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February 20, 2023

The Honorable C.T. Wilson, Esq.
Taylor House Office Building, Room 231
6 Bladen Street, Annapolis, MD 21401

RE: HB 254 Social Media Regulation for Children

Dear Chair Wilson, Delegate Fraser-Hidalgo, and Members of the Committee,

On behalf of TechNet's member companies, I respectfully submit this letter of opposition to HB 254, social media regulation for children.

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 five 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.

TechNet supports policies that help prepare young people to be a successful part of a global, interconnected, and technology-driven economy, and its members are also committed to providing a safe, age-appropriate experience for young people online. Such policies include supporting digital learning resources and technology integration in student learning environments, fully funded K-12 education, and rigorous computer science standards. Digital citizenship education is a top priority for TechNet and its member companies; however, while we are very supportive of this type of education, HB 254 is a misguided approach to funding said curriculum.

On account verification, social media platforms have procedures in place if they have reason to believe that a user may not be old enough to manage their own account; however, no system is infallible. There is currently no technology that could provide full effectiveness in filtering and blocking accounts owned by children under 13, or distinguishing between those over

and under 13. Reliance on imperfect technology creates real risks that platforms could overregulate and remove accounts, thereby cutting off access to services that adults and teens rely on and also undermining free speech rights of users. The bill also does not provide any guidance on timing. It says companies have to age verify everyone and delete accounts of unauthorized minors but does not lay out how long the platforms have to complete the process.

Allowing parents to access user data, including direct messages shared between users, even for minors, is a privacy violation. It is appropriate for legislation to encourage the use of parental controls, including supervised experiences and content settings, but it's also important to recognize that a child, or teenager, has a right to privacy. For example, perhaps a teenager is exploring ideas not shared by their parents and wishes to do so in a safe and private environment. Further, the various parental controls that are required to authenticate the child or parent are not clear. This lack of protocol could cause serious security problems because the child could register for an account with a fake parent, with no way for the platform to verify any of the users. There is also a need to clarify what it means for a parent to have access to the account of a child, as this can also lead to privacy issues, because adults will be reading communications from other people's children who previously had their own expectation of privacy.

This bill would allow anyone claiming to be a parent to submit an account removal request to a platform. The platform would then have only 24 hours to remove the account and delete all associated user data. There is no provision allowing the platform to push back on spurious or invalid requests. The 24-hour turnaround time does not provide sufficient time for a platform to verify the relationship between the parent and the child. As such, this provision would create a severe risk of abuse. Bad actors would easily be able to require removal of any other user's account. In general, laws that force companies to prioritize speed of removal, where decisions require careful consideration, have concerning implications for free speech. Not all decisions involve obvious cases that can be made immediately; social media platforms deal with many gray-area cases that require appropriate time to evaluate specifics and nuances.

The provision requiring six-month incremental reports to the Attorney General is unnecessary, as the data that has been requested can be released in a regular data transparency report. Additionally, the report may run the risk of divulging proprietary trade secrets.

HB 254 will also impose steep fines for these large social media platforms, in addition to provide for a private right of action. PRAs are not effective methods of enforcement, as they can very easily be misused and lead to frivolous lawsuits. Litigation leads to uneven and inconsistent outcomes, with different companies choosing to limit the immense exposure this bill will create in different ways. These extreme liability risks could likely result in companies severely limiting or eliminating online spaces for children and teens. The Attorney General is the only appropriate entity to enforce such action.

HB 254, if passed, could have several unintended consequences. A better approach would be to proactively partner with organizations and companies supporting digital citizenship and online safety education. TechNet appreciates your consideration of this important issue and opposes the bill in its current form. If you have any questions, please don't hesitate to reach out.

Sincerely,

Margaret Durkin

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