

# Online sexual harms: a growing policy challenge

The digital landscape has become an undeniable part of modern childhood, with young people spending substantial amounts of their time engaging on various social media platforms and other online spaces.<sup>1</sup> While these digital environments offer numerous opportunities for learning, socialization and entertainment, there is also potential for children's exposure to a range of online sexual harms—including inappropriate content, harassment, sexual extortion and grooming.

As states confront these challenges, there is a need for swift legislative action to address emerging forms of online abuse—such as child sexual abuse material (CSAM) generated using artificial intelligence (AI)—to prevent technology from becoming a tool for harm. In parallel, preventive measures, like integrating online safety education into school curricula should

be considered to help equip young people with the knowledge and skills to engage in the online environment safely and responsibly.

## Why this matters

Online threats to children are becoming increasingly widespread and complex. According to research from the University of New Hampshire's Crimes Against Children Research Center, about one-in-six young people in the U.S. report experiences of online sexual abuse before reaching 18, with 23% of girls and 8% of boys impacted.<sup>2</sup> Emerging technologies, such as generative AI, are further compounding the challenge. In 2024 alone, the National Center for Missing & Exploited Children (NCMEC) reported a staggering 1,325% increase in CyberTipline reports involving generative AI technology.<sup>3</sup>

### Protect children from online abuse by:

- Ensuring that legislation promoting online child safety (eg, setting age restrictions for access to social media platforms) is evidence-based and avoids unintended harm
- Expanding data collection to better understand when, where and how child sexual abuse and exploitation (CSAE) occurs online
- Criminalizing AI-generated child sexual abuse material
- Requiring school-based online safety education that includes instruction on being aware of and reporting online sexual harms



## Mapping the policy landscape

### An evolving digital landscape

State legislatures across the country are taking action to address the safety of children interacting in today's digital world—including reducing their exposure to online sexual harms. So far in 2025, there are more than 300 bills pending across more than 45 states that address children's online safety and social media use.<sup>4</sup>

These measures span a variety of concerns, goals and approaches—including age restrictions, parental consent and controls, harmful content restriction, data privacy, digital literacy and the creation of task forces or study commissions (Figure 1). For example, Florida passed legislation in 2024 that bans social media platforms from allowing children under the age of 14 to create accounts and requiring parental consent for users that are 14 and 15 years old.<sup>5</sup> In 2023, Texas passed a bill requiring certain commercial websites to verify that visitors are 18 or older if they publish sexually explicit content that is obscene to minors.<sup>6</sup>

Figure 1: Growing up online: state laws on child online safety<sup>1</sup>

Legislation addressing minors' online safety and social media use by state

● Yes ● No ■ Current or pending injunction

	Social media use			Child-appropriate design			Data privacy			Access to explicit content	
	Restrictions on minors' use of social media	Age verification requirements for social media use	Parental consent for social media use	Child-appropriate site settings, design or code	Privacy-protective settings for minors	Restrictions on site addictive features	Protections on privacy of minors' data online	Limits on the collection of minors' personal information	Limits on the sale of personal information collected from minors	Restrictions on minors' access to explicit content	Age verification requirements to access explicit content
Alabama	●	●	●	●	●	●	●	●	●	●	●
Alaska	●	●	●	●	●	●	●	●	●	●	●
Arizona	●	●	●	●	●	●	●	●	●	●	●
Arkansas	■	■	■	●	●	●	●	●	●	●	●
California	●	●	●	■	■	■	■	■	●	●	●
Colorado	●	●	●	●	●	●	●	●	●	●	●
Connecticut	●	●	●	●	●	●	●	●	●	●	●
Delaware	●	●	●	●	●	●	●	●	●	●	●
District of Columbia	●	●	●	●	●	●	●	●	●	●	●
Florida	■	■	■	●	●	●	●	●	●	●	●
Georgia	■	■	■	●	●	●	●	●	●	●	●
Hawaii	●	●	●	●	●	●	●	●	●	●	●
Idaho	●	●	●	●	●	●	●	●	●	●	●
Illinois	●	●	●	●	●	●	●	●	●	●	●
Indiana	●	●	●	●	●	●	●	●	●	●	●
Iowa	●	●	●	●	●	●	●	●	●	●	●
Kansas	●	●	●	●	●	●	●	●	●	●	●
Kentucky	●	●	●	●	●	●	●	●	●	●	●
Louisiana	●	●	●	●	●	●	●	●	●	●	●
Maine	●	●	●	●	●	●	●	●	●	●	●
Maryland	●	●	●	●	●	●	●	●	●	●	●
Massachusetts	●	●	●	●	●	●	●	●	●	●	●
Michigan	●	●	●	●	●	●	●	●	●	●	●
Minnesota	●	●	●	●	●	●	●	●	●	●	●
Mississippi	■	■	●	●	●	●	■	■	●	●	●
Missouri	●	●	●	●	●	●	●	●	●	●	●
Montana	●	●	●	●	●	●	●	●	●	●	●
Nebraska	●	●	●	●	●	●	●	●	●	●	●
Nevada	●	●	●	●	●	●	●	●	●	●	●
New Hampshire	●	●	●	●	●	●	●	●	●	●	●
New Jersey	●	●	●	●	●	●	●	●	●	●	●
New Mexico	●	●	●	●	●	●	●	●	●	●	●
New York	●	●	●	●	●	●	●	●	●	●	●
North Carolina	●	●	●	●	●	●	●	●	●	●	●
North Dakota	●	●	●	●	●	●	●	●	●	●	●
Ohio	●	●	●	●	●	●	●	●	●	●	●
Oklahoma	●	●	●	●	●	●	●	●	●	●	●
Oregon	●	●	●	●	●	●	●	●	●	●	●
Pennsylvania	●	●	●	●	●	●	●	●	●	●	●
Rhode Island	●	●	●	●	●	●	●	●	●	●	●
South Carolina	●	●	●	●	●	●	●	●	●	●	●
South Dakota	●	●	●	●	●	●	●	●	●	●	●
Tennessee	●	●	●	●	●	●	●	●	●	●	●
Texas	■	■	■	●	●	●	●	●	●	●	●
Utah	■	■	■	■	■	■	●	●	●	●	●
Vermont	●	●	●	●	●	●	●	●	●	●	●
Virginia	●	●	●	●	●	●	●	●	●	●	●
Washington	●	●	●	●	●	●	●	●	●	●	●
West Virginia	●	●	●	●	●	●	●	●	●	●	●
Wisconsin	●	●	●	●	●	●	●	●	●	●	●
Wyoming	●	●	●	●	●	●	●	●	●	●	●

Source: Orrick Online Safety Law Center

<sup>1</sup> Given the variation in approaches and the evolving nature of these laws, the adoption of online child safety legislation was not used as a scoring indicator in the index. The data was collected and analyzed for contextual purposes only.

Despite an intention to protect children online, many of these measures have drawn criticism. Some cite concerns for the potential suppression of minors' rights, such as freedom of expression and access to information, or caution that such policies may disproportionately affect vulnerable or marginalized youth.<sup>7</sup> Sameer Hinduja, Co-Director of the Cyberbullying Research Center, explains, "I strongly believe that children have the right to access information, express themselves online and maintain their privacy. Imposing bans or curfews is not going to be effective, as young people will inevitably find ways to circumvent such restrictions."

**“Organizations that are doing victim surveys need to be adding questions that incorporate online victimization.”**

David Finkelhor, Director, Crimes Against Children Research Center, University of New Hampshire

Others warn that a patchwork of state laws could complicate enforcement and create legal inconsistencies.<sup>8</sup> Some highlight the necessity for a more unified national strategy and framework for aligning federal, state and local efforts, as well as greater accountability for technology platforms where the abuse is carried out.<sup>9</sup>

Whether at the state or federal level, as child online safety legislation continues to develop, policymakers should take steps to carefully assess whether proposed measures have the potential to cause unintended harm, including to the rights and interests of children they are intended to protect.

Equally important is the need for greater investment in understanding the scale and nature of CSAE online. Policymakers need better data on how often, in what contexts, on which platforms and by what means children are experiencing and being targeted for CSAE. Yet currently, few states systematically collect this kind of information. For instance, just six states participating in the 2023 Youth Risk Behavior Surveillance System (YRBSS) opted to include questions in their survey of high-school students related to technology-facilitated abuse.<sup>ii,10</sup> Without stronger and more regular state-level data collection efforts, policies risk being disconnected from the realities children face online, especially given the speed at which the digital landscape is evolving.

<sup>ii</sup> This reflects the number of states that opted to include questions on online abuse in their 2023 YRBSS survey. These questions asked about sending or receiving revealing or sexual photos of themselves or someone else.



**How states did it: good practices in prohibiting AI-generated CSAM**

In Idaho, it is a felony to knowingly produce, distribute, receive, possess or access sexually explicit images or videos that depict a child, including content generated using generative AI or machine learning. The law applies even if the depicted child does not actually exist, as long as the material appears to show a minor engaged in explicit sexual conduct and is legally considered obscene. Offenders may face up to five years in prison, a fine of up to \$5,000, or both.<sup>14</sup>





### Staying safe online

Age-appropriate online safety education can help arm young people with the knowledge and confidence to navigate the digital world safely and avoid online sexual harms. This kind of instruction can help students recognize, respond to and report potentially harmful or inappropriate interactions or solicitations that they may experience or witness online. Currently, just five states have laws requiring students to receive such education, while laws in a further five states recommend or permit, but do not require, schools to provide this instruction.

Online safety education for students may also cover the risks associated with creating or sharing sexually suggestive or explicit content of themselves or others. In these courses, students often learn about potential legal and non-legal consequences of such actions, including on their relationships, mental health and future opportunities. Yet only four states require this instruction to be provided by law. This is a critical area of concern, as young people may underestimate the lasting impact that sharing this type of content can have on their personal safety, reputation and friendships.

#### How states did it: good practices in educating young people about online risks

West Virginia mandates that county school boards adopt policies that require all elementary and secondary schools to provide annual Safety While Accessing Technology (SWAT) education to students in grades three through 12. This must include instruction on how to recognize, avoid and report suspicious or potentially dangerous online communications, including potential solicitation by sexual predators. It must additionally cover the risks and consequences associated with sharing sexually suggestive or sexually explicit materials.<sup>15</sup>

Tennessee requires each local education authority to devise, adopt and implement a program of family life education. This must include age-appropriate instruction on the detection, intervention, prevention and treatment of internet crimes against children involving sexting, sextortion and the exploitation of a minor.<sup>16</sup>

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