

February 12, 2024

The Honorable Governor
Wes Moore
100 State Circle
Annapolis, MD 21401

The Honorable Senate
President Bill Ferguson
State House H-107
100 State Circle
Annapolis, MD 21401

The Honorable Speaker Adrienne Jones
State House H-101
100 State Circle
Annapolis, MD 21401

The Honorable Chair C.T. Wilson
Lowe House Office Building 231
6 Bladen St.
Annapolis, MD 21401

The Honorable Chair Pamela Beidle
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, MD 21401

Dear Governor Moore, Senate President Ferguson, Speaker Jones, Chair Wilson, and Chair Beidle,

While we applaud the well-intentioned effort of SB 571/HB 603, if enacted into law, this bill would cause harm to minors, especially teens from marginalized and vulnerable populations.

For any website that is “reasonably likely to be accessed by children,” SB 571/HB 603 requires a platform to create and deliver Data Protection Impact Assessments (DPIAs) each time the service creates a new service, product, or feature. Because all websites could be accessed by a child and all websites carry a nonzero risk of harm to children, SB 684’s DPIA requirements effectively chill Internet services from developing new products and features—even products and features that could materially benefit and improve safety for children—to avoid future litigation risks associated with their DPIAs.

Moreover, we are concerned that the bill lacks a clear, specific definition of “harm” to minors.

1. For minors, social media connections can provide a lifeline.

In the CDC’s latest [Adolescent Behaviors and Experiences Survey](#), more than half (55%) of young people experienced emotional abuse in the home and more than 10% reported experiencing physical abuse in the home. A majority of adolescents [report](#) that social media helps them feel more accepted (58%), like they have people who can

support them through tough times (67%), like they have a place to show their creative side (71%), and more connected to what's going on in their friends' lives (80%).

The support social media offers from peers to mitigate stress can be especially important for youth who are often marginalized, including racial, ethnic, and sexual and gender minorities. For example, minors within the [LGBTQ+ community](#) use social media to find friends, seek emotional support, and search for information about their identities and health - especially those growing up in unsupportive families or communities.

2. There may be unintended consequences concerning the definition of “harm” to minors, including over-moderation.

We are concerned about SB 571/HB 603 lacking a clearer, more specific definition of “harm” to minors.

This provision will cause social media platforms to avoid litigation by over moderating. This disproportionately impacts young people of color, as [social media has provided a platform for teens and students of color](#) to speak up against racial prejudice, with 82% of Black and Hispanic users stating that social media is effective for creating sustained social movements and preserving historically-marginalized groups' access to protected speech.

Fearful that the Attorney General may deem certain content “harmful” to some or all minors, or find a company's newly required child-centric data protection assessments inadequate, online services will be pressured to identify remote or unlikely harms—and to self-censor accordingly. The AADC will thus discourage websites from hosting and promoting content—for users under the age of 18 and for adults, due to age-assurance challenges—including critical resources that underprivileged children rely on to deal with familial and personal crises, make choices about their reproductive health, and backfill gaps in their education.

3. Other states that have passed this have done so with the aim of restricting youth's access to information about social justice, racial equity, and gender & sexuality.

Additionally, Senator Marsha Blackburn (R-TN) [said](#) that one of the aims of similar federal legislation was “protecting minor children from the transgender in this culture.” Provisions of the bill aside, measures that regulate core editorial and curatorial functions of social media companies, even when done for the purpose of keeping young users safe, are subject to constitutional challenges.

They may also impermissibly prevent youth from accessing constitutionally protected speech. These are not theoretical concerns: previous attempts to mandate kid-safe design in California and require parental consent for social media have been halted by the courts.

For these reasons, **we strongly encourage you to oppose SB 571/HB 603.**

Sincerely,

Chamber of Progress
LGBT Tech
The Maryland LGBTQ+ Chamber of Commerce
The Trevor Project
Woodhull Freedom Foundation