

Why the Kids Online Safety Act Matters for Protecting LGBTQ+ Youth Online

Social media platforms have long prioritized profits over the safety and well-being of children. Many children turn to these platforms seeking an escape, support, connection, and answers. Instead, they are often harmed, especially the most vulnerable, who face disproportionate risks.¹

The Kids Online Safety Act helps protect vulnerable communities, such as LGBTQ+ children and adolescents. Here's why:

Platforms Designed to Exploit the Vulnerable:

Predators have unfettered access to sexually exploit children online, with sex buyers using the internet as their primary means of finding and contacting victims. **LGBTQ+ youth and foster youth** are among the **most at risk** due to more difficult situations at home and less support; as a result, they often turn to the internet for answers and community. **Yet, to the detriment of young people, these platforms are designed to exploit them, driven by algorithms that capitalize on vulnerability and connect predators to those most at risk.**

LGBTQ+ youth are overrepresented in nearly every category of trafficking risk. 40% of homeless youth identify as LGBTQ+; among those, more than half report engaging in survival sex.²

KOSA addresses these dangers by requiring platforms to default minors' accounts to the highest privacy setting, avoid harmful addictive algorithms, disable private messaging from strangers, and turn off geotagging features. These protections are essential for safeguarding LGBTQ+ youth by shutting down the tactics predators use to exploit and groom minors into real-world trafficking.

LGBTQ+ Youth are More Susceptible to Online Harassment:

LGBTQ+ youth face significantly more online harassment than their non- LGBTQ+ peers.

- 75% report encountering both transphobic and homophobic comments on social media compared to about half of non-LGBTQ+ youth.³
- They face more racist comments compared to non-LGBTQ+ youth (70% vs. 52%), body shaming (81% vs. 57%), and sexist (78% vs. 55%) comments.⁴

KOSA's duty of care would require platforms to take meaningful action against cyberbullying, including preventing and mitigating harmful content. It also addresses how recommendation systems promote suicide related content, creating incentives for platforms to provide self-help resources. In addition, KOSA mandates that platforms provide a point of contact for reporting harassment and ensure timely responses to those reports.

Misinformation Regarding KOSA and the LGBTQ+ Community

The Federal Trade Commission and state attorneys general **do not have the power** to alter the duty of care or block, censor, or remove any content.⁵

The FTC, rather than state attorneys general, is the enforcer of the duty of care under law, but this authority is **limited to civil actions** and does not extend to criminal prosecution.

Additionally, the FTC cannot add to or alter the harms of the duty of care.

State attorneys general do not have the power to file lawsuits based on online content; they can only regulate design features.

The Duty of Care is limited to the recognized harms:

1. Eating disorders, substance use disorders, and suicidal behaviors.
2. Depressive disorders and anxiety disorders when such conditions have objectively verifiable and clinically diagnosable symptoms and are related to compulsive usage.
3. Patterns of use that indicate compulsive usage.
4. Physical violence or online harassment activity that is so severe, pervasive, or objectively offensive that it impacts a major life activity of a minor.
5. Sexual exploitation and abuse of minors.
6. Distribution, sale, or use of narcotic drugs, tobacco products, cannabis products, gambling, or alcohol.
7. Financial harms caused by unfair or deceptive acts or practices

List of LGBTQ+ Organizations That Now Supports KOSA

As changes have been made to KOSA, many **LGBTQ+ organizations who initially opposed KOSA have changed their stance.** Below are a list of organizations who now support KOSA.



In a letter sent to Senator Blumenthal's office last year the organizations above expressed their support for KOSA:

"The considerable changes that you have proposed to KOSA in the draft released on February 15, 2024, **significantly mitigate the risk of it being misused to suppress LGBTQ+ resources or stifle young people's access to online communities.** As such, if this draft of the bill moves forward, our organizations will not oppose its passage."¹²

The **new version of KOSA is the strongest iteration** of KOSA we have seen to date. Significant changes include:

- Lists the specific harms the duty of care applies to
- Changed the state attorney generals powers to not have the power to file lawsuits
- The term "physical harm" has been changed to "physical violence" so "harm" wouldn't be weaponized against trans youth
- "Grooming" is another term cut from the bill to ensure that children can get the resources they need.

1. The Kids Online Safety Act: Protecting LGBTQ+ Children & Adolescents Online, Fairplay for Kids, August 2023, <https://fairplayforkids.org/wp-content/uploads/2023/08/LGBTQ-Youth-KOSA-Fact-Sheet.pdf>.
2. Polaris Project, Sex Trafficking and LGBTQ+ Youth (September 2019), <https://polarisproject.org/wp-content/uploads/2019/09/LGBTQ-Sex-Trafficking.pdf>.
3. Common Sense Media, A Double-Edged Sword: How Diverse Communities of Young People Think About the Multifaceted Relationship Between Social Media and Mental Health (2024), 7, <https://www.commonsensemedia.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report-final-release-for-web-v2.pdf>
4. Common Sense Media, A Double-Edged Sword, 28.
5. “Bill Aimed at Protecting Children Online Sparks Debate over Censorship and Privacy,” PBS NewsHour, July 30, 2024, <https://www.pbs.org/newshour/show/bill-aimed-at-protecting-children-online-sparks-debate-over-censorship-and-privacy>.
6. Human Rights Campaign, <https://www.hrc.org/>
7. The Trevor Project, <https://www.thetrevorproject.org/>
8. PFLAG, <https://pflag.org/>
9. GLSEN, <https://www.glsen.org/>
10. National Center for LGBTQ Rights, <https://www.nclrights.org/>
11. National Center for Transgender Equality, <https://transequality.org/>
12. LGBTQ+ Groups Support the Kids Online Safety Act (February 15, 2024), https://hrc-prod-requests.s3-us-west-2.amazonaws.com/assets/LGBTQ-Groups-KOSA_021524.pdf.