

Comparison of Nebraska Age-Appropriate Design Code & Vermont Age-Appropriate Design Code

Bailey Sanchez, Deputy Director for U.S. Legislation

Overview: In May 2025, both the Nebraska and Vermont legislatures passed Age-Appropriate Design Code Acts. While sharing similar names and goals, these bills are very different in substance. Earlier state AADCs have faced significant legal challenges: California's AADC was blocked after a federal court [ruled](#) that certain provisions likely violated the First Amendment by imposing content-based restrictions on speech, and Maryland's AADC currently [faces](#) similar litigation. This comparison chart overviews the Nebraska and Vermont AADCs focusing on their scope, requirements and prohibited practices, and enforcement mechanisms, while also considering the legal precedents set by challenges to similar legislation in other states. Although both Nebraska and Vermont drew inspiration from similar sources, each state has crafted its framework in notably divergent ways to attempt to navigate potential constitutional concerns.

	Nebraska Age-Appropriate Online Design Code Act (Nebraska AADC)	Vermont Age-Appropriate Design Code Act (Vermont AADC)	FPF Observations
Scope			
Applicability	<p>Covered online services are any entities that provide an online service that:</p> <ul style="list-style-type: none"> • Conduct business in Nebraska; • Control personal data processing; • > \$25 million in annual revenue; • Buy, receive, sell, or share the personal data of 50,000+ consumers, households, or devices; and • Derives >50% of its annual revenue from selling or sharing data. <p>Exemptions for government entities; services covered by GLBA or HIPAA; and information collected as part of a clinical trial subject to existing federal protections.</p> <p>Contains an additional carveout for services with actual knowledge that fewer than 2% of its users are minors.</p>	<p>Covered businesses are any entities that:</p> <ul style="list-style-type: none"> • Conduct business in Vermont; • Generate a majority of annual revenue from online services; • Whose only products, services, or features are reasonably likely to be accessed by minors; • Collect consumers' personal data or have consumers personal data collected by processors; and • Control personal data processing. <p>Exemptions for telecom; broadband internet access services; the sale, delivery, or use of a physical product; government services; businesses covered by HIPAA or GLBA; information collected as part of a clinical trial subject; and entities whose primary purpose is journalism.</p>	<p>Both the Nebraska and Vermont AADCs have atypically narrow applicability that could exclude many online services used by children and minors.</p> <p>Nebraska limits its scope to businesses that earn at least 50% of their revenue from the sale or sharing of personal data. This could potentially exclude many subscription and advertisement-supported platforms.</p> <p>Vermont, while likely having broader applicability, only applies to businesses that derive more than 50% of their revenue from online services.</p>

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Individuals protected	<p>Regulates the data of covered minors under the age of 18. A covered minor is a user that a service “knows to be a minor.”</p> <p><i>Note: child is defined as under age 13, as there are some provisions that are specific to children and some that are broadly applicable to all minors.</i></p>	<p>Regulates the data of covered minors under the age of 18. A covered minor is a consumer who a covered business actually knows is a minor or labels as a minor pursuant to age assurance methods in AG rules. (§ 2449a(12)).</p>	<p>Both AADCs create protections for minors under 18, but only Nebraska contains requirements specific for children under 13.</p>
Knowledge standard and age assurance obligations	<p>Knows to be a child or minor means actual knowledge that the user is a child or minor.</p> <p><i>Note: “Actual knowledge” is defined as “all information and inferences known to the covered online service relating to the age of the individual, including, but not limited to, self-identified age, and any age the covered online service has attributed or associated with the individual for any purpose, including marketing, advertising, or product development.” However, age classifications for marketing <u>take precedence</u> over self-declared age.</i></p> <p>A covered service shall not be required to collect a user’s personal data to comply with the Nebraska AADC. (Sec. 5(2)).</p>	<p>One of the requirements for a business to be covered by the Vermont AADC is that its online service, product, or feature is reasonably likely to be accessed by a minor. The bill includes four factors for consideration:</p> <ul style="list-style-type: none"> • The service, product, or feature is directed to children as defined by COPPA and its implementing rules; • The service, product, or feature is determined—based on competent and reliable evidence regarding audience composition—to be routinely accessed by an audience that is composed of at least 2% minors aged 2-17; • The audience is determined, based on internal company research, to be composed of at least 2% of minors aged 2-17; • The business knew or should have known that at least 2% of the audience includes minors aged 2-17, provided that, in making this assessment, the business shall not collect or process any personal data that is not reasonably necessary to provide an online service, product, or feature with 	<p>Each law diverges in its approach to its knowledge standard and any obligations to discover users’ ages.</p> <p>While Nebraska maintains an actual knowledge standard and thus does not have any obligations to affirmatively verify the age of users, from a practical standpoint, it still may be broad in scope given that age information associated with marketing can be considered actual knowledge. For example, marketing segmentation can be as broad as “Gen Z,” covering anyone born from the late 90s to early 2010s.</p> <p>Vermont’s “reasonably likely to be accessed by a minor” takes a broader approach, requiring services to consider audience composition as a whole and how appealing their service may be to minors. This is more akin to COPPA’s “directed to children” standard. A practical</p>

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		<p>which a minor is actively and knowingly engaged (§ 2449a(26)).</p> <p>The Vermont AADC includes a number of safeguards for businesses conducting age assurance, including immediate data deletions and prohibitions on combining the data with any other personal data of the user. (§ 2449g(a)). The bill further requires AG rulemaking on identifying commercially reasonable and technically feasible methods for determining if a user is a minor. (§ 2449g(b)).</p>	<p>consideration is that many services frequented by teens, particularly those closer to 18, are likely to be frequented by adults as well.</p> <p>Nebraska clearly states that age assurance is not required under the Nebraska AADC. In contrast, the Vermont AADC does not state whether age assurance is voluntary or required, and that question may be addressed by rulemaking.</p>
Requirements			
Duty of care	N/A	<p>Covered businesses that process a minor’s data in any capacity owe a “minimum duty of care” to the covered minor. (§ 2449c).</p> <p>“Minimum duty of care” means that the use of a minor’s personal data and the design of an online service, product, or feature will not result in:</p> <ul style="list-style-type: none"> (1) reasonably foreseeable emotional distress; (2) reasonably foreseeable compulsive use of the service; or (3), discrimination against a covered minor based on race, ethnicity, sex, disability, sexual orientation, gender identity, gender expression, or national origin. <p>The Act makes two disclaimers regarding the duty of care: (1) the content of what a minor</p>	<p>Only the Vermont AADC includes a duty of care. Vermont’s duty of care includes specific limitations that are presumably to address First Amendment concerns raised in litigation involving the California and Maryland AADCs. Notably, the Vermont duty of care is not limited to processing a minor’s personal data, but more broadly requires mitigating harms related to the design of the service, product, or feature. Furthermore, Vermont specifically states that viewing particular content will not give rise to a violation of the duty of care.</p>

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		views shall not establish emotional distress or compulsive usage (§ 2449c(c)); and (2) the duty of care is not intended to prevent a minor from accessing or viewing any type of media (§ 2449c(d)).	
Tools for <u>minors</u>	<p>Must provide a covered minor with “accessible and easy-to-use tools” to:</p> <ul style="list-style-type: none"> • Limit the ability of other users or visitors to communicate with the minor; • Prevent other individuals from viewing the personal data of the minor; • Control the operation of all design features that are unnecessary for providing the service by allowing a minor to opt out of all unnecessary features or categories of unnecessary covered design features; • Control personalized recommendation systems by allowing a minor to opt into a chronological feed or by preventing categories of content from being recommended; • Control the use of in-game purchases by allowing a minor to opt out of purchases or to place limits on purchases; • Restrict the sharing of precise geolocation of a minor and provide notice regarding tracking precise geolocation information (1,750 feet); and <p>Provide minors options to limit the amount of time they spend on the service. (Sec. 4(2)).</p>	<p>Must provide a prominent, accessible, and responsible tool to request the minor’s social media account be unpublished or deleted and honor these requests within 15 days. (§ 2449(b)).</p>	<p>While Nebraska includes a longer list of tools that must be made available to minors, Vermont takes the approach of specifying which default settings must be on by default. In some instances, there is overlap in what protections are required for minors, so requiring tools vs. requiring settings are different means of achieving the same result. However, there is still significant variance between each state’s required tools and default settings, likely resulting in compliance challenges for any businesses in scope of both Vermont and Nebraska.</p>

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Default settings	<p>For the tools listed above, a covered service shall set them by default at the option or level that provides the highest level of protection available. (Sec. 4(3)).</p> <p>Notifications and push alerts to a covered minor are prohibited between 10pm and 9am and between 8am and 4pm on weekdays during the school year in the minor's time zone. (Sec. 5(6)).</p>	<p>All default privacy settings should be configured to the highest level of privacy (§ 2449d(a)). The Vermont AADC includes numerous default restrictions specific to social media (typically subject to opt-in consent requirements) on the ability of known adults to interact with minors. By default, it also restricts a minor's location from being shared or from notifications being sent.</p> <p>Minors shall not be provided with a single setting that makes all of the default settings less protective at once or request or prompt a minor to make their settings less protective. (§ 2449d(a)(2)).</p> <p>Covered businesses shall not send push notifications to minors between midnight and 6am. (§ 2449f(5)).</p>	<p>Only the Vermont AADC specifically references default settings and requirements for social media platforms. Both states require high-privacy default settings, but Vermont is more granular and also prohibits an “all-in-one” setting that would make defaults less protective.</p> <p>Both Nebraska and Vermont restrict overnight push notifications, but Nebraska's prohibition starts two hours earlier and also includes school hours and goes further by creating a flat prohibition rather than a default that can be changed or opted into.</p>
Transparency	N/A	<p>Covered businesses shall prominently and clearly provide on their website or app:</p> <ul style="list-style-type: none"> • Privacy information, terms of service, policies, and community standards; • The purpose of each algorithmic recommendation system in use by the business; • Inputs used by the algorithmic recommendation system and how each input is (a) measured or determined, (b) uses a minor's personal data, (c) influences the recommendation, and (d) is weighed relative to the other inputs; and 	<p>Vermont includes extensive transparency requirements regarding algorithmic recommendation systems and personal data. While it's fairly standard to provide information on privacy and terms of service, the disclosure requirements related to algorithmic recommendation systems appear to be novel and could raise operational challenges and trade secret questions.</p>

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		<ul style="list-style-type: none"> For every feature of the service that uses a minor's personal data, descriptions of (a) the purpose of the feature, (b) the personal data collected by the feature, (c) the personal data used by the feature, (d) how the personal data is used, (e) any personal data transferred to or shared with a processor, and (f) how long the personal data is retained. (§ 2449e(3)). 	
Tools for <u>parents</u>	<p>Must provide parents with tools “to help parents protect and support minors” using the service. For users known to be children (under 13), the tools must be enabled by default. (Sec. 6(1)).</p> <p>Required tools for parents to have available:</p> <ul style="list-style-type: none"> View the child's account settings; Change and control privacy and account settings of a child; Restrict purchases and financial transactions of a <u>minor</u>; and View total time the child has spent on a service and place reasonable limits, including the ability to restrict use of the service during times of the day specified by parents, including during school hours and at night (Sec. 6(2)). <p>While any tools are in effect, a covered service shall notify a covered minor and describe what settings have been applied. (Sec. 6(3)).</p>	N/A	<p>Only Nebraska includes tools for parents. Given that this is the first state Age-Appropriate Design Code to create requirements focused on parents, it's possible this section drew inspiration from the federal Kids Online Safety Act.</p>

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	Establish mechanisms for minors and parents to report harms on the platform. (Sec. 7).		
Signals to minors	<p>Provide an “obvious signal” to minors when precise geolocation is being collected or used. (Sec. 5(5)).</p> <p>If a service allows parental monitoring, the service shall provide an obvious signal when a minor is being monitored. (Sec. 5(9)).</p>	Covered businesses shall not permit any individuals to monitor the online activity of a covered minor or track their location without providing a conspicuous signal when the minor is being monitored or tracked. (§ 2449f(3)).	Similar requirements across both laws, although Nebraska may require businesses to develop two different signals to minors while Vermont may only require one.
Prohibitions			
Data minimization	<p>Covered services shall only collect and use the minimum amount of a minor’s personal data necessary to provide the specific elements of an online service with which the minor is knowingly engaged. (Sec. 5(1)).</p> <p>A minor’s personal data may only be retained as long as necessary to provide the specific elements of the service with which the minor has knowingly engaged. (Sec. 5(3)).</p>	<p>Covered businesses shall not collect, sell, share, or retain any minor’s personal data that is not necessary to provide an online service, product, or feature with which the covered minor is actively and knowingly engaged.</p> <p>Covered businesses shall not use previously collected personal data for any purpose other than the purpose for which the personal data was collected, unless necessary to comply with the Vermont AADC. (§ 2449f(2)).</p>	Both Nebraska and Vermont seek to limit unnecessary collection and use of minors’ data. However, it is unclear what “active” use of a service entails. If read literally, Vermont’s data minimization standard could arguably bar organizations from maintaining any accounts for minors as that requires storing personal data when a service is not in “active use” (likely not the intent).
Profiling and targeted advertising	Covered services shall not profile a minor unless profiling is necessary to provide a service requested by the minor, and only with respect to the aspects of the service with which the covered minor is actively and knowingly engaged.	<p>Covered businesses shall not use a minor’s personal data to select, recommend, or prioritize media for the minor unless the personal data is:</p> <ul style="list-style-type: none"> • The minor’s express and unambiguous request to receive media from a specific account, feed, or user, a specific category 	While presumably intended to cover content ranking, if read strictly, Vermont appears to establish a <i>de facto</i> ban on targeted advertising.

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	<p><i>Note: Profiling means “any form of automated processing of personal data to evaluate, analyze, or predict certain aspects relating to a covered minor, including . . . economic situation, health, personal preferences, interests, reliability, behavior, location, or movements” (Sec. 2(15)).</i></p> <p>Covered services shall not “facilitate” targeted advertising to minors. (Sec. 5(4)).</p> <p><i>Note: Facilitate is undefined. Nebraska AADC defines targeted advertising as displaying advertisements to an individual when the advertisement is selected based on personal data obtained or inferred from that individual's activities over time and across nonaffiliated websites or online applications to predict the individual's preferences or interest” and includes exceptions for first-party advertising, contextual advertising, and ad measurement. (Sec. 2(17)).</i></p>	<p>of media, or more or less media with similar characteristics as the media they are currently viewing;</p> <ul style="list-style-type: none"> • User-selected privacy or accessibility settings; or • A search query, provided the search query is only used to select and prioritize media in response to the search (§ 2449f(4)). 	<p>In contrast, Nebraska explicitly addresses targeted advertising and prohibits it for minors.</p> <p>Notably, for profiling, Nebraska AADC requires active and knowing engagement rather than just knowing.</p>
Dark Patterns	<p>Covered services are prohibited from using dark patterns to subvert or impair covered minor autonomy, decision-making, or choice. (Sec. 8(2)).</p> <p><i>Note: Dark patterns mean “a user interface designed or manipulated with the effect of substantially subverting or impairing user autonomy, decision-making, or choice” and include any practice the FTC considers a dark pattern as of January 1, 2024. (Sec. 2(6)).</i></p>	<p>By January 1, 2027, the AG shall adopt rules that prohibit data processing or design practices that lead to compulsive use or subvert or impair user autonomy, decisionmaking, or choice during the use of an online service, product, or feature of the covered business. (§ 2449f(b)).</p>	<p>Nebraska appears to prohibit all “dark patterns.” This is a major distinction from prior state privacy laws which have prohibited dark patterns in the context of obtaining consent or collecting personal information.</p> <p>In contrast, Vermont empowers the AG to issue rules banning particular dark patterns.</p>
Penalties and Enforcement			

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Effective date	Takes effect January 1, 2026 , but the AG cannot initiate any actions to recover civil penalties until July 1, 2026. (Sec. 9(1)).	Takes effect January 1, 2027 , except that the AG may initiate rulemaking starting on July 1, 2025.	Vermont AADC gives a longer on-ramp for coming into compliance.
Enforcement	<p>\$50,000 maximum civil penalty for each violation under the Act recoverable exclusively by the AG.</p> <p>The Act appears to permit individuals to seek injunctive relief under the Nebraska Uniform Deceptive Trade Practices Act.</p>	<p>Vermont ties enforcement to the state's Unfair or Deceptive Trade Practices Act, which provides for a private right of action of actual damages or \$500 per initial violation.</p> <p>For AG enforcement, the maximum civil penalty is \$10,000 per violation.</p>	The Nebraska AADC allows for the AG to recover heftier fines, while in Vermont businesses will have greater litigation risk from a private right of action.
Rulemaking Authority	Does not provide for rulemaking.	<p>Rulemaking on manipulative design (see above).</p> <p>By January 1, 2027, the AG shall adopt rules on commercially reasonable and technically feasible methods for determining if a user is a covered minor, describing appropriate review processes for appealing age designations, and providing additional privacy protections for age assurance data. (§ 2449g(b)).</p>	