



March 11, 2024

The Honorable Julie McCluskie
Speaker of the House
Colorado House of Representatives
200 E Colfax
RM 307
Denver, CO 80203

Dear Speaker McCluskie:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological leaps – I write to urge you to **oppose HB 1136**, which would regulate social media in Colorado.

HB 1136 would impose unworkable changes on how critical online services work and would potentially undermine user privacy without actually advancing the safety of Colorado youth online.

To be clear, we do not oppose the aspects of HB 1136 that create a curriculum for school children to promote youth mental health, nor the convening of a stakeholder group and resource bank for educators.

Recent amendments to HB 1136 do not address the legislation's core defects so we remain opposed.

HB 1136 is poorly defined without a clear theory of harm or solution

We support transparency and consumer education but they must be meaningful. As drafted, HB 1136 construes “social media” so broadly as to implicate many everyday online services. After all, many digital services allow for topical messaging and discussion, the public sharing of content, and marketplace activity. What’s more, the concept of “actively” on a service remains underspecified. Amendments intended to clarify this definition are welcome but still do not account for a user who is logged in on a device or in a tab but using other services. Additionally, platforms cannot determine the age of a user without actively collecting, processing, and storing an extensive amount of personal

identifying information. This privacy-invasive obligation would run counter to data minimization. Similar efforts in red states like Arkansas have been halted by the courts.

Additionally, it is important to note that the legislation as drafted requires that hazily-defined social media platforms must inform users of what the “data show” in these required pop up messages, but ignores the reality that research on this topic is ongoing and our scientific understanding continues to evolve. Quite simply: the data continue to show new and different things, including that social media has many positive benefits for youth. For example, LGBTQ+ youth, especially those who may live in communities hostile to their identity, see social media as a crucial tool to connect with LGBTQ+ groups, access content from people's shared experiences, maintain positive connections, and reduce perceived isolation.¹

HB 1136 raises constitutional questions

The courts have consistently objected to state legislation that dictates design features, including in Ohio and Arkansas. No less important, HB 1136 discriminates between poorly-defined “social media” services and other online services which raises constitutional questions.

For these reasons, we would encourage you to **oppose** HB 1136.



Kirsten D'Souza
Coalitions Director
Chamber of Progress

Cc: Colorado House Democrats

¹ Cesar Escobar-Viera, et. al., “Examining Social Media Experiences and Attitudes Toward Technology-Based Interventions for Reducing Social Isolation Among LGBTQ Youth Living in Rural United States: An Online Qualitative Study.” *Frontiers in Digital Health*, (2022). <https://pubmed.ncbi.nlm.nih.gov/35832658/>