



February 22, 2023

The Honorable C.T. Wilson
Chair, Economic Matters Committee
Lowe House Office Building, Room 231
6 Bladen Street
Annapolis, MD 21401

The Honorable Brian Crosby
Vice-Chair, Economic Matters Committee
Lowe House Office Building, Room 231
6 Bladen Street
Annapolis, MD 21401

Re: Oppose HB 254, Social Media Regulation and Safety for Children

Dear Chair Wilson and Vice Chair Crosby ,

Chamber of Progress, a tech industry coalition committed to ensuring all Americans benefit from technological leaps, writes to urge an unfavorable report on HB 254. Our corporate partners include companies like Meta and Google, but our partners do not have a vote on or veto over our positions.

We urge an unfavorable report because HB 254 would sacrifice users' privacy in the name of increased security – hurting the populations that this bill is trying to help.

We agree that protecting young people online is an important goal. In recent years, many platforms have heard the concerns from parents and researchers and have implemented new features to protect younger users. These new features include limiting notifications at night, restricting messaging from advertisers, and increasing protections for content uploaded by children.¹ For example, YouTube Kids, a parentally-supervised, curated experience for younger kids, uses a combination of algorithms and manual curation to show only kid-friendly videos.² This legislation's outright ban on social media use by children under 13 risks shutting down these types of services that parents and families utilize on a daily basis.

This bill would sacrifice all users' privacy in the name of increased security.

HB 254 would require covered sites to verify their users' ages. The bill would require social media companies to “identify and remove all public social media accounts created

¹ <https://www.nytimes.com/2021/12/09/technology/apps-child-protection.html>

² https://www.youtube.com/intl/ALL_us/kids/safer-experience

or operated by unauthorized minors.” One of the only ways to identify users’ ages with enough certainty to avoid liability under the bill would be to affirmatively verify it.

The de facto age verification requirement would likely result in covered entities extracting even more data about their users, in spite of the bill’s stated emphasis on data minimization and privacy principles. There is disagreement about the best methods for verifying users’ ages, but they could include techniques like facial recognition or other biometric scans. Even less-invasive methods, like requiring users to enter their birthdate or ID in order to enter a site, would still require widespread data collection. These techniques would have to be used for every user, not just children, resulting in increased data collection for everyone on the internet.

Age verification would be particularly harmful for anyone looking to browse anonymously. Journalists, whistleblowers, and anyone looking to participate in online discussions would be forced to disclose personal details so that platforms could apply appropriate settings under this bill. This would limit free expression for groups who need it most.

Regardless of the method, age verification would **result in more surveillance of users, including minors, and more data collection in the pursuit of increased security.**

Further, it has been shown that **children can easily bypass age verification tools**. A study in 2021 found that it is easy for children to bypass any age verifications by simply lying. The apps included in the study were Facebook, Instagram, WhatsApp, Snapchat, TikTok, Messenger, Skype, and Discord.³

This study found that children could circumvent even the most advanced methods of age verification. For example, if speech recognition were a requirement to verify one’s age before opening a social media account, kids could just play a recording of someone else’s voice. **Even with unacceptably invasive verification methods in place, children would still likely find a way onto these platforms.**

This bill also treats all children between the ages of 13-17 as a single group which also creates issues with enforcement and implementation because **the developmental needs and maturity of teenagers are vastly different from those of elementary school age children.**

Relatedly, the bill does not account for the diversity of needs that arise among children from diverse backgrounds. For example, online resources for LGBTQ+ youth may be considered harmful depending on the perspective of the decision maker. As such, this

³ <https://studyfinds.org/kids-bypass-restrictions-social-media/>

bill's "joint account" requirement for the 13-17 year old age range may cause more harm than good.

At a time when books with LGBTQ+ themes are being banned from school libraries and people providing healthcare to trans children are being falsely accused of "grooming," this bill could cut off another vital avenue of access to information for vulnerable youth. Younger users in their teens who need critical information may be hampered by needing adults to approve what they access online.

We agree with the need to build in greater protections for young users, but some of this bill's requirements would undermine the protections it tries to create and would end up harming vulnerable users.

Thank you,

A handwritten signature in cursive script, appearing to read "Alxc".

Alain Xiong-Calmes
Director of State & Local Public Policy