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Testimony from:
Robert Melvin, Northeast Region Director, R Street Institute

In OPPOSITION to House Bill 1179, “Consumer Protection – Application Store Accountability Act”

March 10, 2026

House Economic Matters Committee

Chairwoman Valderrama, and members of the committee,

My name is Robert Melvin, and I am the Northeast Region Director at the R Street Institute (RSI), a nonprofit, nonpartisan public-policy organization. Our mission is to engage in research and outreach to promote free markets and limited, effective government, in a variety of policy areas, including those related to technology and innovation. It’s for this reason we are opposed to House Bill 1179.

HB 1179 stipulates that upon setup of a mobile device app stores are required to validate the age of the user and, if the user is determined to be a minor, demonstrate parental consent for every application that is downloaded, updated, or procured by the minor.¹ Although we appreciate the intent of this legislation—protecting kids and teens from harmful content and interactions online—we are troubled by the approach of mandating that all devices and apps acquire age verification.² Beyond the significant practical implications this bill presents, HB 1179 has a high probability of being invalidated as an overly expansive and unconstitutional impediment to lawful access to protected expression and content.

To ensure compliance, every mobile device owner, regardless of age, will be required to confirm their age to allow app stores to categorize users into one of four brackets: under 13, 13-15, 16-17, and 18 or older. To determine a user’s age group, app stores are permitted to apply “commercially available methods that are reasonably designed to ensure accuracy.”³ Even leading age-verification technologies carry measurable rates of misclassification, and these inherent inaccuracies will predictably compel some adult users to furnish identification of age to avoid being categorized as a minor.⁴

To create parent accounts, adults would likely need to verify their age with government-issued identification to permit minors—up to age 18—to access apps on their devices.⁵ While HB 1179 directs that the app stores only keep the data necessary to certify legal compliance with age verification, the prospect of liability under this measure will encourage these companies to preserve more sensitive personal data.⁶ This is especially true since, although HB 1179 does not include an explicit private right of action, it is enforceable via the Maryland Consumer Protection Act, which allows individuals to file litigation.



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HB 1179 would require app stores to gather additional consumer data, creating a new and attractive target for hackers. Similar security concerns contributed to the courts' decision to enjoin California's Age-Appropriate Design Code, where a district court found the law was "actually likely to exacerbate the problem by inducing covered businesses to require consumers, including children, to divulge additional personal information."⁷

Courts have struck down broad age-gating requirements on general-purpose online platforms as overbroad under the First Amendment, distinguishing them from narrow limits on unlawful or obscene content.⁸ Mandates that require parental consent for minors to access lawful, non-obscene content have likewise been struck down. As Justice Scalia observed for the majority, the Court expressed skepticism about "punishing third parties for conveying protected speech to children just in case their parents disapprove of that speech" as a legitimate means of advancing parental authority.⁹

Several states enacted variations of HB 1179 last year, and the first to take effect, Texas SB 2420, was immediately enjoined by a district court.¹⁰ Judge Robert Pitman compared the law's app store age verification requirements to mandating that bookstores verify every customer's age at the door and obtain parental consent for minors before entry and again at purchase, calling the law "unconstitutional in the vast majority of its applications." Considering that HB 1179 is strikingly similar to that law, there is a high probability it would face the same judicial outcome if adopted.

HB 1179 substitutes government intervention for solutions that already exist in the marketplace. Technology firms have committed significant investments to improve parental control tools across devices, browsers and platforms so they are more user-friendly and effective.¹¹ Moreover, a well-developed ecosystem of third-party software provides parents with advanced tools to monitor and limit their children's mobile device screen time and online activity, and there are online resources that walk parents through the use of child safety settings.¹² The existence and accessibility of these alternatives further demonstrates why broad age verification mandates do not satisfy the First Amendment's requirement to use the least restrictive means to regulate access to objectionable content.¹³

A more constructive alternative to government age verification edicts would be for the state to focus on equipping parents with the knowledge of tools already available to help keep their children safe online, and simultaneously teaching young people how to navigate social media and the internet responsibly. One notable example is Tennessee, which in 2025 enacted a law requiring digital literacy to be incorporated into the state's public school curriculum.¹⁴ The Federal Trade Commission's "Protecting Kids Online" campaign provides another example of how government can support parents in navigating the many parental control tools already available to them.¹⁵ Strategies like these are likely to be more



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effective and far more consistent with protecting free expression online than imposing a sweeping age verification mandate.

Finally, this legislation would be easy to bypass. Once granted access to a device the first time, any user could simply use a search engine or browser to access the internet with few limitations. In practice, the bill amounts to little more than security theater, creating the illusion of protection while doing nothing to meaningfully restrict access. A proposal that can be so easily circumvented should give us pause.

For these reasons, HB 1179 presents significant constitutional concerns, creates new privacy and security risks, and attempts to replace existing parental tools and market solutions with an approach that is both easily circumvented and unlikely to survive judicial review. While the goal of protecting children online is an important one that we share, this bill is not the right path forward. Accordingly, we respectfully urge the committee to give HB 1179 an unfavorable report.

Thank you,

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¹ HB 1179, Maryland General Assembly, 2026 Legislative Session.

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1179?ys=2026RS>.

² See Shoshana Weissmann and Josh Withrow. “No, conscripting the app stores doesn’t solve the problems with age verification,” R Street Institute, Jan. 29, 2025. <https://www.rstreet.org/commentary/no-conscripting-the-app-stores-doesnt-solve-the-problems-with-age-verification/>.

³ Maryland General Assembly, 2026 Legislative Session, House Bill 1179, Last Accessed March 4, 2026.

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1179?ys=2026RS>.

⁴ On error rates for the best age estimation technologies, see: Kayee Hanaoka, et al., “Face Analysis Technology Evaluation: Age Estimation and Verification,” *NIST Internal Report 8525*, May 2024.

<https://nvlpubs.nist.gov/nistpubs/ir/2024/NIST.IR.8525.pdf>.

⁵ “The State of Play: Is Verifiable Parental Consent Fit for Purpose?” *Future of Privacy Forum*, June 2023.

<https://fpf.org/verifiable-parental-consent-the-state-of-play/>

⁶ Shoshana Weissmann, “Age verification legislation discourages data minimization even when legislators don’t intend that,” R Street Institute, May 24, 2023. <https://www.rstreet.org/commentary/age-verification-legislation-discourages-data-minimization-even-when-legislators-dont-intend-that/>



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⁷ Adrian Moore and Eric Goldman, “California’s Online Age-Verification Law is Unconstitutional,” *Reason*, Nov. 28, 2023. <https://reason.org/commentary/californias-online-age-verification-law-is-unconstitutional/>.

⁸ See *Reno v. ACLU*, 521 U.S. 844 (1997), U.S. Supreme Court, June 26, 1997. <https://supreme.justia.com/cases/federal/us/521/844>, and *Ashcroft v. ACLU*, 542 U.S. 656 (2004), U.S. Supreme Court, June 29, 2004. <https://supreme.justia.com/cases/federal/us/542/656/>.

⁹ *Brown et al. v. Entertainment Merchants Assn. et al.*, 564 U.S. 786 (2011). U.S. Supreme Court, June 27, 2011. <https://supreme.justia.com/cases/federal/us/564/786>.

¹⁰ *CCIA v. Paxton*, case n. 1:25-CV-1660-RP (United States District Court Western District of Texas, Austin Division, filed December 23, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.txwd.1172869998/gov.uscourts.txwd.1172869998.65.0.pdf>.

¹¹ See, “Helping Protect Kids Online,” Apple.com, Feb. 2025. <https://developer.apple.com/support/downloads/Helping-Protect-Kids-Online-2025.pdf>, “Leading Technology Companies and Foundations Back New Initiative to Provide Free, Open-Source Tools for a Safer Internet in the AI Era,” *PR Newswire*, Feb. 10, 2025. <https://www.prnewswire.com/news-releases/leading-technology-companies-and-foundations-back-new-initiative-to-provide-free-open-source-tools-for-a-safer-internet-in-the-ai-era-302371243.html>.

¹² For example, a quick step-by-step walkthrough for how to enable parental controls on any commonly-owned mobile device: “Parental Controls,” Internet Matters, <https://www.internetmatters.org/parental-controls/>.

¹³ Ben Sperry, “The Law & Economics of Online Age Verification and Parental Consent: App Store Edition,” *Truth on the Market*, Sept. 26, 2024. <https://truthonthemarket.com/2024/09/26/the-law-economics-of-online-age-verification-and-parental-consent-app-store-edition/>.

¹⁴ HB 0285, Tennessee General Assembly, 2025 Legislative Session. <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB0825&GA=114>.

¹⁵ “How to Use Parental Controls to Keep Your Kid Safer Online”, Federal Trade Commission, April 2025. <https://consumer.ftc.gov/articles/how-use-parental-controls-keep-your-kid-safer-online>.