, a 12 percent increase over previous years.¹³ Mandating widespread use of age verification through app stores, individual websites, or both will create huge troves of identifying information that could likely increase the frequency of such risks to both companies and consumers.

While we often hear about identity theft happening to adults, it is worth considering how teens and children would be affected by a major increase in the collection of sensitive information. Some minors will evade enforcement by providing false information, but many others will provide legitimate information because they see it as the price of admission to content they want and are eligible to access. Children are a particularly vulnerable target for identity theft and may be at greater risk from data breaches because they generally don't have significant credit histories; nor is it common for children or their parents to monitor their identity use.¹⁴ According to various reports, millions of minors will become victims of identity theft or fraud *before* they turn 18.¹⁵ Victims of these financial crimes must spend a great deal of time in an effort to work with banks, credit agencies, and other institutions to repair their identity. Many children will face lasting difficulties, with one survey from Experian finding that 59 percent of child victims faced negative credit-score implications, 52 percent were denied credit, and 25 percent reported issues more than 10 years later.¹⁶ Surveys of identity theft victims also find significant emotional distress, with one survey finding that over half of consumers sought emotional support as a result of feeling worried, angry, or depressed, or experiencing disruptions to their sleep and daily routines.¹⁷ Ironically, these are many

of the very kinds of psychological harms proponents of age-verification regimes say they are trying to prevent. And this does not even include the overall costs of lost privacy or the impact on an array of communities who might be more vulnerable to these types of crimes.

Restricted Access to Lawful Information for Users

Age-verification laws not only affect children, they also restrict adults who don't wish to identify themselves from accessing information online. One example is the UK's Online Safety Act, which restricts minors' access to certain harmful types of content. Under this law, unverified anonymous adults as well as minors have been blocked from accessing streaming music, message boards dedicated to medical and health information, politicians campaigning and speaking in Parliament, basic computer controls, information about the conflicts in Gaza and Ukraine, and countless other topics ranging from major to mundane.¹⁸

One of the huge benefits of the internet and AI has been the democratizing effect of free and low-cost access to information. Users can turn to the internet and social media to learn a skill or find information that would have previously required finding lessons, hiring experts (who may or may not be available in a local community), or purchasing a newspaper. While these costs may seem minimal, in aggregate they could quickly add up. Restricting access to information through requiring age or identity verification could not only negatively affect free speech but also increase the literal costs of information for those who are restricted from accessing certain platforms because of their age or their unwillingness to verify their identity. For example, the popular social media account "Dad, How Do I?" teaches kids and young adults who grew up without a father how to gain basic life skills such as tying a tie, changing a flat tire, fixing a leaky faucet, and other actions that might otherwise require paying someone for assistance.¹⁹ Similarly, online platforms can provide information that assists with standardized-test prep or that connects athletes with one another and offers tips for improving performance.²⁰ Age-verification requirements would limit the access of minors or privacy-conscious adults to this and many other kinds of free information.

Age-verification laws in the US would almost certainly be deemed to violate the First Amendment, except in the case of pornography or other adult sexual content. Proponents of such laws are effectively arguing for a form of rational-basis review or intermediate scrutiny in the challenge to them.²¹ Much of the proponents' posture focuses on the premise that, because the government has shown a reasonable and traditional basis for its role in protecting children under the law, the party challenging the law must prove that said law is arbitrary or without compelling government interest. This presumes the laws in question are content-neutral or apply only to narrow categories of unprotected speech, including obscenity.²² Notably, however, the Court has rejected previous attempts to expand the definition of unprotected speech to include the types of content often at issue in these laws, such as violent entertainment and animal cruelty.²³

For questions related to age verification for access to sexual content inappropriate for minors, the Supreme Court established in *Free Speech Coalition v. Paxton* that such laws are subject to intermediate scrutiny.²⁴ However, the Court focused on such application within its existing jurisprudence regarding categories of less protected or unprotected speech such as obscenity.²⁵ This does not mean all laws will be upheld even within this category, or that all applications will be found constitutional.

The 2025 *Free Speech Coalition* decision also did not establish that the Court will apply the same scrutiny in the case of more general laws concerning age verification. In fact, when faced with an emergency request regarding a Mississippi age-verification law, while the Court refused to reinstate the preliminary injunction, Justice Brett Kavanaugh noted that the plaintiffs were likely to succeed on the merits regarding First Amendment injury, citing the prior precedents.²⁶

Loss of Anonymous and Pseudonymous Speech

Age verification also threatens anonymous speech online, because users have to identify themselves before joining an online platform. A great deal of online speech happens anonymously or pseudonymously for a variety of reasons: Users may wish to post or receive information

about sensitive topics ranging from sexuality to religion. Victims of abuse may join anonymous communities for support. Whistleblowers, government critics, and journalists all use anonymous identities online to bring to light illegal or harmful actions taken by organizations or government officials. Many users simply value their privacy and appreciate their online speech not being linked back to them.²⁷ Indeed, anonymous speech has played an important role throughout the history of the US and First Amendment jurisprudence.²⁸ But an age-verification regime makes it inevitable that the hacks and data breaches discussed earlier will eventually identify anonymous speakers.

This threat isn't merely hypothetical. Tea, a dating safety app for women, was subject to a data breach that leaked thousands of IDs and identifying photographs, as well as over a million private chats.²⁹ Discord, a communication app based around private, invite-only servers, had one of its age-verification vendors hacked in October 2025, exposing around 70,000 government IDs and other user data such as usernames, email addresses, and conversations with support staff.³⁰ Notably, this age-verification system was being implemented to comply with UK and Australian laws. With such a risk of being identified, many anonymous speakers will choose not to engage in speech online at all.

Weakened Role of Parents

Another cost of age verification is the loss of parental freedom. Proponents of age verification argue that restricting free expression is necessary to create a safe and moral space for kids online. The idea is intended to mirror how the state intervenes in areas such as alcohol, cigarettes, or child welfare laws.³¹ However, age-verification laws are more akin to laws restricting children's books or TV consumption, as the underlying product is one of speech and media, not physically consumable substances with direct and causal medical impacts on the body.

By inserting the government into matters of online speech, parental freedom is diminished, not enhanced. Laws restricting social media force families to obey the government's rules imposed through liability-averse platforms, and they could create a slippery slope that

allows the government to dictate parental decisions about information and media more generally.³²

Communities and governments can protect children from objective harms by helping educate kids and parents about how to be safe online and offline and by arresting predators and fraudsters. This would still leave essential moral and parenting decisions in the hands of parents.³³ In this sense, liberty is compatible with parents who wish to instill a certain version of moral virtue in their children. But government enforcement of whatever it currently believes is good for kids—at the expense of many others’ freedom—is incompatible with a free society. Neutrality in matters of personal conscience is foundational to the American system of governance.

DOES AGE VERIFICATION LIVE UP TO ITS PURPORTED BENEFITS?

Proponents of age-verification laws often point to the decline in youth mental health and growing costs of mental health care services that they believe are a result of social media use. As of 2020, as many as 1 in 5 youth experience a mental health condition.³⁴ According to a recent study in *JAMA Pediatrics*, youth mental health spending reached over \$41 billion in 2022 and accounted for over 40 percent of pediatric care expenditures.³⁵ This growing trend could go beyond just mental health. It could have long-term impacts on productivity, wages, and the health care system as these children and teens become adults.³⁶

But it is not clear that age-verification laws have meaningfully improved the mental health of youth in jurisdictions where those laws have been enacted. None of these regimes have been in place long enough to create robust results, but the initial results coming out of places like Australia and the UK find mixed and minimal results on kids’ well-being. The Molly Rose Foundation, an organization supportive of government regulation against online harms, found that kids in the UK continued to see near-identical levels of potentially harmful content despite the Online Safety Act’s requirement to make such content age-restricted.³⁷ Another Molly Rose study found that 6 months after Australia banned kids under 16 from having social media accounts, 85 percent of kids under 16 continued to use social media.³⁸ The evidence thus far doesn’t

demonstrate that age-verification regimes are producing a net benefit for most kids.

The debate centers, then, on whether or not social media use is causing demonstrable harms to childhood mental health, and that age-verification laws could be a way to lessen such harms. Despite the widespread claims that social media use is harmful and addictive, there is no clear evidence to support them. Multiple studies have found that restricting access to social media has either mixed or very small positive effects.³⁹ While some experts such as Jonathan Haidt argue that the decline in youth mental health correlates with the growth of cell phone usage and social media, many other experts such as Candice Odgers disagree, arguing that a causal link between social media and youth mental health challenges is otherwise unsupported by the growing research in this field.⁴⁰ Concerns about minors’ mental health also appear to be tied to a number of social changes, including increased pressure from schools.⁴¹ These concerns also fail to consider the array of issues that have made the internet one of the few remaining spaces for children and teens to develop their emerging independence.⁴²

Beyond the physical or mental health of children, age-verification proponents often discuss the moral importance of their proposals. This generally includes some desire or requirement to restrict certain viewpoints or types of content deemed morally harmful to children. Yet age-verification proponents often have different views on what constitutes harmful content, which may make legislative attempts beyond adult sexual content restrictions difficult.⁴³ Other proponents try to sidestep arguments about the content at issue by saying restrictions focus not on underlying speech but on product design features such as algorithmic ranking or autoplay.⁴⁴ The weak performance of the age-verification regimes implemented so far, however, suggests that any moral benefits are likely to be similarly weak.

THE ULTIMATE GOAL IS ONE THAT PROTECTS KIDS, DEFENDS LIBERTY, AND IMPROVES DISCOURSE

Proponents of age-verification laws have claimed that these laws will bring benefits to children with little cost to adults. However, as the economist Thomas Sowell has

written, “There are no solutions, there are only trade-offs.”⁴⁵ At the heart of the debate over youth online safety are the effects of those trade-offs, and their magnitude.

Well-meaning people on both sides of this debate believe that they are making reasonable decisions to protect kids, but they disagree on the costs, efficacy, and principles of

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age verification. Our debates would be far more productive if we recognized the costs in addition to the intended benefits and debated them honestly. Doing so would not only help us address the real issues with safety-focused legislation like age verification, it would also improve the nature of our civil discourse.

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