



# LOGGED OUT, LEFT OUT.

HOW ONLINE PLATFORM REGULATIONS AND  
ANTI-LGBTQ+ EFFORTS ALIGN IN THE STATES

LGBT  
  
TECH

# AUTHOR

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**LGBT Tech is one of the nation's premier organizations working to bridge the technology gap for LGBTQ+ individuals through partnerships with tech companies, non-profit groups, policy makers, scholars, and innovators. Grounded in empirical research, we develop programs and resources that support LGBTQ+ communities and work to educate on the unique needs LGBTQ+ individuals face when it comes to tech.**



While this report presents original insights and analysis, it would not have been possible without an established groundwork of research. LGBT Tech expresses particular gratitude to the American Civil Liberties Union (ACLU), the Movement Advancement Project (MAP), the National Conference of State Legislatures (NCSL), GLAAD, and the Center for Democracy and Technology (CDT), whose work in tracking and reporting on related legislation and legislators was crucial in the formation of this report.

*Endnotes in this report include original links to all referenced content.*

LGBT  
  
TECH

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# INTRODUCTION

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## OVERVIEW

Social media platforms and online spaces have become integral parts of our daily lives, and lawmakers have begun to grapple with their impact on the well-being of society, and especially on the well-being of youth. In 2023, bills emerged across the states looking to establish guidelines for responsible digital citizenship and to hold platforms accountable for the content they host. The introduction of these bills has raised significant concerns around how they can align with anti-LGBTQ+ efforts. As legislators navigate the complexities of our digital spaces, we cannot overlook the repercussions of measures like these on the LGBTQ+ community.



**Frequently introduced by the same legislators and in the same jurisdictions, the intersection between online platform regulations and discriminatory legislation is clear. This report serves as an examination of this intersection, identifying types of online platform legislation and their potential risks for the LGBTQ+ community, as well as aligning those risks with the anti-LGBTQ+ efforts of the legislators responsible for them.**



While this report focuses on the 2023 legislative landscape, it is crucial to note that in the span of just a few months, 2024 is already proving a banner year for both social media regulation and anti-LGBTQ+ legislation. On a daily basis, state-level legislators are introducing bills to both restrict online platforms and impose on LGBTQ+ rights and expression. The trends identified here are increasingly pressing, and highlight the need for a more discerning approach to digital governance. We hope this report can serve as a timely resource for policymakers, advocates, and stakeholders seeking to understand and address LGBTQ+ rights in the modern, digital era.

# INTRODUCTION

## HISTORICAL CONTEXT

The need to account for LGBTQ+ rights in digital governance is rooted in the community's continued struggle for equality, one that underscores the importance of adopting an approach to platform regulation that is both sensitive to the historical struggles of marginalized communities and cautious to avoid replicating discriminatory practices in digital spaces.



The discrimination faced by the LGBTQ+ community has, historically, been amplified by legal frameworks that criminalized non-heteronormative identities and expressions. As societal attitudes evolved, so did the tactics employed by those who opposed LGBTQ+ rights, and the language of bills began to mirror the rhetoric of discrimination. Terms such as "morality" and "protecting children" strategically masked prejudice in legislation.

Obscenity laws were used to target LGBTQ+ literature, art, and media,<sup>1</sup> while anti-sodomy laws criminalized consensual same-sex sexual activity under the guise of upholding public morality and protecting norms.<sup>2</sup> Moral crusades targeted LGBTQ+ individuals throughout history, most notably the the 1950s Lavender Scare that saw LGBTQ+ individuals purged from government positions based on perceived immorality and security risks, equating homosexuality with subversion and moral decay.<sup>3</sup> Throughout this history and still to this day, opponents of LGBTQ+ rights have falsely claimed that to expose children to the existence of LGBTQ+ existence and expression is, inherently, to harm them.<sup>4</sup>



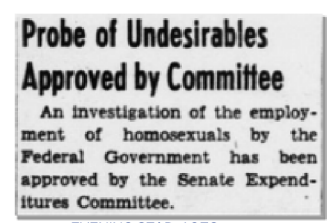
ADVERTISEMENT, 1977



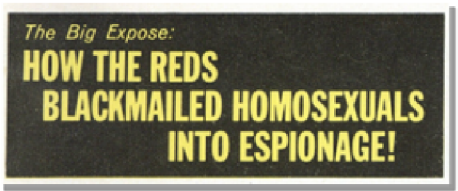
THE CHICAGO TRIBUNE, 1953



DAILY MIRROR, 1962



EVENING STAR, 1950



TOP SECRET, 1961



THE NEW YORK TIMES, 1950



THE TORCH, 1977

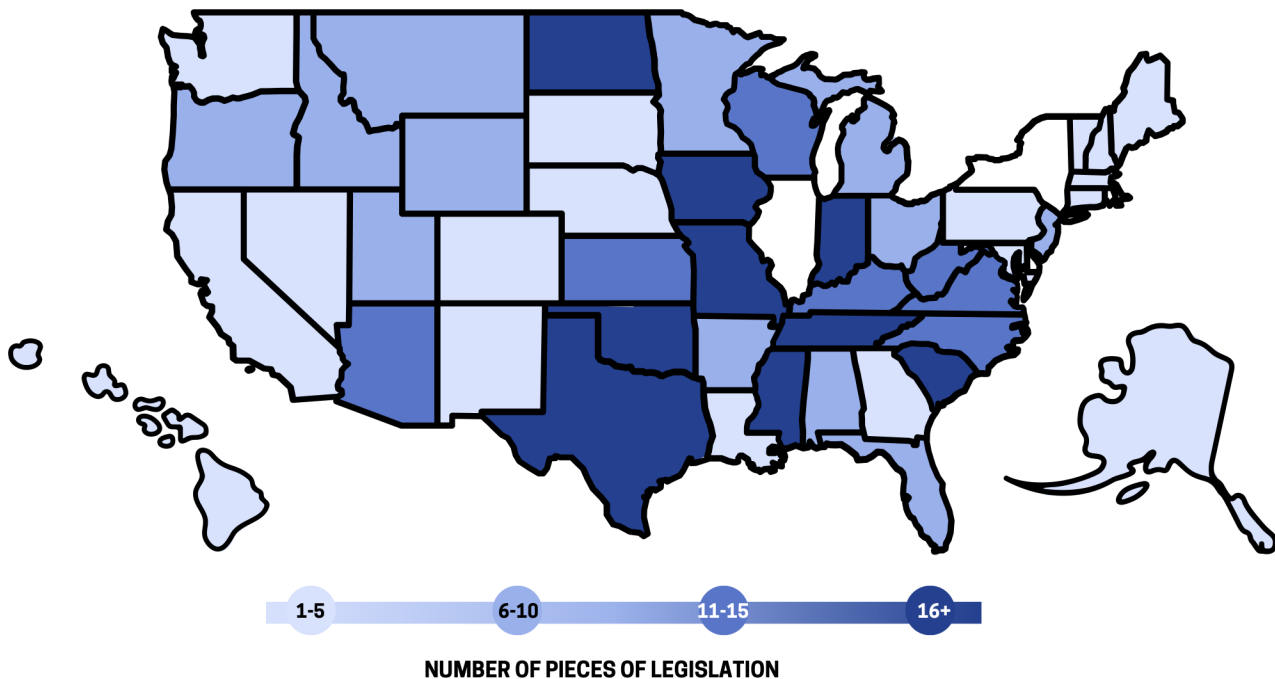
The availability of online spaces has meant unparalleled opportunities for LGBTQ+ individuals to connect with each other, organize and advocate, and educate themselves and others. The internet is crucial in its ability to empower LGBTQ+ voices and foster a sense of belonging, particularly for LGBTQ+ youth that are working to understand their identity. However, these digital spaces are not safe from the bigotry and discrimination of the real world, and in many ways are experiencing the same attacks outlined above and historically used against the LGBTQ+ community.



Despite overwhelming public support, the fight for LGBTQ+ inclusivity continued in 2023, particularly on the state level. Legislatures grappled with issues ranging from employment discrimination to gender-affirming care, and 2023 was a record year for state efforts attacking these basic rights for LGBTQ+ youth and adults alike. **From restricting student and educator rights to bans on public accommodations, 2023 saw 501 anti-LGBTQ+ bills being introduced in the states.**<sup>5</sup>

## 501 ANTI-LGBTQ+ BILLS WERE INTRODUCED DURING 2023.

INTRODUCED ANTI-LGBTQ+ LEGISLATION // 2023



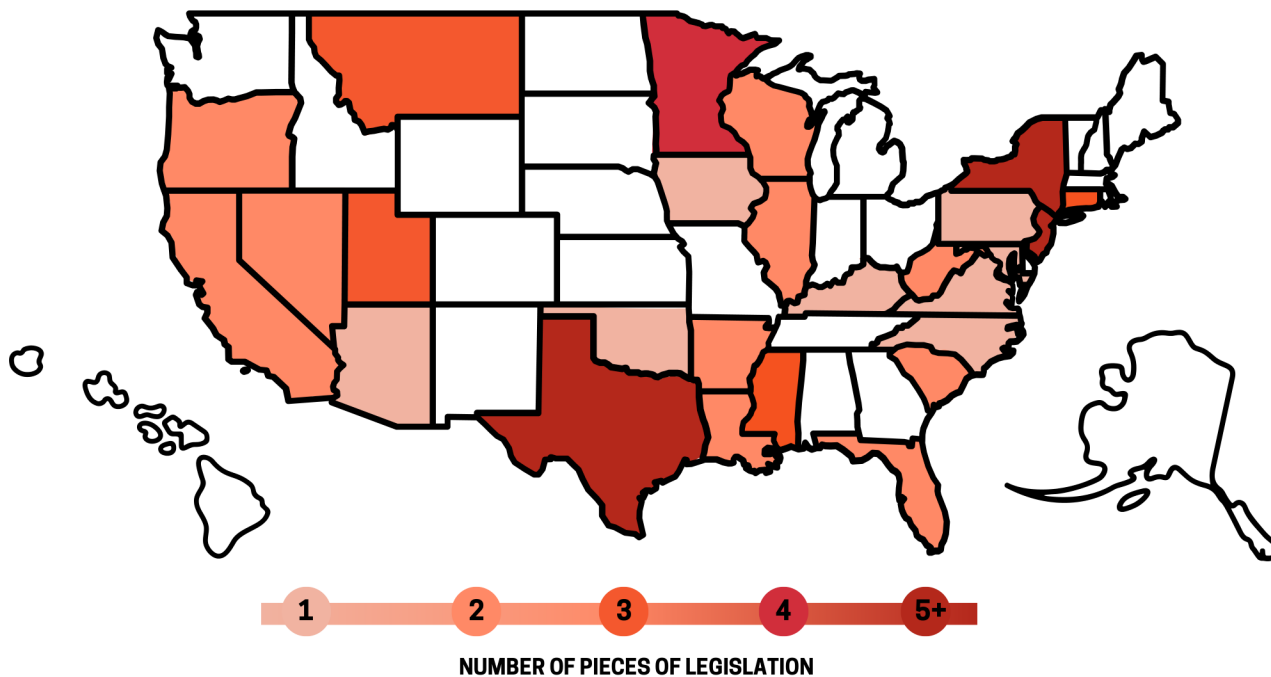
Simultaneously, concerns about the influence of social media platforms on children and a lack of clear federal guidelines on the matter has prompted state-level lawmakers to consider regulatory measures. These regulations often grapple with - *and far too often fail to strike* - the balance between preserving autonomy and freedom of speech, while mitigating harms caused by unregulated online spaces.

The motivations behind these regulations are as varied as the policymakers and jurisdictions introducing them, but commonly referenced drivers include the need for content moderation, safeguarding the privacy of users on online platforms, mitigating the potential impact of false information, and fostering responsible online behavior. **During 2023, LGBT Tech watched and tracked 59 pieces of legislation across 26 states seeking to adjust the requirements for minors to access or utilize social media platforms, or to litigate what content these platforms can distribute.**



## 59 BILLS REGULATING PLATFORMS WERE INTRODUCED IN 2023.

INTRODUCED SOCIAL MEDIA / ONLINE PLATFORM REGULATIONS // 2023



# INTRODUCTION

## WHY IT MATTERS

There are millions of LGBTQ+ individuals living in the United States, with a diverse range of identities, experiences, and needs. For many, online spaces are where they connect, learn, and grow.

The unique challenges faced by LGBTQ+ Americans, including widespread discrimination and the lack of a safe and understanding physical community, make online spaces vital for fostering a sense of belonging. Digital spaces provide an unparalleled platform for sharing experiences, finding like-minded individuals, and accessing affirming and life-saving information.

### AMONG LGBTQ+ YOUNG PEOPLE....

**16%**

REPORT THAT  
**COMMUNITY EVENTS**  
ARE AFFIRMING.

**38%**

REPORT THAT  
**THEIR HOMES**  
ARE AFFIRMING.

**54%**

REPORT THAT  
**THEIR SCHOOLS**  
ARE AFFIRMING.

**68%**

REPORT THAT  
**ONLINE SPACES**  
ARE AFFIRMING.<sup>6</sup>

We estimate that there are 5.73 million LGBTQ+ youth between the ages of 13 and 17 in the United States,<sup>7</sup> more than every high school basketball player, football player, soccer player, tennis player, and swimmer in the country combined.<sup>8</sup>

For these millions of LGBTQ+ teens, access to online platforms can be lifesaving. Three-fourths of LGBTQ+ youth are more honest about themselves online than in the real world,<sup>9</sup> and more than half of closeted LGBTQ+ youth have used the internet to connect safely with peers.<sup>10</sup>

Online platforms provide a sanctuary to explore or express sexual orientation or gender identity, often away from judgment or discrimination they might face in their offline lives. Research shows that LGBTQ+ youth without access to affirming spaces are more likely to consider or attempt to commit suicide.<sup>11</sup> Research also shows that, for these youth, online platforms are far more likely than their homes, communities, or schools to provide those integral spaces.<sup>12</sup>

Given this, as we consider the crucial issue of protecting youth online, LGBT Tech encourages you to remember that preserving autonomous access is, for LGBTQ+ youth, a matter of protection.



# KEY FINDINGS

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## ALIGNMENT OF LANGUAGE & PROTECTION RHETORIC

The alignment between state-level anti-LGBTQ+ bills and social media regulation bills often revolves around their shared emphasis on defining and combating what they perceive as age-inappropriate, harmful, or obscene for children. Whether explicit performances in drag shows, explicit material in educational settings, or explicit content on social media, the language emphasizes protecting minors from exposure to what is deemed sexually explicit, offensive, or inappropriate.



## WEAPONIZATION OF PARENTAL RIGHTS

Both sets of bills often invoke the concept of parental authority and control over what children are exposed to. Language in these bills may emphasize the need to empower parents to make decisions about their children's access to certain content, whether it be a drag performance, LGBTQ+ education, or material on social media platforms.



## LEGISLATORS AS THE MORAL AUTHORITY

Language in these bills often reflects specific cultural or moral values held by lawmakers. Whether rooted in conservative ideologies, concerns about societal norms, or religious beliefs, the bills often articulate a desire to preserve certain values by restricting access to content that diverges from these principles. In fact, many of the state legislators introducing online platform regulations are the same introducing anti-LGBTQ+ legislation.



## THE IMPACT FOR LGBTQ+ YOUTH

Provisions such as age verification and parental consent requirements in online platform regulations disproportionately harm LGBTQ+ youths, particularly those without affirming home environments, by limiting their access to vital resources, support networks, and affirming content.

# THE BILLS

## OVERVIEW

For the purpose of this report, social media or online platform regulation can be defined as legislation seeking to adjust the requirements for minors to access or utilize social media platforms, or to litigate what content these platforms can distribute. The following are several types of language or provisions LGBT Tech looks for in regulation, to identify whether a piece of legislation will have a disparate impact on LGBTQ+ youth and users.



### “HARM TO CHILDREN“ LANGUAGE (P.11)

Typically refers to content or activities deemed detrimental to the well-being, mental health, or moral development of minors. It often involves provisions aiming to shield children from explicit, sexual, or age-inappropriate material.



### “OBSCENITY“ LANGUAGE (P.12)

Often defined as material that appeals to the prurient interest, lacks serious value, and, by contemporary community standards, depicts sexual conduct in an offensive way. In social media bills, this may be invoked to restrict content considered sexually explicit, offensive, or inappropriate.



### “BEST INTEREST OF THE CHILD“ LANGUAGE (P.13)

A legal principle that actions are made with the primary consideration of promoting the well-being, safety, and development of a child. In social media regulations, it can be used to justify restrictions on certain content or platforms to purportedly safeguard the best interests of minors.



### AGE-VERIFICATION PROVISIONS (P.14)

Mandates that platforms establish robust mechanisms to verify users' ages, often employing ID checks or other reliable methods, to restrict access to age-inappropriate content.



### AGE-APPROPRIATE DESIGN PROVISIONS (P.15)

Guidelines and standards for social media platforms to meticulously design their interfaces, content presentation, and features in a manner that is tailored and suitable for different age groups.



### PARENTAL CONSENT PROVISIONS (P.16)

Requires platforms to obtain verifiable consent from parents or legal guardians before collecting personal data or permitting specific activities for underage users, such as targeted advertising or the creation of user accounts.



# THE BILLS

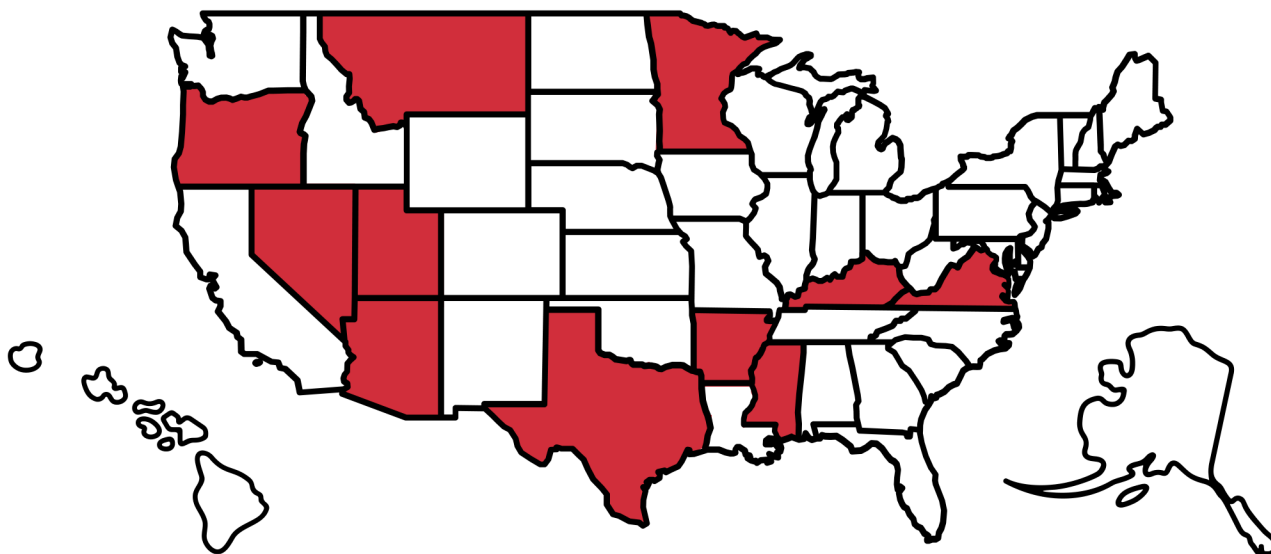
## “HARM TO CHILDREN” LANGUAGE

State-level online platform regulations often employ vague language around causing "harm to children" as a justification for content moderation. This vague terminology opens the door to subjective interpretations, enabling authorities to target and suppress content they deem harmful to children.

When analyzed alongside anti-LGBTQ+ legislation that also employs ambiguous language around "harm to children," a troubling pattern emerges. In anti-LGBTQ+ legislation, the notion of "harm to children" is frequently invoked to justify restrictions on LGBTQ+ content, particularly in educational settings. By framing LGBTQ+ discussions or visibility as potentially harmful to minors, lawmakers seek to limit exposure to diverse sexual orientations and gender identities. The same concept is mirrored in state-level online platform regulations, where vague criteria around "harm to children" can be weaponized to suppress LGBTQ+ voices online.

Both anti-LGBTQ+ laws and online platform regulations leave room for interpretations influenced by societal biases, allowing authorities to disproportionately target LGBTQ+ content under the guise of protecting children. This shared ambiguity raises concerns about potential overreach, as it empowers lawmakers to curtail the free expression and visibility of the LGBTQ+ community based on subjective notions of harm.

### INTRODUCED LEGISLATION WITH “HARM TO CHILDREN” PROVISIONS // 2023





# THE BILLS

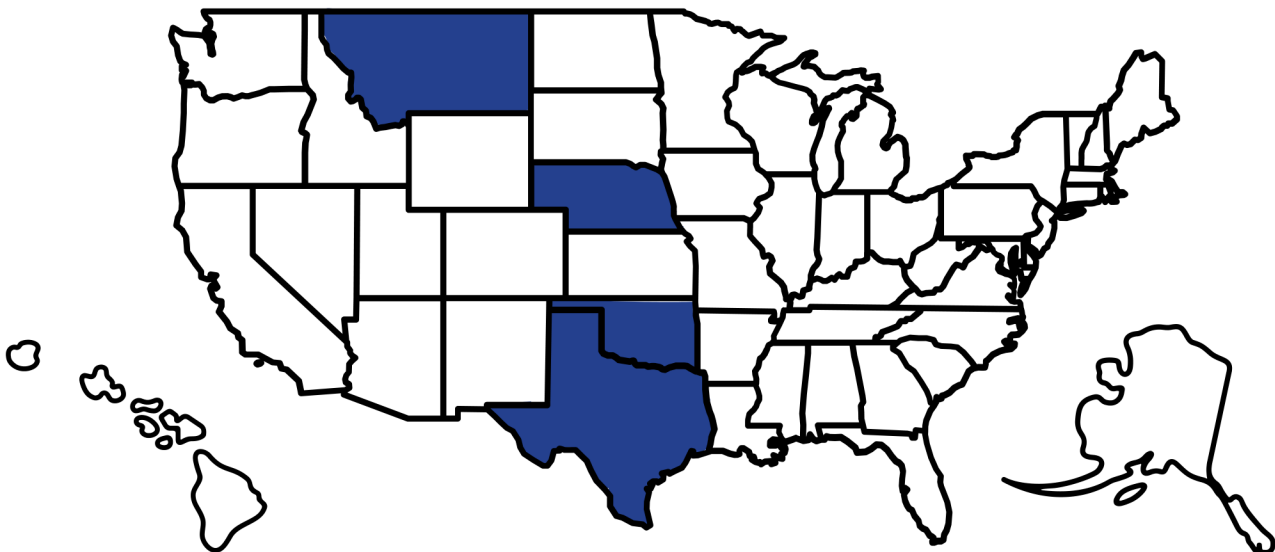
## “OBSCENITY” LANGUAGE

Similarly, state-level online platform regulations that adopt the term "obscene" to designate inappropriate material mirror the historical misuse of obscenity laws against the LGBTQ+ community.

During much of the 20th century, laws prohibiting the distribution of "obscene" materials were employed to criminalize LGBTQ+ literature, art, and expression, further marginalizing an already stigmatized community.<sup>13</sup> This discriminatory application of obscenity laws reflects a longstanding pattern of marginalizing LGBTQ+ voices and stifling their ability to express themselves freely. In contemporary anti-LGBTQ+ legislation, the term "obscene" is often deployed to vilify LGBTQ+ identities and expressions, perpetuating harmful stereotypes and fostering an environment of discrimination. By framing LGBTQ+ content as inherently obscene, lawmakers create a basis for restricting the visibility of LGBTQ+ voices and suppressing their freedom of expression.

State-level online platform regulations that mirror this language introduce a parallel threat to LGBTQ+ content in the digital realm. The interconnected use of "obscene" in both legislative and digital spheres creates a concerning pattern that risks silencing the LGBTQ+ community online, limiting their ability to share experiences, resources, and vital information.

### INTRODUCED LEGISLATION WITH “OBSCENITY” LANGUAGE // 2023





# THE BILLS

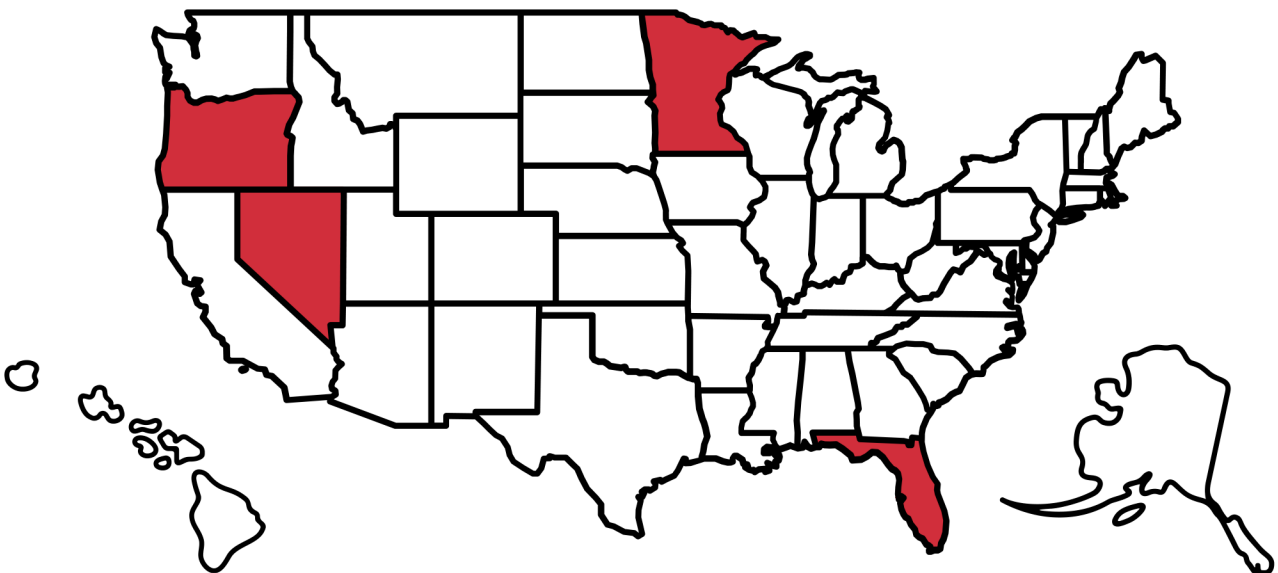
## “BEST INTEREST OF THE CHILD” LANGUAGE

State-level online platform regulations often incorporate language surrounding the "best interest of the child" as a justification for content moderation, reflecting policymakers' concerns about protecting minors from potentially harmful online content. However, the utilization of vague terms like "best interest of the child" in these regulations introduces ambiguity, enabling authorities to subjectively interpret and enforce restrictions on digital content.<sup>14</sup>

Similarly, anti-LGBTQ+ legislation can employ the concept of the "best interest of the child" to justify limitations on LGBTQ+ visibility and expression. In these contexts and against the consensus of medical and other expert communities, lawmakers argue that exposure to LGBTQ+ content may be detrimental to children's well-being or development, leading to restrictions on discussions of sexual orientation and gender identity in educational settings.

“Best interest of the child” affords significant discretion to authorities, allowing them to target LGBTQ+ content under the guise of safeguarding children's interests. This shared ambiguity raises concerns about potential bias and discrimination, as subjective interpretations of the "best interest of the child" may disproportionately impact LGBTQ+ voices and representation online.

### INTRODUCED LEGISLATION WITH “BEST INTEREST” LANGUAGE // 2023





# THE BILLS

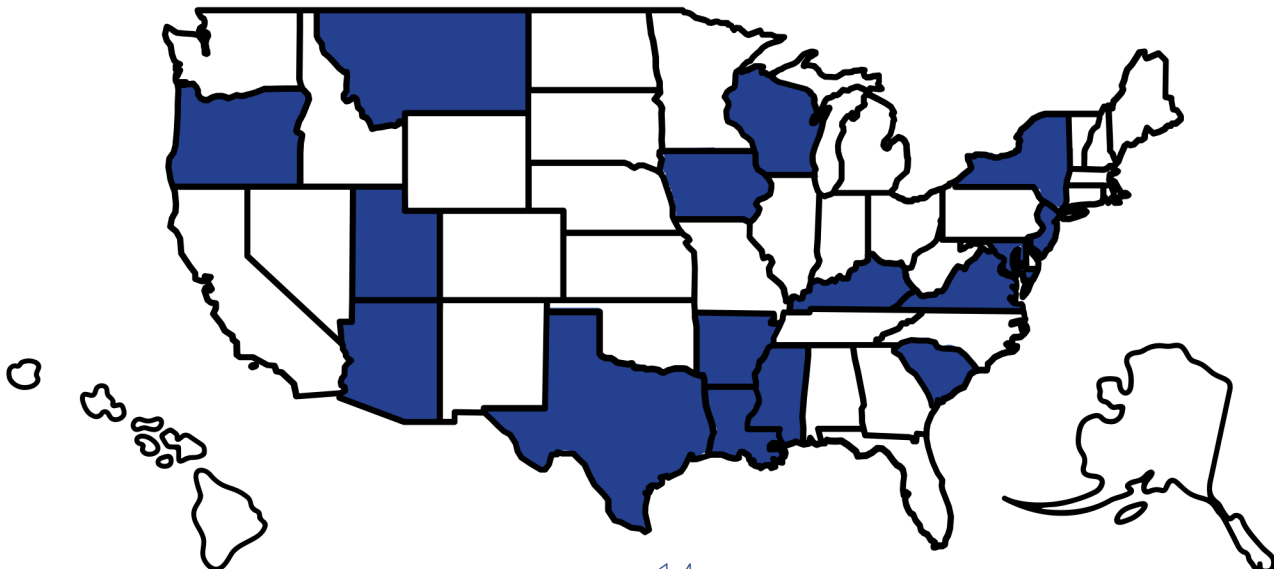
## AGE VERIFICATION PROVISIONS

State-level online platform regulations often include provisions mandating age verification mechanisms to restrict access to certain content deemed inappropriate for minors. While ostensibly designed to protect children from potentially harmful material, these requirements raise complex issues and pose significant challenges that extend beyond their intended scope.<sup>15</sup>

One of the fundamental challenges with age verification mechanisms is their inability to accurately differentiate between age groups, particularly within the diverse spectrum of youth demographics. LGBTQ+ youths, in particular, face unique challenges and require tailored support and resources that may not align with mainstream expectations. Assuming a one-size-fits-all approach to age verification fails to account for the nuanced needs and experiences of LGBTQ+ youths, potentially exacerbating feelings of isolation and hindering access to vital support networks.

When considered alongside anti-LGBTQ+ legislation, which often employs comparable language around protecting minors from perceived harm, the intersectionality of these regulatory frameworks becomes apparent. For instance, bills that ban access to gender-affirming care, discussions of LGBTQ+ topics in schools, and even drag performances under the guise of "protecting children" risk infantilizing older teenagers and perpetuate harmful stigmas. These legislative efforts ignore the recommendations of medical and psychiatric professionals and deprive LGBTQ+ youths of essential resources and support networks, further marginalizing an already vulnerable population.

### INTRODUCED LEGISLATION WITH AGE-GATING PROVISIONS // 2023





# THE BILLS

## AGE-APPROPRIATE DESIGN CODES

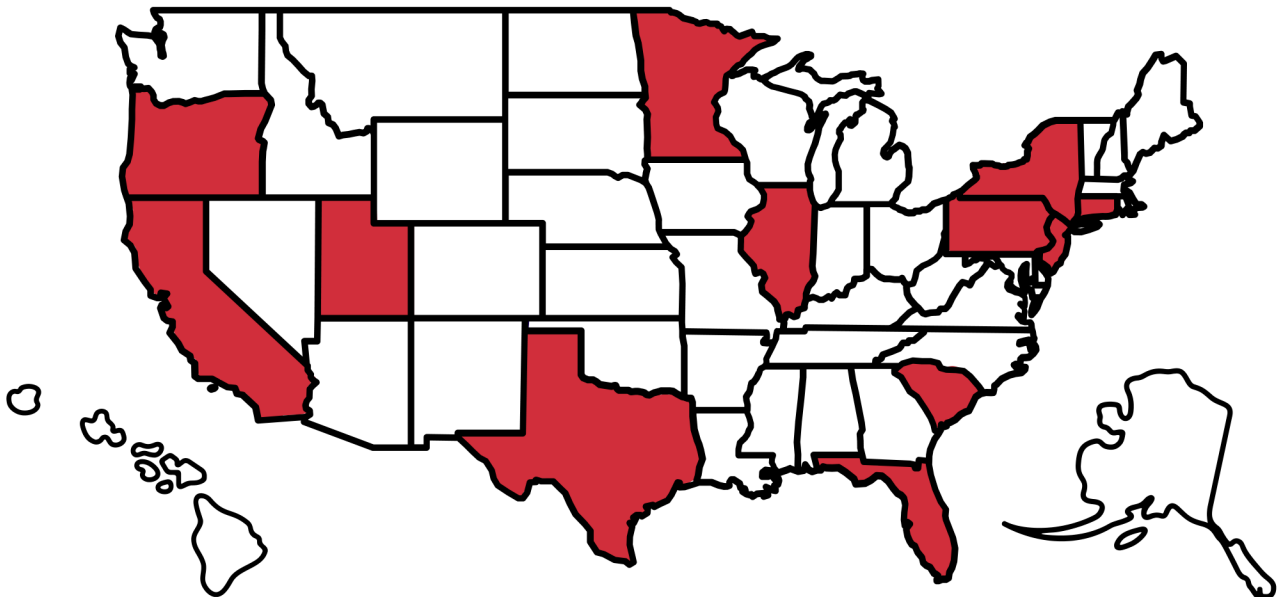
State-level online platform regulations often incorporate provisions mandating age-appropriate design codes to ensure that digital content is suitable for minors.

While ostensibly aimed at safeguarding children from harmful material, these requirements raise significant concerns and present challenges that extend beyond their intended objectives.

Age-appropriate design codes, while not explicitly age verification mechanisms, effectively serve as de facto age verification by curating content based on perceived age appropriateness. This approach assumes a uniform understanding of what constitutes appropriate content for different age groups, disregarding the diverse needs and experiences of LGBTQ+ youths.

By imposing rigid age-based restrictions, age-appropriate design codes may inadvertently exclude LGBTQ+ youths from accessing vital resources and support networks tailored to their specific needs. While often well-intentioned legislation, age-appropriate design codes further run the risk of being weaponized by anti-LGBTQ+ lawmakers, and when analyzed alongside anti-LGBTQ+ legislation that purports to protect minors from perceived harm by restricting access to LGBTQ+ content and resources, the alignment between age-appropriate design provisions and discriminatory practices becomes evident.

### INTRODUCED AGE-APPROPRIATE DESIGN LEGISLATION // 2023





# THE BILLS

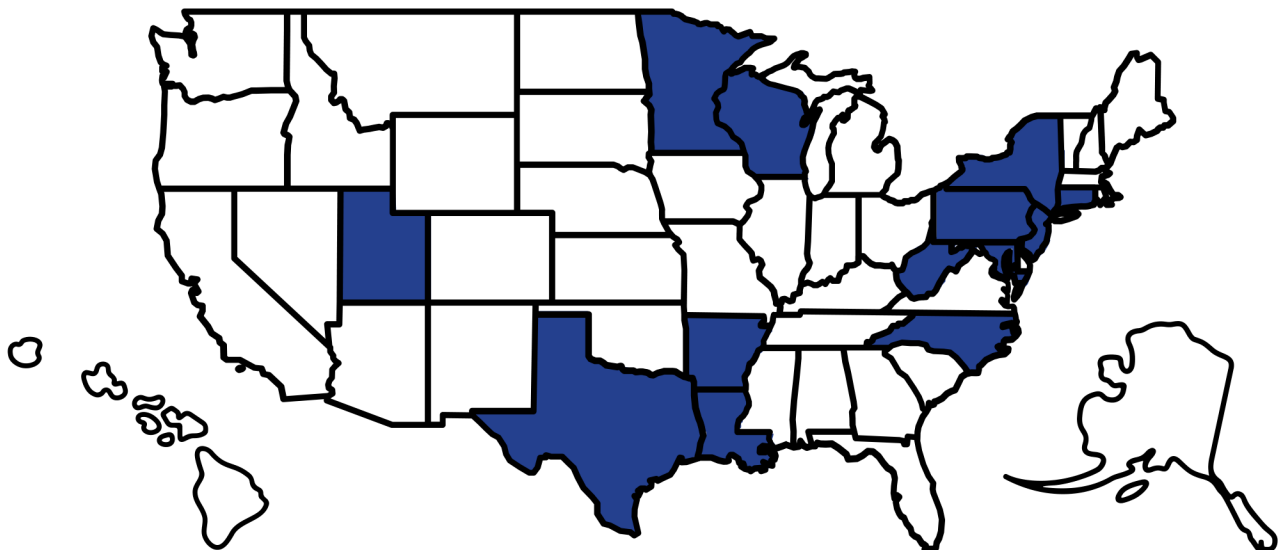
## PARENTAL CONSENT PROVISIONS

State-level online platform regulations often include provisions requiring parental consent for minors to access certain digital content or services. While framed as measures to empower parents and protect children from potentially harmful material, these requirements raise significant concerns regarding their impact on LGBTQ+ youths, particularly those who do not have affirming home environments.<sup>16</sup>

Parental consent requirements, while ostensibly intended to provide parents with control over their children's online activities, may inadvertently exacerbate the challenges faced by LGBTQ+ youths. Research indicates that a significant portion of LGBTQ+ youths do not have supportive or affirming families, leaving them vulnerable to rejection, discrimination, and even homelessness.<sup>17</sup> Imposing parental consent requirements for accessing LGBTQ+ resources and support networks online further isolates these youths and limits their access to vital information and communities.

When analyzed alongside anti-LGBTQ+ legislation, which often invokes parental rights as a pretext for restricting LGBTQ+ content and expression in educational settings and public spaces, the alignment between parental consent requirements and discriminatory practices becomes apparent. Legislation that prohibits discussions of LGBTQ+ topics in schools or limits access to gender-affirming care for minors under the guise of "parental rights" perpetuates harmful stigmas and denies LGBTQ+ youths access to essential resources.

### INTRODUCED LEGISLATION WITH PARENTAL CONSENT PROVISIONS // 2023





# THE LEGISLATORS

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## OVERVIEW

Many of the same state legislators authoring and introducing bills to regulate digital spaces are also actively participating in crafting state legislation targeting LGBTQ+ content and expression. This section identifies some of these legislators and highlights the alignment between the language they use in and about their bills, in an attempt to move beyond hypothetical concerns to more tangible evidence of the risks posed by platform regulations.



## THE QUIET PART, OUT LOUD

This section identifies primary bill authors and governors across the states who are responsible for both anti-LGBTQ+ legislation and social media regulation, aligning the language they use in both and underscoring the danger of platform regulations being used to target LGBTQ+ individuals and restrict their rights in digital spaces.

## THE ATTORNEYS GENERAL ISSUE

Roughly half of the online platform legislation introduced in 2023 has enforcement actions allowing the attorneys general of these states to identify criminal platform actions and levy consequences accordingly. As with bill authorship, this becomes very dangerous when identifying the anti-LGBTQ+ stances held by these same attorneys general.

## RECOGNIZING UNINTENTIONAL HARMS

While this report largely addresses how legislators could and would *intentionally* utilize platform regulation to attack the LGBTQ+ community, it is important to also address the *unintentional* harms legislation can present. In particular, SESTA / FOSTA demonstrates that the most well-meaning platform regulation can be tremendously harmful to LGBTQ+ equality online.

# THE LEGISLATORS

## THE QUIET PART, OUT LOUD

**Arizona State Senator Wendy Rogers introduced S.1503**,<sup>18</sup> which requires online platforms to verify that anyone under the age of 18 is not able to access material deemed “harmful to minors,” identified vaguely as any content that appeals to the prurient interest of minors, is “patently offensive to prevailing standards,” and lacks in serious value for minors. Senator Rogers is an outspoken opponent of LGBTQ+ rights, frequently calling inclusive TV programming and family-friendly Pride events “grooming” that “steal the innocence of children.”<sup>19</sup> Her willingness to vilify even innocuous LGBTQ+ expression demonstrates potential misuse of platform regulation, where broad definitions of “harmful to minors” could be weaponized to censor or restrict legitimate LGBTQ+ content under the guise of protecting children from perceived moral threats.



**“IT SHOULD BE ILLEGAL TO TARGET KIDS WITH SEXUAL MESSAGING OF ANY KIND. SOME THINGS ARE JUST SACRED. LET KIDS BE KIDS. NO MORE GROOMING.”**

-ARIZONA STATE SENATOR WENDY ROGERS, IN RESPONSE TO LGBTQ+ INCLUSIVE DISNEY PROGRAMMING<sup>20</sup>

**Arkansas’ Distribution of Harmful Materials Act (S.66)**,<sup>21</sup> introduced by **State Senator Tyler Dees**, defines “material harmful to minors” as “any material that the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, prurient interest.” Senator Dees has been vocal that “teens and children are being exposed to harmful people and inappropriate content on social media,”<sup>22</sup> and argues that young people are “being preyed on by groomers” online,<sup>23</sup> worrying language when held in consideration with his longtime support of bills targeting the LGBTQ+ community.

Senator Dees has called legislative efforts to remove access to LGBTQ+ curricula “an issue that is a cultural battleground right now, and our children are at the forefront of that.” Senator Dees said he is in pursuit of “what is pure, what is holy, what is noble,” and that he is “drawing a line in the sand.”<sup>24</sup>

**“WE HAVE AN ISSUE THAT IS A CULTURAL BATTLEGROUND RIGHT NOW, AND OUR CHILDREN ARE AT THE FOREFRONT.”**

-ARKANSAS STATE SENATOR TYLER DEES, ON LGBTQ+ CURRICULA & DRAG<sup>25</sup>



**Arkansas Senator Dees was also responsible for introducing Arkansas' Social Media Safety Act (S.396),**<sup>26</sup> which requires both age verification and parental consent. Senator Dees said the new law “sends a clear message that we want to partner with parents and empower them to protect our children...we will no longer allow harmful material online.”<sup>27</sup>

**Both S.66 and S.395 were enacted by Arkansas Governor Sarah Huckabee Sanders,** who exemplifies the concerning intersection between anti-LGBTQ+ sentiments and this sort of platform regulation, given her pattern of discriminatory legislative measures under the pretext of protecting youth. Her signature on bills that restrict transgender individuals' access to facilities aligns with her stance against inclusive language in state documents, as does her vocal opposition to comprehensive sex education, including discussions on gender identity or sexual orientation.<sup>28</sup> By framing these policies as necessary safeguards for children, Governor Sanders effectively conflates LGBTQ+ visibility and education with inappropriate content, perpetuating harmful stereotypes and marginalizing LGBTQ+ youth. This approach extends to online platform regulations, where Governor Sanders' emphasis on age verification in particular fits her broader agenda of imposing restrictions under the guise of child protection.



**“ONLY WOMEN GIVE BIRTH, MEN SHOULDN'T PLAY WOMEN'S SPORTS, AND THERE ARE ONLY TWO GENDERS. AS LONG AS I'M GOVERNOR, ARKANSAS STATE GOVERNMENT WILL NOT ENDORSE NONSENSE.”**

**-ARKANSAS GOVERNOR SARAH HUCKABEE SANDERS**<sup>29</sup>

**Iowa's H.526,**<sup>30</sup> introduced by State Representative Henry Stone, prohibits users under 18 from maintaining their own social media accounts. This legislation is part of a broader pattern of Representative Stone targeting LGBTQ+ individuals in 2023, through one bill restricting transgender participation in athletics<sup>31</sup> and another banning schools from requiring staff to respect the chosen names and pronouns of their students, even if those students have parental consent.<sup>32</sup> These legislative actions suggest a deliberate effort to marginalize and erase the identities of LGBTQ+ individuals, particularly trans and non-binary youth, by restricting their access to online platforms and affirming environments.

**Kentucky's H. 476,**<sup>33</sup> introduced by State Representative Richard White, uses the same vague definition of “harmful to minors” as in Arkansas. Not only did White vote to support Kentucky's S.150, which has been called the “worst anti-trans bill in the nation” by combining “Don't Say Gay” policies, forced outing, pronoun bans, and forced medical de-transitioning of trans teenagers - but he lamented publicly that the bill *did not go far enough* in levying consequences.<sup>34</sup>

**“THIS IS A SISSY BILL. I VOTED YES, BUT I WANTED MORE TEETH IN IT.”**

**-KENTUCKY STATE REPRESENTATIVE RICHARD WHITE, ON THE “WORST ANTI-TRANS BILL IN AMERICA”**<sup>35</sup>



**Montana House Speaker Matt Regier introduced H.770<sup>36</sup>** to revise the communication requirements of social media platforms and prevent “obscene” communications, and has a long history of driving anti-LGBTQ+ regulation. Representative Regier has been vocal about “protecting children” from so-called “obscene” materials in school, including prominent coming-of-age LGBTQ+ materials, demonstrating the dangerous consequences of his approach to online platform regulation and reflecting a broader agenda of exclusion and censorship. According to Representative Regier, “we’re banning obscenity, we’re banning pornography from our schools...there is a very small, loud obscene minority. Don’t let them push you around. I believe that there are clear skies at the end of this and that we will prevail and protect our next generation.”<sup>37</sup>



**“FORCING CHOICES UPON CHILDREN REGARDING THEIR SEXUAL ORIENTATION OR EXPOSING THEM TO SEXUAL CONTENT IS...DEPRESSING MONTANA YOUTH. WE MUST LET OUR KIDS BE KIDS.”**  
-MONTANA HOUSE SPEAKER MATT REGIER<sup>38</sup>

The legislative record of **Oklahoma State Senator Shane Jett, who introduced S.988<sup>39</sup>** to prohibit the “targeting of minors with content containing obscene materials,” presents one of the clearest examples of how platform regulations can bolster anti-LGBTQ+ efforts. In 2023 alone, Senator Jett authored bills to ban public schools from making available books with LGBTQ+ issues as their “primary subject,”<sup>40</sup> ban instruction of LGBTQ+ content in schools,<sup>41</sup> and ban schools from creating, enforcing or endorsing a policy respecting, favoring or promoting “non-secular sex based identity narratives.”<sup>42</sup> He also authored bills that would ban lewd acts and “obscene” material in public spaces where minors or other individuals could observe, with language targeting drag performances and LGBTQ+ expression.<sup>43</sup>

Senator Jett’s legislative attacks are accompanied by vitriolic language about the LGBTQ+ community. Not only has he claimed that “transgender ideology is distinctly anti-human, sinister and exceedingly wicked,<sup>44</sup> but has also stated that the “gender nonsense is ridiculous. It’s incomprehensible to have to discuss this idiocy...Nothing wrong with them that Jesus can’t fix.”<sup>45</sup> Through his legislation and his language, it becomes easy to see how the Senator would see S.988 and bills like it as a tool to wield against the LGBTQ+ community.

**“THIS UNNATURAL MALIGNANT CONDITIONING OF YOUNG PEOPLE BY ADULTS WHO HAVE A PRURIENT INTEREST IN HYPER-SEXUALIZATION OF CHILDREN IS RESPONSIBLE FOR BOTH HOMICIDAL AND SUICIDAL IDEATION AMONG ADOLESCENTS.**

**HISTORY WILL BE JUSTIFIABLY UNKIND TOWARDS THIS ERA OF DEFYING NATURAL SCIENCE, NATURAL LAW, LOGIC, REASON, AND THE REALITY OF ACTUAL BIOLOGY AND ITS VICIOUS ATTEMPT TO SEXUALLY TWIST THE MINDS OF YOUNG CHILDREN.**

**THIS IS THE ERA OF WILLFUL HUMAN STUPIDITY AND PERVERSION. LEAVE CHILDREN ALONE.”**

-OKLAHOMA STATE SENATOR SHANE JETT, ON TWO-SPIRIT IDENTITY<sup>46</sup>



**Texas State Representative Matt Shaheen introduced H.1181<sup>47</sup>** to restrict minor access to sexual material on internet websites, which reached passage and enactment. This bill, along with many others, broadly defined “sexual material harmful to minors” as that which (a) appeals to the prurient interest of a minor, (b) is patently offensive to prevailing community standards, and (c) is without redeeming social value.

In 2023, Representative Shaheen used this exact same definition to attack the LGBTQ+ community through legislation banning drag performances,<sup>48</sup> and in October 2023 issued demands that law enforcement prosecute an all-ages drag performance in Dallas, claiming that attending “children were harmed” by “disgusting, obscene content.” The Representative stated that the event “appealed to the sexual, prurient interest of a minor...the event was patently offensive in nature to prevailing standards in Dallas and Texas... [and] there is zero social value that minors can possibly receive.”<sup>49</sup> By outlining exactly how drag performance aligns with his established definition of “material harmful to minors,” he laid bare his intention to paint members of the LGBTQ+ community as inherently dangerous to youth.



**“PREDATORY EXTREMISTS ARE MAKING A SHAMEFUL ATTEMPT TO STEAL THE INNOCENCE OF OUR CHILDREN, AND I WILL DO EVERYTHING TO STOP THESE SICK INDIVIDUALS.”**

-TEXAS STATE REPRESENTATIVE MATT SHAHEEN<sup>50</sup>

**H.1181 was one of several related bills signed by Texas Governor Greg Abbott** during 2023. A staunch supporter of online platform regulations, Governor Abbott’s pattern of anti-LGBTQ+ efforts<sup>51</sup> raises serious concerns about misuse of such regulations under the pretext of “protecting children.” Governor Abbott has made “parental rights” the rallying cry of his campaigns and his leadership,<sup>52</sup> even as he issued a directive urging residents to report parents of transgender youth to authorities for providing gender-affirming care, equating such care with child abuse.<sup>53</sup> This directive, which ignored guidance from leading medical associations and sparked widespread condemnation, exemplifies Abbott's disregard for the well-being and rights of transgender youth. The Republican Party of Texas claims that homosexuality is “an abnormal lifestyle choice,” and considers the banning the “teaching, exposure, and/or discussion of sexual matters (mechanics, feelings, orientation, or 'gender identity' issues)” to be a legislative priority.<sup>54</sup>

**“SOMEONE MUST FIGHT BACK AGAINST THE RADICAL LEFT’S DEGRADATION OF OUR SOCIETY AND VALUES. I WILL NOT ALLOW TEXAS CHILDREN TO BE SEXUALIZED AND SCARRED FOR LIFE.”**

-TEXAS GOVERNOR GREG ABBOTT, ON DRAG PERFORMANCES<sup>55</sup>



**Texas State Representative Nate Schatzline** spearheaded a series of legislative initiatives aimed at curbing what he deemed as inappropriate content, both online and in public spaces, with the latter targeting the LGBTQ+ community. H.3357,<sup>56</sup> introduced by Representative Schatzline, proposed civil liability for "obscenity" online, employing the same definition of "harmful material" as outlined in other bills. H.3570<sup>57</sup> sought to restrict access to sexual material harmful to minors on internet websites.

Simultaneously, in 2023 Representative Schatzline authored a bill targeting establishments allowing "on-premises consumption of alcoholic beverages" and performances involving non-stereotypical clothing or makeup.<sup>58</sup> By classifying such venues as "sexually oriented businesses," the legislation aimed to apply obscenity laws to prevent preventing minors from attending drag shows in Texas. Beyond these measures, the Representative cosponsored legislation to ban transgender youth from participating in sports,<sup>59</sup> and played a pivotal role in co-authoring legislation that took aim at LGBTQ+ content in educational institutions and libraries.<sup>60</sup> Collectively, these initiatives underscore his broader agenda of restricting access to LGBTQ+ expression across various spheres of public life in Texas.



**"WE MUST END THE PRACTICE OF GROOMING KIDS THROUGH "FAMILY-FRIENDLY" DRAG SHOWS AND SEXUAL INDOCTRINATION IN SCHOOLS THIS SESSION, BUT IF WE FAIL TO REMOVE THE SMART PHONE AND TABLET IN THEIR HANDS, IT WAS FOR NOTHING!"**

-TEXAS STATE REPRESENTATIVE NATE SCHATZLINE <sup>61</sup>

**Texas State Senator Bryan Hughes introduced S.2164<sup>62</sup>** to restrict access to "sexual material harmful to minors." Senator Hughes' definition of this harmful material- panders to the prurient interest, patently offensive with respect to minors, and lacking value for minors- is aligned with the language he used in his many 2023 bills attacking LGBTQ+ education and drag performances.

While the Texas legislature eventually scaled back his language, in 2023 Senator Hughes introduced legislation to reclassify any bars or business that hosted drag shows as "sexually oriented businesses," criminalizing performers and venues for putting on "sexually oriented performances" and defining sexually oriented as "appealing to prurient nature."<sup>63</sup> Senator Hughes also introduced legislation to ban Drag Queen Story Hour performances in Texas, specifically to ban any library event attended by minors where "the person being dressed as the opposite gender is a primary component of the entertainment."<sup>64</sup> The Senator further authored legislation to ban teaching about gender identity and sexual orientation up to the 12th grade,<sup>65</sup> and justifies these legislative attacks as "protecting children."<sup>66</sup>

**"DRAG SHOWS ARE SEXUALLY EXPLICIT AND EXPOSE CHILDREN TO ISSUES OF SEXUALITY AND IDENTITY THAT SHOULD BE RESERVED FOR ADULTS."**

-TEXAS STATE SENATOR BRYAN HUGHES <sup>67</sup>



**Texas' H.3585,<sup>68</sup> authored by State Representative Terri Leo-Wilson,** also aimed to restrict access to “sexual material harmful to minors on an internet website,” while holding the same “prurient interest” standard as introduced above. As a freshman legislator in 2023, one of her first pieces of legislation aimed to allow the State Board of Education to reject textbooks for students below ninth grade if they included content on sexual orientation, gender identity and sexual activity. Notably, her legislation sought to punish materials that “encourage lifestyles that deviate from generally accepted standards of society.”<sup>69</sup> Representative Leo-Wilson holds that LGBTQ+ “lifestyles” are harmful enough to youth to deserve being banned in schools, raising the serious risk that she would hold the same standard for online spaces.

**In 2023, Texas State Representative Jared Patterson spearheaded a trio of failed social media bills** under the stated intention to protect children, including, most alarmingly, a measure barring all access to platforms for individuals under the age of 18 (H.896).<sup>70</sup>

During the same legislative session, Representative Patterson introduced bills to ban LGBTQ+ expression and content in Texas, proudly deemed by the Representative himself to be the “most aggressive attempts to remove sexual indoctrination in the country.”<sup>71</sup> His controversial "Don't Say Gay" bill aimed to ban classroom discussions on sexual orientation and gender identity,<sup>72</sup> while his READER Act prohibited similar library materials.<sup>73</sup> According to Representative Patterson, “the sexualization of our children must stop...The message is no more radical ideology - particularly when it comes to inappropriate or obscene content.”<sup>74</sup>



**“NO LEGISLATOR IN THE COUNTRY WILL WORK HARDER THAN I WILL TO ENSURE OUR KIDS ARE PROTECTED FROM RADICAL SEXUALIZATION, WHETHER THAT BE THROUGH SOCIAL MEDIA, IN THE CLASSROOM, OR IN THE SCHOOL LIBRARY.”**

-TEXAS STATE REPRESENTATIVE JARED PETERSON<sup>75</sup>



**These individuals serve as only a few examples of legislators that are both vocal in their attempts to restrict access to LGBTQ+ content, education, and expression, while actively participating in legislation to restrict access to social media and online platforms.**

**For each of these bills and the many others, there are dozens of additional sponsors, signers, party leaders, and external stakeholders who may encourage anti-LGBTQ+ sentiment on the state level or benefit from its codification.**

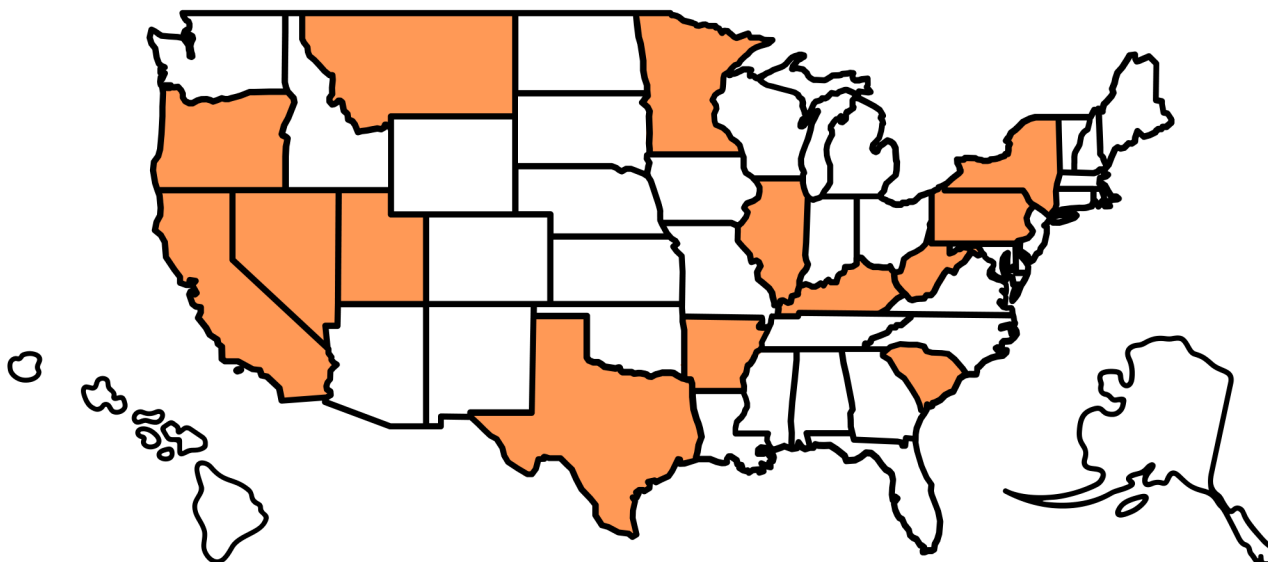
# THE LEGISLATORS

## THE ATTORNEY GENERALS ISSUE

During 2023, a number of state-level social media regulations proposed granting state attorneys general the authority to determine what content is deemed “harmful” and to levy consequences accordingly. In states where attorneys general openly harbor anti-LGBTQ+ sentiments, the potential implications of this enforcement action power is especially alarming.

Attorneys General with anti-LGBTQ+ stances may exploit these regulatory frameworks to suppress content that advocates for LGBTQ+ rights, promotes community visibility, or offers vital information on gender identity and sexual orientation. In 2023, 14 states introduced platform regulation with attorney general enforcement actions.

### STATES WITH AG ENFORCEMENT REGULATIONS // 2023



As with state legislators that introduced bills, in many cases, the words of the attorneys general can often be enough to demonstrate how they would misuse this authority. For example, Texas Attorney General Ken Paxton publicly pronounced that he had “no doubt” gender-affirming care for youth is a form of “abuse under Texas law,” ignoring all evidence to the contrary provided by experts and the medical community. Instead, Attorney General Paxton claimed he and the Texas Department of Family and Protective Services had a “duty” to punish families and doctors providing such care.<sup>76</sup> There is little question that authorities like Attorney General Paxton would utilize “best interest of the children” language as a similar cudgel to punish platforms in an attempt to limit LGBTQ+ content.



In 2023, Arkansas Attorney General Tim Griffin issued an opinion against school policies preventing discrimination based on sexual orientation or gender identity,<sup>77</sup> sought an appeals court's reversal of a ruling that protected transgender care for minors,<sup>78</sup> and resisted a proposed rule preventing attorneys general from accessing information about residents seeking abortions or transgender care in other states.<sup>79</sup> The rationale, ostensibly grounded in the need for information in criminal cases, reveals a consistent pattern of using regulatory powers to target LGBTQ+ individuals and their rights.

Montana Attorney General Austin Knudsen led a coalition of 23 state attorneys general in filing an amicus brief in support of parents' right to "direct upbringing of their children," and has led efforts across the U.S. to push parental rights at the expense of LGBTQ+ children.<sup>80</sup> South Carolina Attorney General Alan Wilson joined a lawsuit and signed an amicus brief seeking to overturn the U.S. Supreme Court decision that says transgender workers are covered by federal laws protecting Americans from discrimination based on sex.<sup>81</sup>

This danger presents most clearly in a 2023 letter sent to Target by the Attorneys General of Arkansas, Indiana, Idaho, Kentucky, Mississippi, Missouri, and South Carolina. The letter alleged that Target's Pride collection apparel violated obscenity laws and standards and condemned the company's support for LGBTQ+ organizations like GLSEN. They labeled "LGBTQIA+ promotional products" as "obscene" and accused Target of being part of a dangerous campaign aimed at exposing families with young children to LGBTQIA+ concepts and values.<sup>82</sup> This illustrates not only a perception of LGBTQ+ products as harmful, but a perceived duty to combat them.



**“AS ATTORNEYS GENERAL COMMITTED TO ENFORCING OUR STATES’ CHILD-PROTECTION AND PARENTAL-RIGHTS LAWS...WE ARE CONCERNED BY RECENT EVENTS INVOLVING THE COMPANY’S “PRIDE” CAMPAIGN.**

**STATE CHILD-PROTECTION LAWS PENALIZE THE “SALE OR DISTRIBUTION . . . OF OBSCENE MATTER.”**

**A MATTER IS CONSIDERED “OBSCENE” IF “THE DOMINANT THEME OF THE MATTER . . . APPEALS TO THE PRURIENT INTEREST IN SEX,” INCLUDING “MATERIAL HARMFUL TO MINORS.”**

**...STATES HAVE PASSED LAWS TO PROTECT CHILDREN FROM HARMFUL CONTENT MEANT TO SEXUALIZE THEM AND PROHIBIT GENDER TRANSITIONS OF CHILDREN.**

**TARGET WITTINGLY MARKETED AND SOLD LGBTQIA+ PROMOTIONAL PRODUCTS TO FAMILIES AND YOUNG CHILDREN AS PART OF A COMPREHENSIVE EFFORT TO PROMOTE GENDER AND SEXUAL IDENTITY AMONG CHILDREN.”<sup>83</sup>**

# THE LEGISLATORS

## RECOGNIZING UNINTENTIONAL HARMS

While this report has largely focused on the ways online platforms regulation can be wielded by certain lawmakers to perpetuate discrimination against the LGBTQ+ community, it is also crucial to recognize that just as many lawmakers introducing platform regulation do so with no malicious intent.

Many well-meaning legislators champion these measures intending to combat harmful content and promote online safety for all youth, LGBTQ+ youth included. While these efforts are commendable, their implementation can still lead to unintended consequences and collateral damage.



One of the most prominent examples illustrating these unintended harms is the Stop Enabling Sex Traffickers Act (SESTA) and the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), collectively known as SESTA / FOSTA.<sup>84</sup> Enacted in 2018, these laws aimed to combat online sex trafficking but ended up causing significant collateral damage, particularly to marginalized communities like the LGBTQ+ community.

At the core of SESTA / FOSTA was the intention to hold online platforms accountable for facilitating sex trafficking through their services. However, the broad and vaguely defined language used in the legislation had sweeping repercussions beyond its intended scope. One of the key provisions of SESTA / FOSTA was to amend Section 230 of the Communications Decency Act, which previously provided online platforms with immunity from liability for user-generated content. By amending this section, SESTA / FOSTA exposed platforms to legal risks for content related to sex trafficking, leading many platforms to implement stringent content moderation policies.

The unintended consequence of these policies was the stifling of free expression and the silencing of marginalized voices, including those in the LGBTQ+ community. Platforms, fearful of legal repercussions, began over-censoring content related to sexuality, sexual health, and LGBTQ+ issues under the guise of combating sex trafficking. This overreach resulted in the removal of educational content, support networks, and resources vital to LGBTQ+ individuals, particularly those in vulnerable situations.

For example, LGBTQ+ sex educators, activists, and organizations found their content flagged, restricted, or removed altogether due to algorithms and automated filters designed to detect and block potentially "offensive" material. Discussions around LGBTQ+ identities, relationships, and sexual health were often mislabeled as inappropriate or explicit, leading to censorship and the erasure of valuable information and support for the community.

Moreover, SESTA/FOSTA had a chilling effect on online platforms themselves, with many opting to shut down or restrict certain features to avoid legal liabilities. Platforms reportedly relied on "blunt automated tools that tend to perpetuate real-world biases and are unable to understand context," exacerbating both real-world harms and questions around First Amendment rights. This contraction of digital spaces further limited the avenues available for LGBTQ+ individuals to connect, seek support, and access inclusive resources.<sup>85</sup>

The unintended harms of SESTA/FOSTA serve as a cautionary tale for the regulation of online platforms, especially when legislation is crafted with vague language, lacks specificity, and fails to consider the diverse needs and expressions of marginalized communities. While the intentions behind such legislation may be noble, the reality is that they can have far-reaching consequences, exacerbating inequalities and harming vulnerable populations.



**Moving forward, policymakers must carefully consider the potential unintended consequences of online platform regulation, engage with diverse stakeholders, including LGBTQ+ advocates and communities, and prioritize rights-based approaches that uphold freedom of expression, protect marginalized voices, and promote inclusivity in digital spaces.**

**It is imperative to learn from past mistakes and strive for legislation that balances accountability with safeguarding fundamental rights and liberties for all individuals, regardless of their identities or backgrounds.**

# CONCLUSION

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## RECOGNIZING THE NATIONAL IMPACT

Beyond the direct threats to the LGBTQ+ community in individual states, state-level online platform regulations present profound risks to individuals nationwide, as these laws pose significant challenges in their practical application. The internet transcends geographical boundaries, making it virtually impossible to enforce regulations uniformly across state lines. What may be deemed acceptable or harmful content in one jurisdiction may be interpreted differently elsewhere, resulting in a further fragmented regulatory landscape that undermines the principles of free expression and equality.

A law enacted in one jurisdiction can have cascading effects throughout the digital ecosystem, impacting users, content creators, and platform operators nationwide. This interconnectedness underscores the futility of attempting to regulate digital spaces through isolated state legislation.



## SO HOW CAN WE PROTECT YOUTH ONLINE?

When studying digital governance, it becomes evident that state-by-state social media regulation cannot act as a comprehensive solution to protecting children online. However, this does not diminish the urgency nor the importance of efforts to do so. While the complexities present in balancing freedom of expression and online safety mean there is unlikely to be one foolproof answer to the question, stakeholders, industry professionals, and policymakers cannot and should not be deterred from working to improve the digital landscape.

The following are several recommendations that we present for consideration, in the hopes of fostering safer digital environments for not only LGBTQ+ users, but all users.

# CONCLUSION

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## RECOMMENDATIONS

**A**

### **FEDERAL LEGISLATORS: IMPLEMENT A NATIONAL PRIVACY FRAMEWORK**

A comprehensive set of regulations and guidelines should be enacted at the federal level to govern the collection, use, and protection of personal data on social media platforms and other online services. Such a framework would establish standardized rules and protections that apply uniformly across all states and safeguard all users, and must be the first step taken if any digital governance efforts are going to prove effective and equitable.

#### **1. CONSISTENT & COMPREHENSIVE PROTECTIONS**

A federal privacy framework provides consistent rules and regulations that apply uniformly across all states. This clarity is crucial for both social media platforms and users, preventing online access from becoming a complex maze of differing requirements and standards based on location or age.

Similarly, while state legislation in many cases looks to afford necessary protections to minors, such as enhanced privacy and data safeguards, the challenge lies in isolating and identifying this specific group within a diverse user population.

A federal privacy framework addresses this challenge by extending privacy and data protections to all users online, regardless of age or other demographic factors. This approach ensures that every individual benefits from robust privacy safeguards, eliminating the need to isolate and identify specific user groups.

#### **2. EFFICIENT COMPLIANCE & ENFORCEMENT**

By adopting a holistic approach to privacy regulation, federal laws can address a wider swath of digital needs than the states, including data collection, processing, sharing, consent mechanisms, transparency requirements, and user rights. This streamlined approach enhances efficiency and compliance for social media platforms, as they can adhere to a single set of guidelines and standards rather than navigating varying requirements across different states.

Federal legislation typically includes robust enforcement mechanisms and penalties for non-compliance, ensuring that social media platforms take privacy more seriously and adhere to one, established set of regulations. Strong enforcement measures contribute to greater accountability among platforms, fostering a culture of responsible data handling and privacy protection, which ultimately benefits all users.

### 3. GLOBAL COMPETITIVENESS & INNOVATION

A unified federal privacy framework enhances the global competitiveness of U.S.-based social media platforms by providing a clear regulatory environment that encourages trust and confidence among users, both domestically and internationally.

Clear privacy regulations also promote innovation by establishing a level playing field where companies can focus on developing privacy-enhancing technologies and practices without being hindered by fragmented state laws.



#### **B STATE LEGISLATORS: PRIORITIZE PRIVACY & DIGITAL LITERACY EFFORTS**

While we believe that the nature of social media communications and data is inherently interstate, we also understand that many state legislator efforts are driven by a lack of necessary federal action.

In the absence of comprehensive and national protections like a privacy framework, we encourage state legislators to focus on drafting and passing legislation that provides comprehensive protections for all users, regardless of age, gender, race, or other demographic factors. This approach ensures that every individual's privacy rights are respected and upheld in the digital realm. While minors certainly require enhanced protections online, they are not the only group in need of such safeguards. State legislation should avoid isolating one subsection of users and instead aim to protect the data privacy of all individuals equally.

Further, digital literacy efforts typically encompass a range of educational activities and resources to improve digital citizenry, and may include educational workshops, training sessions, curriculum integration in schools, public awareness campaigns, online safety resources, parental guidance materials, partnerships with schools and community organizations, and collaborations with industry experts and online safety advocates.

#### **1. PROMOTION OF CRITICAL THINKING**

Digital literacy programs equip children with essential knowledge and skills to navigate online platforms safely and responsibly. They can learn about online risks including cyberbullying, online predators, and scams, along with strategies to mitigate these risks.

These programs educate children about the importance of protecting their personal information online, such as avoiding sharing sensitive details, understanding privacy settings on social media, and recognizing potential privacy threats. These efforts mirror those that we already make in physical spaces, in teaching youth to critically evaluate information presented to them, identify potential harm in a situation, and make informed decisions that follow them into adulthood.

## 2. ENCOURAGEMENT OF OPEN COMMUNICATION

By promoting digital literacy, state legislators can facilitate open communication between children, parents, guardians, and educators about online safety in a way that legislation fails to.

This communication enables adults to provide guidance, support, and supervision while fostering trust-based relationships regarding internet use, and more effectively prevents children from feeling ashamed or vilified by online behaviors they may not fully understand.

## 3. ADAPTABLE TO EVOLVING THREATS

Digital literacy programs can evolve to address emerging online threats and technologies, ensuring that children receive up-to-date information and strategies to stay safe online.

Similarly, the level of collaboration with schools, community organizations, law enforcement, and online safety advocates allows digital literacy programs to be both comprehensive across the child safety landscape and malleable as the needs and experiences of youth online change over time.



## **C** PLATFORMS: WORK TO BALANCE YOUTH SAFETY & YOUTH AUTONOMY

Platforms must adopt multifaceted strategies that prioritize user protection, inclusivity, and community empowerment. The following recommendations outline key areas where platforms can enhance their approaches to ensure a safer digital environment for all users.

### 1. ENHANCED GUIDELINES & REPORTING

To strengthen guidelines and reporting mechanisms, platforms should first establish clear and comprehensive community guidelines that explicitly prioritize the protection of marginalized communities, including LGBTQ+ individuals. These guidelines should go beyond mere statements and actively address specific forms of hate speech, harassment, and discrimination commonly faced by these communities.

Further, platforms must implement easily accessible and transparent reporting mechanisms that empower users to report abusive content and behaviors promptly. This includes providing users with clear instructions on how to report, ensuring anonymity if desired, and offering feedback on the outcomes of reports. Feedback is crucial not only for user trust but also for fostering a sense of accountability within the platform ecosystem, where users can see tangible actions taken against violators of community guidelines.

While leveraging machine learning and AI technologies for harm detection is essential, platforms must ensure these systems are continuously trained and updated to accurately identify injurious content while minimizing false positives and overzealous content filtering. This requires ongoing monitoring, evaluation, and refinement of AI algorithms to adapt to evolving online threats and user behaviors. Human moderators play a crucial role in providing nuanced judgment and context, particularly in cases involving marginalized communities, to prevent unintended negative outcomes.

Platforms should also invest in robust training programs for moderators, emphasizing cultural sensitivity, diversity awareness, and understanding of LGBTQ+ issues to ensure fair and effective moderation practices.

## **2. USER-CENTRIC FEATURES**

Platforms should not only prioritize user empowerment but also actively involve users in the design and development of features aimed at enhancing safety and control. Offering a range of customizable tools for muting, blocking, and filtering content based on individual preferences empowers users to curate their online experiences according to their comfort levels.

Additionally, creating dedicated spaces such as private groups and moderated forums allows marginalized communities to interact safely in age-appropriate contexts, fostering a sense of belonging and support. Platforms should regularly solicit feedback from users, especially from marginalized groups, to identify areas for improvement and innovation in user-centric features that promote inclusivity and empowerment.

## **3. STRATEGIC EXTERNAL PARTNERSHIPS**

Collaboration with external stakeholders, including NGOs, academic institutions, and relevant organizations, is vital for platforms to gain comprehensive insights into evolving harassment tactics and targeted attacks against marginalized users. Platforms should actively engage in ongoing dialogue and knowledge-sharing initiatives with these partners to better understand the nuanced challenges faced by youth and marginalized communities online.

Incorporating diverse perspectives and expertise in policy development and enforcement strengthens platforms' ability to address complex issues effectively. Platforms can leverage strategic partnerships to enhance user education and awareness campaigns, promote digital literacy, and advocate for regulatory frameworks that prioritize user safety and inclusivity.



# FINAL THOUGHTS

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Inclusive approaches to online platform regulation must prioritize the empowerment and well-being of LGBTQ+ youth and other marginalized users. In doing so, regulatory efforts can better address systemic issues such as discrimination, harassment, and exclusion that impact various communities. This approach promotes digital spaces that are more accessible, affirming, and conducive to diverse participation, fostering a culture of respect, equality, and inclusion for everyone online.

Policymakers must engage in meaningful consultation and collaboration to develop regulatory frameworks that address the unique challenges faced by LGBTQ+ individuals online. Subsequently, platform operators must adopt ethical design and moderation practices that prioritize the safety, dignity, and autonomy of LGBTQ+ users. Policymakers and platform operators working collaboratively on ethical design and moderation practices set a precedent for promoting human rights, dignity, and autonomy across digital platforms, benefiting not just LGBTQ+ users but society as a whole.

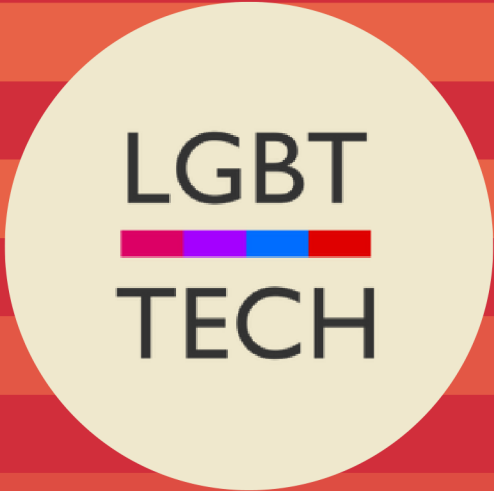
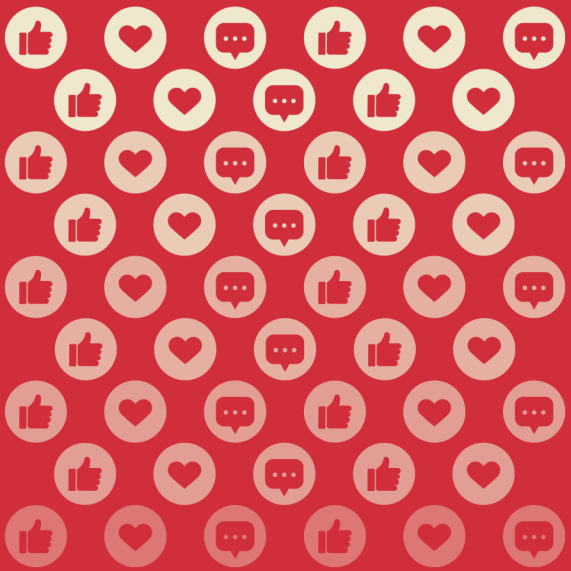


**LGBT Tech looks forward to continuing our work with industry, stakeholders, and policymakers to ensure that our approach to digital governance upholds the rights, dignity, and safety of all users.**

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