

Maryland HB0645 Testimony - Brad Davis.pdf

Uploaded by: Brad Davis

Position: FAV

HB0645 - FAV

Introduction

My name is Brad Davis, testifying individually in favor of HB0645. Since 2014, I have held a variety of professional roles in the space of social media marketing, specifically as it relates to compensating influencers (A.K.A “vloggers”) for their promotion of certain brands and products within their content. As such, I’m familiar with the working conditions of said influencers, the scale of monetary compensation they have accessible to them, and the role that minors play in the production of associated content.

Context

This is my first written testimony, so bear with me if the format is not preferred.

It is important to understand that the world of online content creation, sometimes referred to as the “Creator Economy”, is well-documented in its large size and expected growth. As an example, [Goldman Sachs Research](#) expects the **50 million global creators** to grow at a 10-20% compound annual growth rate during the next five years. While obviously not all of these creators feature minors in their content (which content can earn sizable amounts of money via brand endorsement deals, share of social platform advertising revenue, merchandise, etc.), there’s still vast categories of content and creators that do.

In such arrangements, like families who document their daily activity in “vlog” format, children of any age are often on camera, every day, for various durations - ***independent of their own cognitive understanding of the corresponding privacy and safety implications, cognitive consent, and just simply if they are having a bad day.*** In some cases, even traumatic events such as injuries, school conflicts, car accidents, etc. are specifically exploited by the creators on the sensationalized premise that they can draw in increased viewership, and subsequently increased money. Children’s coping process with these events unfolds with a camera in their face, and broadcast to hundreds, thousands, even millions of people they do not know.

HB0645 *begins* efforts to protect the rights of these minor individuals, by offering them increased access to privacy measures (Section 19-004) as well as offering them specific, reserved compensation for the profits of content they are featured in.

Closing

Social media offers incredible opportunities for creative expression and human connection, manifest by the growing amount of people creating and sharing online. We need to take stronger steps to ensure the rights and privacy of children are preserved while we, in real time, increase our societal understanding of the pros and cons of such technology.

Brad Davis
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Maryland HB0645 Written Testimony.pdf

Uploaded by: Chris McCarty

Position: FAV

Chris McCarty, Representing the Organization “Quit Clicking Kids”: FAV HB0645

Why is HB0645 Necessary?

Picture this: a family is gathered for a holiday. Someone is holding a camera, and everyone laughs and waves. Years later, they gather and watch the video that documents their happiness. The children in the family have grown, and while they may be embarrassed at their younger selves, the event stays in the family. That was then.

Now, imagine a similar family— similar, but not the same. This family is gathered for a holiday too, but this time someone pulls out a smartphone. This time, the children who embarrass themselves must live with antics that will be recorded, shared, and may **live forever**. The content shifts from home videos to grades, mental and physical health struggles, and other compromising situations. Their parents then use these antics as clickbait to generate intrigue and revenue for their monetized family channel. These accounts are known as family vlogging accounts, and they **diminish children’s privacy while using private moments as clickbait**. One family even **monetized one of their children being born**— introducing a child to this world who will grow up in front of a camera, lose the privacy of childhood, and generate revenue for their family without a guarantee of financial compensation.

What does HB0645 Entail?

HB0645 is a bill tailored specifically to prevent this type of monetization. HB0645 states that family vlogging accounts that generate revenue equal to or greater than \$0.10 per view from their account and at least 30% of the vlogger’s content produced within a 30-day period features their kids **must set aside a certain percentage of the money generated from those videos for the children featured in escrow**. The bill also protects minors’ privacy by allowing them to request the deletion of a video they are in once they reach the age of majority.

The bill requires both thresholds to be met to ensure that **smaller, non-monetized family accounts or accounts that only occasionally feature children will not be subject to this legislation**.

This Issue is Gaining Traction.

The issue of children monetized on family social media accounts is receiving more attention now than ever, and once these kids start growing up, the true extent of the damage of monetized family channels will be realized. My work concerning this issue has been documented by **several technology publications** ([GeekWire](#), [TechCrunch](#)), **nationally by the New York Times** (print-only, June 26th 2022 edition, [April 4th](#), [October 10th](#)), and **internationally** by the [Dutch Financial Times](#).

I am basing my advocacy off of real research: among my colleagues are Jessica Maddox, assistant professor at University of Alabama specializing in digital media technology; Dr. Mary Jean Amon, distinguished assistant professor at University of Central Florida with a masters and Ph.D in experimental Psychology, along with a masters in psychology in education; Stacey Steinberg, an expert in child privacy whose research has been cited by countless well-known publications including NPR, NYT, WP, CNN, and UNICEF; and Leah Plunkett, Harvard professor and author of “Sharent hood: Why We Should Think before We Talk About Our Kids Online”.

I hope you will join this growing coalition to protect children online— they’re depending on you.

Address: Quit Clicking Kids Headquarters (Seattle, Washington)

HB 645 Testimony (2).pdf
Uploaded by: Delegate Jazz Lewis
Position: FAV

JAZZ LEWIS
Legislative District 24
Prince George's County

MAJORITY WHIP

Appropriations Committee



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THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony of Delegate Jazz Lewis on HB645– Social Media Platforms - Vloggers and Video Content Featuring Minor

Chair Wilson, Vice Chair Crosby, and members of the Economic Matters Committee,

For the record, I am Delegate Jazz Lewis, and I am thrilled to have the opportunity to present House Bill 645. In short, this bill sets out to protect children who are featured on monetized social media channels from financial exploitation. This bill also protects them from being excessively worked to produce content on monetized accounts and, finally, provides them the standing once they reach the age of maturity, 18, to request the removal of content featuring their face, voice, and likeness that they don't approve of from monetized social media platforms.

This bill sets out to provide common sense guardrails for an industry that has exploded in value and in its prevalence. The influencer economy is inescapable and it is daunting in its scale, generating billions of dollars in revenue yearly.¹ Much of this value is generated on family video blogs, also known as vlogs, which heavily depend on Children for their content.² Despite their labor, the children featured in these vlogs are not entitled to any of the revenue that their name, image, and likeness generate on these accounts. Under this new law, those managing these accounts must allocate a portion of their revenue to a trust fund for children regularly featured in monetized content. These trusts would be set aside for those children to control when they turn 18, ensuring that some of the revenue generated by their labor will still exist when they are old enough to have a say over their body and likeness. This is the same thing that we do for child actors who are on TV and in movies, but the influencer industry is so new that child influencers do not get the same protections as child actors when they undoubtedly should.

This bill proposes to impose restrictions on the number of hours a child influencer can work for monetized accounts. The cap would be set at 8 hours, similar to any other industry that employs

¹ West, C. (2023, October 26). 22 influencer marketing statistics to guide your brand's strategy in 2023. Retrieved February 7, 2024, from Sprout Social website: <https://sproutsocial.com/insights/influencer-marketing-statistics/>

² The Boy King of YouTube (Published 2022). (2024). The New York Times. Retrieved from <https://www.nytimes.com/2022/01/05/magazine/ryan-kaji-youtube.html>

children. Additionally, the bill would allow former child influencers to request social media companies to remove content featuring them from before they turned 18, if requested. This provision would enable former child influencers, once they turn 18, to reclaim their identity and rebuild their lives without having to deal with content online that they did not produce or post. It would provide them with an opportunity to regain some of the privacy that was taken away from them.

This bill is one about preventing child exploitation in an industry built on the work of children. We have seen examples of those who are featured on these high-profile and very public accounts being exploited and even abused by family members, all under the guise of producing content that is streamed across social media. One of the first examples of this we saw is one from Maryland. The channel called “DaddyOFive” where the parents would film cruel pranks on their own children on camera. These so-called “pranks” amounted to abuse, and the parents lost custody of those children subjected to this abuse. This is an example from Frederick, Maryland, and the account where these videos were posted had over 700,000 subscribers at its peak.

This bill is just one step forward to reform a potentially exploitative industry and protect children who are taken for granted and even abused by those who should be looking out for their wellbeing.

Thank you and for these reasons I urge a favorable report.

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Uploaded by: Jamie Gregory

Position: FWA

HB567: Maryland Online Data Privacy Act of 2024
Economic Matters Committee – February 13, 2024

Sponsors: Delegates Love, Valderrama, Boaf, Charkoudian, Feldmark, Fraser-Hidalgo, Hill, Kaiser, Kaufman, Lehman, Palakovich-Carr, Pena-Melnyk, Shetty, Solomon, Stewart, Taveras, Watson, and Ziegler

Position: FAVORABLE with AMENDMENT

Testimony on behalf of Airbnb, Inc.

Chairman Wilson, Vice Chairman Crosby, and members of the Economic Matters Committee, thank you for the opportunity to testify today.

I am here on behalf of Airbnb, which was founded in 2008 in San Francisco, CA and now operates worldwide. Specifically in Maryland, in 2022 approximately 800,000 visitors stayed with an Airbnb Host. This totaled over 240,000 separate visits of about 3 persons per group with most guests staying 4-5 nights. However, this still only amounted to seven tenths of 1% of homes in MD. The typical MD host self-reports as being 60% female and earning about \$13,000 in additional income from sharing their home. Over 20% of hosts in MD are over 60 years old.

Background:

Airbnb takes its responsibility seriously to protect the personal identifying data of its hosts and consumers. Requirements are inconsistent on how and when information can and should be released. A firm consistent standard will both provide guidance and protect consumer information. Additionally, it is imperative that when personal identifying data is requested by a government entity that it is presented as a legitimate, compelling request.

Recommended Amendments:

On Page 31, line 2 a new (A):

A local governing body shall not require a controller or processor to disclose personal data of consumers, unless pursuant to a subpoena or court order,

Existing (A) to become (B) along with subsequent paragraph identifications.

Under (2) on current lines 6-8:

Comply with a civil OR criminal, [or regulatory inquiry, investigation,] subpoena, or summons by a federal, state, local, or other JUDICIAL BODY [governmental authority];

Airbnb respectfully asks for your consideration of these proposed changes. Please let us know if there are questions or additional information that can be provided.

HB645_CCIA_Rodell_UNF.pdf

Uploaded by: Jordan Rodell

Position: UNF



February 13, 2024

House Committee on Economic Matters
House Office Building, Room 230
Annapolis, MD

RE: HB 645 - "Social Media Platforms - Vloggers and Video Content Featuring Minors" (Unfavorable)

Dear Chair Wilson and Members of the House Committee on Economic Matters:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 645 unless amended in advance of the House Committee on Economic Matters hearing on February 13, 2024.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members. Recent sessions have seen an increasing volume of state legislation related to the regulation of what digital services host and how they host it. While recognizing that policymakers are appropriately interested in the digital services that make a growing contribution to the U.S. economy, these bills require study, as they may raise constitutional concerns,² conflict with federal law, and risk impeding digital services companies in their efforts to restrict inappropriate or harmful content on their platforms.

Technology has allowed digital service providers to offer a wide array of economic opportunities for creators of all different ages, backgrounds, subject areas, and demographics. It should be recognized that while Americans have been able to take advantage of these opportunities, existing state and federal labor and compensation laws intended to address more traditional work streams could have broad applicability for online creators as well. CCIA recommends examining the applicability of existing laws and identifying specific areas for additional regulation before advancing potentially conflicting or unclear requirements.

CCIA appreciates the opportunity to highlight several areas of concern with HB 645.

1. While HB 645 seeks to ensure the privacy of young people, there is a potential risk that it could have the unintended consequence of compromising that very privacy.

Creating an implicit requirement for platforms to collect sensitive, personally identifiable information to authenticate identity, age, and parental relationship is itself likely to conflict with

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² Eric Goldman, *The Constitutionality of Mandating Editorial Transparency*, 73 *Hastings L.J.* 1203 (2022), https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3985&context=hastings_law_journal.

data minimization principles inherent in typical federal and international privacy and data protection compliance practices.

For example, serious concerns arise when verifying whether a “parent or legal guardian” is, in fact, a minor’s legal parent or guardian. Many parents and legal guardians do not share the same last name as their children due to remarriage, adoption, or other cultural or family-oriented decisions. If there is no authentication that a “parent or guardian” is actually a minor’s legal parent or guardian, this may incentivize minors to ask other adults who are not their legal parent or guardian to authenticate their age. It is also unclear who would be responsible to create and pay into a trust for a minor in foster care or other nuanced familial situations, creating significant equity concerns. Further, scenarios where a legal parent or guardian is not located in Maryland or is not a resident of the state creates significant confusion for consumers and businesses.

2. There is a very delicate balance between allowing users to request content takedowns and preserving users’ account security. One is usually sacrificed at the expense of the other.

Creating a third-party right to delete a user’s content opens the door for bad actors to exploit digital services. Similarly, for example, existing features like account memorialization, designed to enable friends and family to request the preservation of an account for deceased loved ones, often face significant challenges due to an influx of scammers and malicious actors attempting to antagonize or extort others. Additionally, in some locations, these features are routinely abused to silence, harm, or intimidate political opponents. Legislation should contemplate these risks and provide for a high degree of fidelity and security.

As currently written, the bill requires a social media platform that receives a deletion request to take all “reasonable steps to permanently delete all content for which the request was made.” However, there is no definition of what “reasonable steps” or “permanently delete” mean. The definition of these key terms is necessary for businesses to be able to achieve compliance. There are also significant questions surrounding how a digital service would be expected to handle conflicting requests. The bill does not make it clear what the outcome should be if one individual depicted in the media requests that it be removed when another has a right to request that the content remain.

3. Businesses operating online depend on clear regulatory certainty across jurisdictions nationwide. Research suggests that removing such regulatory certainty could have significant economic impacts.

As drafted, this bill presents ambiguity around how these requirements could be operationalized, including which content may be in scope and thresholds that diverge from other data regulation laws that provide strict time limits for complying with requests.

The Bureau of Economic Analysis of the U.S. Commerce Department estimated that the digital economy built on regulatory certainty “accounted for \$3.70 trillion of gross output, \$2.41 trillion of value added (translating to 10.3 percent of U.S. gross domestic product (GDP)), \$1.24



trillion of compensation, and 8.0 million jobs.”³ Introducing a state patchwork of differing and potentially conflicting regulatory requirements would result in legal uncertainty, create unprecedented economic distortions, and jeopardize the tools used by the vast majority of Americans to speak and express themselves online.

Moreover, requiring a dedicated trust could create barriers to opportunity for users who do not have the resources to establish and maintain a trust. If the barrier to entry is too high for some creators, they may choose to opt out of participating in the creator economy. A study commissioned by Meta, the parent company of Facebook and Instagram, found that the overall economic size of the creator economy was estimated to be more than \$100 billion as of 2020.⁴ CCIA is concerned that a trust requirement could minimize the positive impacts of the creator economy including its fueling of economic growth and providing unprecedented opportunities for marginalized groups. As such, legislators may wish to avoid creating conditions that create disincentives to create and share content—or worse, might lock some creators out of these opportunities altogether.

* * * * *

We appreciate your consideration of these comments and stand ready to provide additional information as the legislature considers proposals related to technology policy.

Sincerely,

Jordan Rodell
State Policy Manager
Computer & Communications Industry Association

³ Tina Highfill & Christopher Surfied, *New and Revised Statistics of the U.S. Digital Economy, 2005–2021*, Bureau of Economic Analysis of the U.S. Department of Commerce,
<https://www.bea.gov/system/files/2022-11/new-and-revised-statistics-of-the-us-digital-economy-2005-2021.pdf>.

⁴ Richard Florida, *The Rise of the Creator Economy* (2022),
https://creativeclass.com/reports/The_Rise_of_the_Creator_Economy.pdf.

[MD] HB 645 Vlogger_TechNet_written_pdf.pdf

Uploaded by: margaret durkin

Position: UNF



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February 9, 2024

The Honorable C.T. Wilson
Chair
House Economic Matters Committee
Maryland House of Delegates
231 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

*RE: HB 645 (J. Lewis) - Social Media Platforms - Vloggers and Video Content
Featuring Minors.*

Dear Chair Wilson and Members of the Committee,

On behalf of TechNet, I'm writing to offer remarks on HB 645 related to social media platform vloggers and video content featuring minors.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, and Washington, D.C.

A growing number of Americans are monetizing their accounts or content to take advantage of the vast economic opportunities that digital connectivity enables. Many platforms are proud to build platforms that are empowering small businesses and the creator economy to thrive. As more creators are compensated for their content—by brand partners, platforms, or other revenue sources—it is important that they directly follow all laws and regulations governing labor law, taxation, etc., without regulations that put the platform between the state and its residents.

We appreciate the policy concerns this bill aims to address, and support requirements to create trusts that compensate people who appeared in vlogs as minors once they turn 18. However, as drafted, HB 645 has the potential to sweep in vast numbers of people participating in the internet vlogging space. While some families use vlogging as a significant moneymaker, there are some minor children that are part of videos that make only cents on the dollar and don't intend to profit

from online activities. This legislation would require any minor featured online to have a trust fund set up for them and a significant institutional effort for those minors who may only make nominal amounts.

The bill also requires that a minor featured in a vlog can request deletion of content at any point after becoming an adult. This requirement has the potential to cause implementation challenges and lead to unintended consequences. It is unclear how the deletion requirements would work and leaves many questions. The request to delete may work for content hosted by the platform, but it's much harder to stop individual users from sharing clips or videos if the content is already out in the public domain. How would a social media platform be able to establish that the minor-turned-adult was the one featured in the content? Another question to consider is whether there was more than one minor featured on a vlog, but only one makes the request – how would that request work? `

Creating a third-party right to delete for a user's content opens the door for bad actors to exploit our members' systems. For social media platforms to comply with this bill, they would have to collect even more information to verify someone's identity, which is in direct conflict with data minimization principles.

Social media platforms have a responsibility to protect users' privacy while balancing public interest and newsworthiness, and the bill does not include an exemption for such content. For example, vloggers could record content at a newsworthy event where the minor appears in an incidental manner with limited personal identifiable information involved (partial face, etc.). This law would give platforms zero ability to keep critical reporting up, as they do not exercise editorial actions for content on the platform.

Platforms aren't able to track all forms of monetization, such as branded partnerships or product placement. This bill could lead to frivolous information requests and create operational ambiguity for platforms, in addition to unreasonable expectations that platforms maintain such information.

At a time when the creator economy is fueling economic growth, the law should avoid mandating conditions that lead to disincentives to create and share content, or worse, might lock some Americans out of these opportunities altogether.

TechNet's member companies prioritize the safety and digital well-being of children who access their sites and platforms. Our members strongly believe children deserve a heightened level of protection, and TechNet members have been at the forefront of raising the standard for digital well-being across the industry by creating new features such as settings, parental tools, and protections that are age-appropriate, empower families to create the online experience that fits their needs, and are tailored to the differing developmental needs of young people.

For the reasons stated above, TechNet is opposed to HB 645. Thank you for your consideration and we look forward to continuing these discussions with you.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

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Uploaded by: Mary Amon

Position: INFO



Dr. Mary Jean Amon

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UNIVERSITY OF CENTRAL FLORIDA

February 9, 2024

Maryland General Assembly

RE: HB0645: Social Media Platforms – Vloggers and Video Content Featuring Minors

Dear Chair,

I am an Assistant Professor at the University of Central Florida with research centered on how parents share their children's information online. I am writing to offer a research perspective on HB0645: Social Media Platforms – Vloggers and Video Content Featuring Minors, where much of the associated research documents broader community opinions regarding 'parental sharing.'

The majority the public has a smartphone with video camera capabilities, and it is typical for people to have their smartphones in hand, allowing for discreet recording. For this reason, anywhere a person goes there are risks related to *co-privacy*, or the ways in which people share other's sensitive images and information without permission. Along these lines, the general public reports being seriously concerned about the ways in which their personal information is shared on social media without consent. However, it is not stranger's social media sharing that other people are most concerned about; The public is generally more concerned with how their family, friends, and co-worker's might share their information without permission. That is because those familiar others have increased access to private information. By that logic, children are especially vulnerable to co-privacy violations, including when their parents share their information online. Children are defined as a vulnerable population, and there is a power differential between adults and kids, meaning it is debatable at what age children can truly consent to what information is shared and how. Young children, for instance, cannot fully grasp the consequences of sharing information in social media, with potential risks including bullying, harassment, identity theft, sexual predation, and having a digital footprint which is at odds with their future values. These social media risks increase when parental sharing occurs within large, public networks.

Certainly, many parents take precautions when sharing their children's information and do so in ways that benefit their family. However, it is important to acknowledge that those parents who share the most information about their kids online tend to do so larger public networks, are more likely to expose their children to social media at earlier ages, report higher levels of social media addiction, as well as more permissive parenting styles and confidence in parenting. These research findings from large online samples indicate that there are some parents who are *outliers* in how they are sharing and profiting from their children's information. In fact, there are parent influencers who primarily profit from sharing their children's images and information online.

Relating these findings to United States legislation, there is a well-known history of child exploitation in the entertainment industry, and now we have widely-adopted laws to address those cases of parental financial exploitation. With modern entertainment platforms like social media, we should take seriously that child influencers need protections, and that current child exploitation legislation may be out of date.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Jean Amon". The signature is fluid and cursive, with a large initial "M" and "J".

Mary Jean Amon, Ph.D.
Assistant Professor
University of Central Florida