

Virginia Committee on General Laws and Technology

February 4th, 2026

Dear Chairman Ebbin, Vice Chair Aird, and Members of the Committee,

On behalf of myself as a resident of the state of Virginia, and on behalf of consumers throughout the state that the Consumer Choice Center advocates for, I write to express our concerns regarding both SB 201 and SB 237.

While protecting children is a laudable goal, these bills are leveraging mechanisms that threaten the privacy of all Virginians, stifle the Commonwealth's future prospects in the technology industry, and create massive data target opportunities for bad actors.

In both SB 201 and 237, there lies a critical flaw in mandating verifiable parental consent, and in SB 237, there is age verification for users up to 18 years old. In order to avoid legal liability, platforms and app stores would be forced to collect sensitive, government-issued identification like driver's licenses or biometric data like facial scans from both children and parents. This creates a massive privacy concern, as the state is mandating the collection of more personal data than ever before, creating centralized databases ripe to be targeted by cybercriminals.

One further point to underscore here is whether or not parental consent is needed from one or both parents. What happens in the situation with divorced parents, where one parent might be fine with their child having social media access while the other does not? It creates perverse incentives that strain relations between parents and their children.

The requirements proposed in these bills place a disproportionate burden on small businesses and startups. In SB 237, developers must provide detailed "parental consent" disclosures and monitor for "significant changes" constantly. This complexity is going to favor incumbents who have massive compliance departments and discourage potential competitors from contemplating entering this space. Coupled with the liability introduced for non-compliance of up to \$7,500 per violation and a private right of action amounts to green-lighting predatory litigation.

It is also impossible to ignore that, should these proposals pass, they are relatively circumventable due to the prevalence and ease of access to virtual private networks, which can allow users to change their location out of jurisdictions with such mandates. That is not theoretical. We know that in states that have passed legislation mandating age verification, searches for, and VPN use have spiked.

We believe that there are more effective ways of protecting children online. Focusing on solutions that empower parents through technical education assistance and existing device-level tools available to help them tailor their child's online experience, rather than an approach of state-mandated identity surveillance. It is worth noting that the industry has taken steps to implement design features and age-appropriate content towards younger users.

It's for these reasons that I ask the committee to reject these proposed bills.

Respectfully,

James Czerniawski

Head of Emerging Technology Policy

Consumer Choice Center