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THE MARYLAND HOUSE OF DELEGATES
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HB901 – The Maryland Age-Appropriate Design Code Act
March 1, 2023
Economic Matters Committee

Chair Wilson, Vice Chair Crosby, Esteemed Colleagues, I thank you for the opportunity to present on my bill, HB901, the Maryland Age-Appropriate Design Code (AADC) Act .

The Maryland Age-Appropriate Design Code Bill is a chance for Maryland to provide safety and privacy to children online by design and default.

Social media companies maximize profit at the expense of children’s safety and wellbeing.

Children face particular risks when engaging online. This bill addresses four main risks: posts seen by children, contact children have with others, children’s behavior online, and the commercial relationship between children and the digital goods and services they engage with. The data collected by tech companies shapes the interactions children have online and is used to monetize children’s attention. Common practices nudge children into riskier behavior, expose them to predators, recommend harmful material, and encourage compulsive behavior.

Two stories really exemplify how the social media landscape can and has harmed young people. The first is a recent study that found TikTok users who engaged with weight loss posts were recommended suicide content within 2.6 minutes, content related to eating disorders within 8 minutes, and every 39 seconds, TikTok recommended videos related to body image and mental health.

A podcast from Vox included the story of a boy who was mindlessly scrolling through Instagram when he accidentally liked a post with white supremacist iconography. His “feed,” the content suggested to him from his actions and behaviors on the platform, became inundated with white supremacist posts, ultimately radicalizing the boy.

This onslaught of dangerous posts and commentary has real world implications, particularly for young people who may be more vulnerable and susceptible to extreme views.

This type of recommendation algorithm also fuels friend suggestions, paving the way for adults to engage with children they do not know. Adults may adopt similar interests to young people to be introduced via suggestions to young users. When combined with location tracking, children

may be unknowingly providing their locations with strangers, a practice 46% said they would not intentionally do.

Social media is a huge driver of the mental health crisis we see in children and we can no longer accept behaviors online that we would never accept in real life.

Maryland would join a host of other locales taking action against these abuses.

HB901 is modeled off the United Kingdom (UK) AADC enacted in 2020. The UK AADC inspired last year's California bill that passed unanimously with bipartisan support, and similar bills have been submitted in New Mexico, Oregon, New York, and New Jersey.

Furthermore, this issue has been raised at the national level with the introduction of a senate bill creating a "duty of care" for platforms likely to be accessed by kids. And, most recently, in his State of the Union, President Biden called on platforms to "prioritize the privacy and wellbeing of young people above profit and revenue in their product design." However, Maryland cannot wait for Washington to take action. Our children are feeling the effects now.

HB 901 protects children's privacy and safety in the online world.

For the purpose of this bill, a minor is a person under 18. Children must be protected wherever they are online – not just in the spaces specifically designed for them. Products and services in this scope must consider the privacy and protection of children, by design and default. In the event of a conflict between the commercial interest of the business and the best interests of children likely to access the service, the best interests of the child must come first.

This bill outlines 15 standards that apply to all digital products and services that are likely to be accessed by children. The standards provide privacy and safety for children by:

- Restricting data collection, sharing, and profiling, and the use of data in a way that is detrimental to the child
- Requiring high privacy settings by default and switching off geolocation, and prohibiting the use of nudge techniques to encourage children to weaken their privacy protections
- Requiring a risk-based approach to mitigate or eliminate the risk of harm to the children likely to access the online service, according to their age
- Demanding transparency and age-appropriate terms, policies, and tools for data protection, including around parental controls, and that these terms are universally upheld.

This bill is an important step towards keeping our children safe in the increasingly complex, and dangerous, online world. Companies have already made policy changes to comply with the UK AADC, so there is no reason that they cannot extend those same protections to young Marylanders. Our children deserve to explore the online world in a way that protects them from harm and exploitation. Thank you for your time, I encourage a favorable report on HB901.