

# **Breakthru - Alex Miles testimony.pdf**

Uploaded by: Alex Wiles

Position: FAV



Dear Chair Griffith and Committee Members,

My name is Alex Miles and I'm the founder and CEO of a tech startup called Breakthru. We are proudly headquartered in Baltimore.

Our platform matches high school and college students to scholarships, educational resources, and career opportunities that can boost their likelihood of success in life. So far, 80,000 students have downloaded our app – with 60% being girls and young women and 75% coming from underserved communities.

When we built our platform, we consciously asked young people what they wanted to see from it. They were very clear to us – they didn't want another vanity-driven app based on likes that create more anxiety in their lives. They wanted opportunities and were willing to share their data to do so.

We took their feedback seriously and have implemented strong protections for what we do with their data. Every user has to accept our data use practices before they start using the app. In addition, when they use a feature for the first time which shares their data, we provide them a warning.

Our company is currently valued in the millions, and if we wanted to sell our users' data, it could probably be two to three times that. But profiting off the sale of their personal data and exploiting them is not the right thing to do. For our industry to build the trust of young people, we need to be transparent and honest with them. We owe them a duty of care.

That's why I am submitting my letter of support to the Senate Finance Committee today – to urge you to support the Maryland Age Appropriate Design Code.

In the UK, where a similar law has been in place since September 2021, tech companies are already complying and it's already making a difference in the experience of young people online.

Don't Maryland youth deserve the same types of protections? I certainly believe so, and that's why I urge your support for this essential legislation. Thank you.

Alexander Miles, [alex@joinbreakthru.com](mailto:alex@joinbreakthru.com)  
Founder & CEO  
Breakthru

**SB 844\_MFN\_FAV\_Macsherry.pdf**

Uploaded by: Clinton Macsherry

Position: FAV



**Testimony Concerning SB 844**  
**“Consumer Protection – Online Products and Services – Children’s Data”**  
**Submitted to the Senate Finance Committee**  
**March 8, 2023**

**Position: Favorable**

Maryland Family Network (MFN) supports SB 844, which would require online products likely to be accessed by children to incorporate certain safeguards and privacy protections. Young children can be particularly vulnerable to exploitation in an online environment, and this bill will take some important steps to ensure their security.

MFN has worked since 1945 to improve the availability and quality of child care and early childhood education, as well as other supports for children and families in Maryland. We have been active in state and federal debates on child care policy and are strongly committed to ensuring that children, along with their parents, have access to high-quality, affordable programs and educational opportunities.

Engaging online can pose particular risks for children, whether that entails content seen by children, contact with others, online behavior, or possible commercial exploitation. Technology companies and the platforms they operate cannot, regrettably, be relied upon to prioritize children’s safety over profits. In many ways, the opposite can prove true, with potentially dangerous outcomes in the children’s behavior or their exposure to predators and harmful material.

The American Academy of Pediatrics advises families to develop a media-use plan and minimize screen use for very young children. Still, we know screens are ubiquitous. Parents use applications to entertain, engage, and educate young children. Applications and websites designed to attract young children may have complicated terms of service or tracking and data collection tools working behind the scenes.

Following the lead of the United Kingdom and California, this legislation would institute a number of important safeguards to protect children whenever they are online.

MFN urges a favorable report on SB 844.

**SB844\_ParentsTogether Action\_Parent Letter\_Fav.pdf**

Uploaded by: Dalia Hashad

Position: FAV



**Chairwoman Melony Griffith**

Senate Finance Committee  
11 Bladen Street  
Senate Office Building  
Annapolis, Maryland 21401

Dear Chairwoman Griffith and Committee Members,

We are parents, grandparents, and other Maryland residents who care about kids, and we're writing because Maryland needs the Age Appropriate Design Code Act. (House Bill 901 and Senate Bill 844, Delegates Jared Solomon and C.T. Wilson and Senators Chris West and Benjamin Kramer.)

Families are in crisis. We're fighting every day to protect our kids from depression, cyberbullying, eating disorders, dangerous viral "challenges," exposure to drug use and to sexual predators – all of which are fueled by social media for big tech profits. These dangers have life-threatening consequences for children. Teens who spend five or more hours a day on social media are 71% more likely to have one or more risk factors for suicide than those who spend less than an hour a day. That's a terrifying number when you consider that 81% of 14 to 22 year-olds said they use social media either "daily" or "almost constantly."

This constant use is by design. Social media companies engineer their products to keep kids online as much as possible – through algorithms, notifications, and endless scrolling – because it makes them money. These manipulative tactics harm users, especially the youngest and most vulnerable. Regulating the tech products our children use is way overdue. We have nutrition labels on food packaging, rigorous testing for cribs and car seats, and yet the technology most children use daily has few to no safeguards.

More than 80% of Americans say they want laws that force social media platforms to take steps to make kids safer online. We agree with President Biden, who in his State of the Union address said that "we must hold social media platforms accountable for the experiment they're conducting on our children for profit." But families can't wait for Congress to act. Maryland has the opportunity to lead the nation in protecting children online and prioritizing young people's mental, physical, and emotional health over profits for private companies. The best way to do that is design codes.

Design codes are proven to work to protect children. The UK implemented the Age Appropriate Design Code in September 2021. Since then, tech companies have made changes to products that children use to ensure their data isn't needlessly collected and that product design is not detrimental to their health and well-being.

We believe Maryland children deserve these protections too, and we need your help getting them for our kids.

We call on Maryland lawmakers to put children's interests ahead of those of the tech industry by supporting the Age Appropriate Design Code Act.

Sincerely,

Pulin Modi  
Kensington, MD

Tamir Orbach  
North Potomac, MD

Laurine Cooke  
Silver Spring, MD

Charles MacFarland  
Adamstown, MD

Kari Smith  
Temple Hills, MD

Arelene Uzmed  
White Hall, MD

Stacey Davis  
Abingdon, MD

Adedokun Ojo-Ade  
Gaithersburg, MD

Jonathan Marten  
Frederick, MD

David Bergstein  
Rockville, MD

Yasi Moez  
Rockville, MD

Laura Carter  
Princess Ann, MD

D. Greelaw  
Temple Hills, MD

Kerry Moose  
Silver Spring, MD

Loidy Jones  
Upper Marlboro, MD

Michael Briese  
Silver Spring, MD

Phyllis Gaiti  
Oxford, MD

Sharon Brown  
Baltimore, MD

Kelley Pendergast  
Pasadena, MD

Kathleen Bentley  
Baltimore, MD

Val Brown  
Loch Raven, MD

Tracey Katsouros  
Waldorf, MD

Kesra Hoffman  
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Linda Murphy  
Hyattsville, MD

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Rockville, MD

Jessie Young  
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Virginia Laurenzano  
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Holly DiGiovanni  
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Carla Bennett  
Cockeysville, MD

Tom Glenn  
Columbia, MD

Countess Gregory  
District Heights, MD

Selena Gomez  
Derrwood, MD

Susan Linfen  
Westminster, MD

Sirina Sucklal  
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Terrence Pires  
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Kathleen Zeminsky  
Ellicott City, MD

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Edward Scott  
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Meredith Mohr  
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Mary Carol Durange  
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Kalliopie Lewellyn-Moon  
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Kim Hock  
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Ryan Clifford  
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Lisa Boynton  
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Brookeville, MD

Jane Randall  
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Kim Turner  
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Douglas Sedon  
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Sidi Bojang  
Silver Spring, MD

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Marcela Zegada  
Potomac, MD

Jina Hall  
Baltimore, MD

Elizabeth Newton  
Dundalk, MD

William Snyder  
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Silver Spring, MD

Kristen Bowman  
Columbia, MD

Tracy Steven  
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Angela Haupt  
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Gene Manon  
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Lynda Indyke  
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Nathan Baker  
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Barbara Winner  
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Rachel Kelton  
Laurel, MD

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Peggy Cermak  
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Jill Hack  
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Mary Arendt  
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Donna Mellin  
Mt. Airy, MD

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Robin Kittleman  
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Nancy Shafer  
Ocean City, MD

Lindsay Michael  
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Melora Parish  
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Spencer White  
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Julia McCready  
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Nicole Rathmann  
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Carlina Doody  
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Christine Sourherm  
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Erica Weiss  
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Jesse Mosley  
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Marilyn Thomas  
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Lisa Markowitz  
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Kimberley Meissner  
Woodstock, MD

Heather McComas  
Williamsport, MD

Cissy Lynch  
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Silver Spring, MD

Linda Lilly  
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Bryan Whitford  
Gaithersburg, MD

Cindy Nowe  
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Glenn Fyfe  
Beltsville, MD

Douglas Murray  
Reisterstown, MD

Christine Powell  
Gaithersburg, MD

Brenda Anna  
Riverdale Park, MD

Beck Wright  
Elkton, MD

Lauren Bloom  
Edgewater, MD

Jacque Leighty  
Silver Spring, MD

Therese Boucher  
Bethesda, MD

Beverly Antonio  
Centreville, MD

Shirley Greene  
Salisbury, MD

Ricky Hopewell  
Baltimore, MD

Jane Simpson  
Chevy Chase, MD

Joy Adams  
Pikesville, MD

Anahita Abdehou  
Bethesda, MD

Michael Phillips  
Columbia, MD

Sharon Wall  
Parkville, MD

Brian Bogdanski  
Reisterstown, MD

Carol Krajewski  
Walkersville, MD

Trevor Combs  
Frederick, MD

Terry Scoggins  
Forest Hills, MD

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Barbara Schittino  
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Mary Morris  
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Charlotte Carson  
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Richard Shannahan  
Lutherville-Timonium, MD

Erin Reid  
Columbia, MD

Sharon Wittman  
Whaleyville, MD

Mary Schneider  
Clear Spring, MD

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Michael Hooker  
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Anna Ramis  
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Candice Carrington  
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Kenvoyna Hackett  
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Alphonso Manning  
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Dianna Milarcik  
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Donald Nelson  
Randallstown, MD

Sarah Walsh  
Rockville, MD

Anastacia Monto  
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Douglas West  
Chestertown, MD

Awa Janneh  
Rockville, MD

Theresa Posthuma  
Frederick, MD

Sharon Rodgers  
Silver Spring

**SB0844\_DevinLee\_.pdf**

Uploaded by: Devin Lee

Position: FAV

FINAL [2:00, Timed]

Good afternoon,

My name is Devin Lee, a Junior attending Quince Orchard High School in Gaithersburg Maryland, and an avid involuntary social media user.

I was exposed to the internet at the ripe age of 10, where I was definitely mature enough to handle a device more powerful than the computer that landed NASA astronauts on the moon.

It took me over 7 years of being on the internet to finally feel comfortable engaging with it, as most of the time I felt as if the internet was using me, not the other way around. Posts on Instagram, for example, constantly show me unreasonable standards of how I should look, and act, and what I should be doing with my life. The mental “bar” is so high, it can lead kids to feel hopeless and permanently change a kid's mindset, all to make these ginormous companies a bit more cash.

Not only do the algorithms of many social media sites harm kids' mental health, but today's teens are also growing up in an era where social media platforms are becoming their primary source of information. These platforms have become breeding grounds for misinformation, conspiracy theories, and falsehoods. Many of these teenagers do not have the necessary tools to differentiate between accurate and misleading information, leading them to make poor decisions, spread false narratives, and engage in dangerous behavior.

I know firsthand how easy it is to get sucked into a rabbit hole of misinformation online. Feeling helpless, I decided to finally do something about it. I co-founded Social Media for Social Justice, a student-led organization focused on educating high school kids about the dangers of misinformation on the internet. Teaching other kids has inspired me to speak in front of you today.

I wish there were an easy fix to keeping these social media companies accountable. If there was a big red button to erase the current social media apps and make better ones catering to students' mental health, I would press it in a heartbeat. Most people my age would too- but we can't get rid of it, so we need to learn how to deal with it.

By supporting this legislation, Maryland will help set the standard for online child and teen safety, and set simple, greater privacy settings as the default, which is proven to be effective. Design Code regulations have already been approved in the UK and California; we ought to have the same safeguards.

Thank you so much for allowing me to speak in front of you today. Please consider my story and many others going through the same problems on social media.

Maybe this bill will be the big red button!

**MOST\_SB844\_Favorable.pdf**

Uploaded by: Ellie Mitchell

Position: FAV





**Senate Bill 844**  
**Consumer Protection - Online Products and Services - Children's Data**  
**Finance Committee**  
**March 8, 2023, 1:00 p.m.**  
**Position: Favorable**

The Maryland Out of School Time Network (MOST), the Maryland Coalition for Community Schools (MD4CS), and MENTOR Maryland DC are statewide organizations dedicated to positive youth development and increasing a broad variety of opportunities for young people both in school and outside of the school day and year.

Within the field of youth development, our leaders and practitioners are painfully aware that young people are now engaging with technology 24/7. Students use technology daily in school to communicate with family and friends, consume entertainment, and often they create their own media. These technology intersections are largely unbound and unfiltered and present great opportunities and great risks.

While it is impossible and likely undesirable to control all aspects of a young person's journey in the digital age, we can offer guardrails that make it less likely they will be exploited and harmed. For this reason, we enthusiastically support Senate Bill 844. Modeled after successful legislation from the United Kingdom, with California and other states following suit, this common-sense legislation requires technology companies to follow best practices and protections that should already be in place around data collection and sharing, privacy settings, and transparency--appropriate by age.

Adults often do not have the necessary information or technological savvy to ensure that settings are implemented to safeguard our children. SB844 will place the onus on the technology companies that have the capability to implement these shields. Maryland should be a leader and early adopter, encouraging other states and the federal government to take similar action. We applaud Senator Kramer for sponsoring SB44 and encourage the committee to provide a favorable report.

Additionally, the Maryland Education Coalition (MEC) joins this testimony (Rick Tyler Co-Chair).

Ellie Mitchell

Executive Director, Maryland Out of School Time Network  
Acting Executive Director, MENTOR Maryland DC  
Co-Chair, Maryland Education Coalition  
[emitchell@mostnetwork.org](mailto:emitchell@mostnetwork.org)

**Maryland Out of School Time Network / Maryland Coalition for Community Schools**

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**DFA AADC SB0844 Letter - Lowenthal v2.pdf**

Uploaded by: Justin Lowenthal

Position: FAV



March 7, 2023

Dear Chair Griffith, Vice Chair Klausmeier, and Members of the Finance Committee:

I am writing today representing friends and colleagues at Doctors for America, a national organization of over 20,000 physicians and medical students, including nearly 1000 members in Maryland. We are committed to supporting policies that protect the health and wellbeing of our patients, viewing all policy through a public health lens. That is why, on behalf of these fellow doctors and doctors-in-training, I am writing to express my strong support for the Maryland Age Appropriate Design Code, instantiated as HB 901 (Delegates Solomon and Wilson) and SB 844 (Senators Kramer and West).

I grew up in Calvert County to a primary care doctor-father and an ER nurse-mother. I currently live in Baltimore while studying for both my medical degree and PhD at Johns Hopkins, both of which I will receive in a few short weeks, after which I will become a physician treating adults, adolescents, and young children. As a senior medical student in Baltimore who is planning to care for children and teens as they transition to young adulthood, I have been “on the ground” in the fight to protect children and their families from the hazards of an unregulated digital world. I have counseled parents about the ways to protect their children and help them thrive – not just by regulating screen time, but by encouraging parents to be aware of and talk to their children about the dangers posed by the content on those screens – both the benign and the insidious, the overt and the hidden. And I have treated suicidal teenagers coming in by ambulance, hospitalized after an attempt on their own life caused in whole or in part by the digital world, whether due to online bullying, exposure to sexual predators, or breeches of their privacy.

In today's digital age, the unregulated online world poses one of the most significant threats to a child's well-being. I have grown deeply concerned about the impact of social media on my patients' mental health. The statistics are staggering - Instagram's own research found that a third of teen girls reported that the platform made them feel worse about their bodies. With filters that significantly alter one's appearance to create unachievable beauty standards and TikTok's algorithms recommending eating disorder and self-harm content to 13-year olds within 30 minutes of joining the platform – it should not be a surprise.

And it is not only a child's body image that is under threat. Young people – particularly children and teens of color or who are socioeconomically disadvantaged – are often the targets of bullying, harassment and discrimination online. Racist hate groups are targeting boys and young men through these same platforms, leading to radicalization with catastrophic impacts. The data that companies collect on our kids – their

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location, race, gender identity, sexual exploration, religious preferences, everything in their seemingly private search history – all are put up to the highest bidder, purchased by data brokers and shoved into algorithms that discriminate and put kids in harms' way.

American Academy of Pediatrics guidance states that “multiple developmental and health concerns continue to exist for young children using all forms of digital media to excess.” Yet, in 2020, [81% of 14 to 22-year-olds](#) said they used social media either “daily” or “almost constantly.” This is by design. As private companies beholden to shareholders, performance incentives for product developers and executives are tied to profit and therefore time spent on their platform. But the addictive nature of these platforms only scratches the surface of the pervasive dangers posed 75% of the top social media platforms [use AI to recommend children's profiles to strangers](#); 95% of the commonly downloaded apps marketed to or played by children 5 and under contain at least [one type of advertising, including advertising that is age-inappropriate](#); and 60% of school-based apps [share kids' data with third parties](#). A leaked internal survey found that Instagram [“makes body image issues worse for one in three teen girls”](#) and that 6% of US teens link their interest in suicide directly to the platform. It is no surprise, as many are now starting to see, that children and teenagers are facing an unprecedented mental health crisis. In Maryland, between 2016 and 2020 the state saw a [36% increase of children ages 3 to 17 with anxiety or depression](#) either reported to or diagnosed by a doctor or health care provider. The American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry and the Children's Hospital Association have declared “a national state of emergency” in children's mental health.

The introduction of Maryland's Age Appropriate Design Code, SB0844, is an important step as we seek to help young people safely navigate the online world. This first-of-its-kind legislation aims to protect children's privacy and online safety by requiring platforms to design their products according to the developmentally appropriate needs of kids at every age, from infancy to teenagehood. This means restricting the data collection and profiling of child users to feed them content that is harmful, turning off geolocation for children, prohibiting strangers from messaging kids if they are not mutual followers, and being transparent in showing young users how they can control what shows up in their feeds.

Social media platforms and tech companies do not design their services with their youngest and most vulnerable users in mind. Ensuring the safety of tech products is long overdue. We have nutrition labels on food packaging, rigorous testing for cribs and car seats, and yet the technology children use daily from the youngest of ages have little to no safeguards. And while the parents of my young pediatric patients understand the need to regulate screen time and monitor their child's online activity, even the most well-intentioned and informed parent can only do so much. The fault cannot and should not be laid at the feet of parents; no

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amount of the most draconian monitoring can make up for the fact that many of the dangers currently inherent in online activity are hidden from view. It is the tech companies that intentionally build platforms to nudge kids into risky behaviors, recommend harmful material, share data with predatory third parties, and whose products are known to encourage compulsive behavior and psychological harm who are responsible. These companies simply need to design their platforms to be safe from the start.

Whether we are prepared to admit it or not, protecting our children's physical and mental health now includes having guardrails in place for their online experiences. The internet has become an integral part of our daily lives, and as such, we must do all we can to ensure that children are protected while using it. This includes our legislators taking steps to prioritize our children's mental health and ensure their protection in the digital space. We owe it to the next generation to create a world where they can flourish without the threat of preventable harm or exploitation. Supporting Maryland's Age Appropriate Design Code is not only a moral imperative but a crucial step towards safeguarding the well-being of our children. Our children's mental health and development are on the line, and we must act now to ensure that they can thrive in a digital age that is designed with their best interests in mind.

Maryland has the opportunity to lead the nation in protecting our children online and prioritizing well-being over profit, childhood over exploitation. On behalf of dozens of physicians, medical students, and public health advocates across the state and the nation, I call on Maryland lawmakers to put children's interests ahead of those of the tech industry by supporting the Age Appropriate Design Code.

I urge a favorable report on SB0844.

Sincerely,

**Justin I. Lowenthal**

MD-PhD Candidate, Johns Hopkins University School of Medicine

Director of Partnerships & External Strategy, National Board of Directors, Doctors for America

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**SB844\_MSEA\_Lamb\_FAV.pdf**

Uploaded by: Lauren Lamb

Position: FAV

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**Testimony in Support of Senate Bill 844  
Consumer Protection – Online Products and Services – Children’s Data**

**Senate Finance Committee  
March 8, 2023**

**Lauren Lamb  
Government Relations**

The Maryland State Education Association supports Senate Bill 844, which would require a business that offers an online product likely to be accessed by children to complete a data protection impact assessment, prohibit a business from offering a certain online product before completing a data protection impact assessment, require businesses to document risks associated with certain online products, require privacy protections for certain online products, and prohibit certain data collection and sharing practices.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Educators know that students’ learning is impacted by their experiences outside the classroom. Social media is increasingly a part of those experiences: ninety-five percent of teenagers in the U.S. have access to a smartphone, and a majority of teenagers say that it would be difficult to stop using social media.<sup>1</sup> Though online platforms have benefits – including for teaching and engaging students in the classroom – young people are simultaneously suffering the effects of unregulated social media practices and content, including invasive data collection, targeted advertising content, misinformation, and harassment.<sup>2</sup> In 2021, 16% of high school students reported that they had been bullied through social media, and

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<sup>1</sup> <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>

<sup>2</sup> <https://www.nea.org/about-nea/leaders/president/from-our-president/neas-letter-social-media-companies>



considerable research suggests that the contents of adolescents' social media feeds impact their self-esteem and mental health.<sup>3 4</sup>

In 2022, California took initiative to protect children's privacy and wellbeing by enacting legislation to require an age-appropriate design code. California state law, which was modeled after social media guardrails in the United Kingdom, now requires companies to review their products' impact on children and enact practices that prioritize children's interests.

All children deserve to learn and thrive in a safe environment, including online. Especially as an increasing number of students report mental health challenges, Maryland should lead by example and become the next state to enact common-sense regulations for social media and other online platforms used by children.

**We urge the committee to issue a Favorable Report on Senate Bill 844.**

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<sup>3</sup> [https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS\\_Data-Summary-Trends\\_Report2023\\_508.pdf](https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf)

<sup>4</sup> <https://www.apa.org/monitor/2022/03/feature-minimize-instagram-effects>



# **MD Coalition Support Letter - Sen. Finance.docx.pd**

Uploaded by: Nichole Rocha

Position: FAV

March 8, 2023

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**Chair Melony Griffith**

Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

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Dear Chair Griffith and Committee Members,

The undersigned are writing to express support for the Maryland Age Appropriate Design Code - SB 844 (Senators Kramer and West).

Children and teens are facing an unprecedented mental health crisis. Even before the onset of COVID-19 and subsequent social distancing and isolation, teen suicide was on the rise; the CDC found that between 2007 to 2017 the suicide rate among people aged 10 to 24 across the US increased by 56%. And in the year between spring of 2020 and 2021 emergency room visits for girls ages 12 to 17 increased by 50%. In Maryland, between 2016 and 2020 the state saw a 36% increase of children ages 3 to 17 with anxiety or depression either reported to or diagnosed by a doctor or health care provider.

In 2020, 81% of 14 to 22-year-olds said they used social media either “daily” or “almost constantly.” This is by design. As private companies beholden to shareholders, performance incentives for product developers and executives are tied to profit and therefore time spent on their platform. Social media platforms and tech companies do not design these services with their youngest and most vulnerable users in mind. Ensuring the safety of tech products is long overdue. We have nutrition labels on food packaging, rigorous testing for cribs and car seats, and yet the technology children use daily from the youngest of ages have little to no safeguards. As a result:

- 75% of the top social media platforms use AI to recommend children’s profiles to strangers.
- 95% of the commonly downloaded apps marketed to or played by children 5 and under contain at least one type of advertising, including advertising that is age-inappropriate.
- 60% of school-based apps share kids’ data with third parties.
- A leaked internal survey found that Instagram “makes body image issues worse for one in three teen girls” and that 6% of US teens link their interest in suicide directly to the platform.

More than 80% of Americans say they want legislation that requires social media platforms to take action to minimize harms to minors. We agree with President Biden, who in his State of the Union address said that “we must hold social media platforms accountable for the national experiment they’re conducting on our children for profit.” Maryland has the opportunity to lead the nation in protecting our children online and prioritizing well-being over profit, childhood over exploitation.

And we know the framework behind SB 844 works. In September 2021, the Age Appropriate Design Code went into effect in the UK. Since then, tech companies have made changes to products that children use to ensure their data isn't needlessly collected, they are not deceived by manipulative design and that product design is not detrimental to their health and well-being. We call on Maryland lawmakers to put children's interests ahead of those of the tech industry by supporting the Age Appropriate Design Code.

Sincerely,



# **SB844\_PulinModi\_fav.pdf**

Uploaded by: Pulin Modi

Position: FAV

Dear Chair Griffith and Committee Members,

I am writing to express my strong support for the Maryland Age Appropriate Design Code - SB 844 (Senators Kramer and West).

I'm a dad to two young kids and am very concerned about the increasing influence the tech industry has over our kids. As our kids and their friends get older, I know technology will be even more central to their school, family, personal, and leisure time with peers. I do believe technology companies can meet the needs of parents and kids while also protecting our privacy and not subjecting children to online bullying, harmful ads, and an invasion of their safety and privacy.

Maryland has the opportunity to lead the nation in protecting our children online and prioritizing well-being over profit, childhood over exploitation. We call on Maryland lawmakers to put children's interests ahead of those of the tech industry by supporting the Age Appropriate Design Code.

Sincerely,

Pulin Modi  
3213 Blueford Road  
Kensington, MD 20895

**BAC BSA Letter of Support for SB 844 Signed.pdf**

Uploaded by: Sherry Nickerson

Position: FAV



# BOY SCOUTS OF AMERICA®

## BALTIMORE AREA COUNCIL

March 7, 2023

Chair Melanie Griffith; Vice Chair Katherine Klausmeier  
Economic Matters Committee  
11 Bladen Street  
Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chair Griffith and Committee Members,

The undersigned are writing to express support for the Maryland Age-Appropriate Design Code – SB 844 (Senators Kramer and West).

Children and teens are facing an unprecedented mental health crisis. Even before the onset of COVID-19 and subsequent social distancing and isolation, teen suicide was on the rise; the CDC found that between 2007 to 2017 the suicide rate among people aged 10 to 24 across the US increased by 56%. And in the year between spring of 2020 and 2021 emergency room visits for girls ages 12 to 17 increased by 50%. In Maryland, between 2016 and 2020 the state saw a 36% increase of children ages 3 to 17 with anxiety or depression either reported to or diagnosed by a doctor or health care provider.

In 2020, 81% of 14 to 22-year-olds said they used social media either “daily” or “almost constantly.” This is by design. As private companies are beholden to shareholders, performance incentives for product developers and executives are tied to profit and therefore time spent on their platform. Social media platforms and tech companies do not design these services with their youngest and most vulnerable users in mind. Ensuring the safety of tech products is long overdue. We have nutrition labels on food packaging, rigorous testing for cribs and car seats, and yet the technology children use daily from the youngest of ages have little to no safeguards. As a result:

- 75% of the top social media platforms use AI to recommend children’s profiles to strangers.
- 95% of the commonly downloaded apps marketed to or played by children 5 and under contain at least one type of advertising, including advertising that is age inappropriate.
- 60% of school-based apps share kids’ data with third parties.
- A leaked internal survey found that Instagram “makes body image issues worse for one in three teen girls” and that 6% of US teens link their interest in suicide directly to the platform.

More than 80% of Americans say they want legislation that requires social media platforms to take action to minimize harms to minors. Maryland has the opportunity to lead the nation in protecting our children online and prioritizing well-being over profit, childhood over exploitation. We call on Maryland lawmakers to put children’s interests ahead of those of the tech industry by supporting the Age-Appropriate Design Code (SB 844).

Sincerely,

Kenn Miller  
Scout Executive & CEO

701 Wyman Park Drive  
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Office: 443-573-2500  
Fax: 443-573-2619

[www.baltimorebsa.org](http://www.baltimorebsa.org)

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[www.beAscout.org](http://www.beAscout.org)



**SB844\_SocialMediaForSocialJustice\_fav.pdf**

Uploaded by: Valerie Hoang

Position: FAV





## SOCIAL MEDIA FOR SOCIAL JUSTICE

Dear Chair Griffith and Committee Members,

We, as the students on the leadership team for [Social Media for Social Justice](#), are writing to express our strong support for the Maryland Age Appropriate Design Code - SB 844 (Senators Kramer and West). Social Media for Social Justice is a youth-led advocacy organization dedicated to changing the way our generation and others view and use social media in today's world. As social media and technology becomes increasingly influential with each day, it is up to us to ensure that we use social media to push for justice in our communities and spaces, and not to spread disinformation and harm.

In 2020, it was found that 81% of 14 to 22-year-olds said they used social media either "daily" or "almost constantly." This constant use of social media is deliberately taken advantage of and designed solely to benefit the private companies creating these technologies. We as students have seen the effect of social media on our peers firsthand at our schools and in our communities; while such companies profit consistently from social media, our mental health and safety suffers. Even more, these designs created by social media companies are not only used to attract young people to the algorithm, to scrolling, but are also used in a manner that only puts children at further risk on the Internet. In fact, 75% of the top social media platforms use AI to recommend children's profiles to strangers. It is abundantly clear that children are not safe online, and the companies behind the social media platforms we use are not on our side.

To promote our mission, we at Social Media for Social Justice have worked to bring a four-day workshop series to people from around the nation, educating interested students and parents on the dangers of social media, but also how it may be used to support important social causes. At our last session on February 26th, 2023, **45% of attending students said that they did not feel safe online**, while 100% agreed that students should be able to be safe online, no matter the circumstances. Anyone can use the Internet, leaving young people susceptible to danger, oftentimes against their own beliefs or will. As a result, we are often subjected to inappropriate content: 95% of the commonly downloaded apps marketed to or played by children 5 and under contain at least one type of advertising, including advertising that is age-inappropriate.

Social media is constantly growing, alongside new and upcoming technologies each and every day. It aids in communication - at Social Media for Social Justice, we recognize it can be used to create movements and to advocate for justice. However, while older adolescents may be able to recognize right from wrong on the Internet, not everyone can, especially younger children. It is not only up to us as student advocates, but our lawmakers and government, to pursue safer social media for all.

Maryland has the opportunity to lead the nation in protecting our children online and prioritizing well-being over profit, childhood over exploitation. By supporting SB 844, we will not only ensure a safer Internet for children today, but for generations to come. We call on

Maryland lawmakers to put children's interests ahead of those of the tech industry by supporting the Age Appropriate Design Code.

Sincerely,

Social Media for Social Justice

# **Szabo (NetChoice) Declaration.pdf**

Uploaded by: Andrew Griffin

Position: INFO

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13  
14 Attorneys for Plaintiff  
NETCHOICE, LLC d/b/a NetChoice  
15

16 IN THE UNITED STATES DISTRICT COURT  
17 THE NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION  
19

20 NETCHOICE, LLC d/b/a NetChoice,

21 Plaintiff,

22 v.

23 ROB BONTA, ATTORNEY GENERAL OF  
24 THE STATE OF CALIFORNIA, in his official  
capacity,

25 Defendant.  
26

Case No. 5:22-cv-08861-BLF

**DECLARATION OF CARL SZABO IN  
SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

Date: June 22, 2023  
Time: 9:00 A.M.  
Dept.: Courtroom 3 – 5th Floor

Action Filed: December 14, 2022

1 I, Carl Szabo, declare:

2 1. **Identity of declarant.** I am the Vice President and General Counsel of Plaintiff  
3 NetChoice, LLC d/b/a NetChoice. In addition to providing legal counsel to NetChoice, I  
4 coordinate our advocacy before legislative bodies, courts, and government agencies. I make this  
5 declaration from personal knowledge and a review of NetChoice’s records kept in the ordinary  
6 course of business.

7 2. NetChoice is a national trade association of online businesses that share the goal of  
8 promoting free speech and free enterprise on the Internet. NetChoice is a 501(c)(6) nonprofit  
9 organization. We are dedicated to preserving the internet as a vibrant marketplace for  
10 communication, commerce, and the exchange of ideas. When online businesses are free to make  
11 their own content publication, personalization, and moderation decisions, they create diverse  
12 experiences and choices. We strongly believe in giving users and online service providers  
13 autonomy in how they use the internet.

14 3. For over two decades, NetChoice has worked to promote online speech and  
15 commerce and to increase consumer access and options through the internet, while minimizing  
16 burdens on businesses, to help make the internet more accessible and useful for both businesses  
17 and consumers. Our members include a broad array of online services: Airbnb, Alibaba.com,  
18 Amazon.com, AOL, eBay, Etsy, Expedia, Fluidtruck, Google, HomeAway, Hotels.com, Lime,  
19 Lyft, Meta, Nextdoor, Oath, OfferUp, Orbitz, PayPal, Pinterest, StubHub, Swingly, TikTok,  
20 TravelTech, Travelocity, Trivago, Turo, Twitter, Verisign, VRBO, VSBLTY, Waymo, Wing, and  
21 Yahoo!.

22 4. California’s new law, AB 2273, implicates several of NetChoice’s members  
23 because—although the statutory language is vague and ambiguous—those members could be  
24 found to “provide[] an online service, product, or feature likely to be accessed by” individuals  
25 under age 18.

26 5. NetChoice is intimately familiar with the content structures and business models  
27 that many online businesses—including our members—use and rely on to provide services to  
28 users. Our expertise has led us to conclude that AB 2273 would irreparably harm our members

1 and is fundamentally inconsistent with their business models. Should it be permitted to go into  
2 effect, AB 2273 would have long-term, adverse expressive effects on our members' services by  
3 dictating the content they publish, moderate, and tailor to users; coercing them into adopting  
4 unworkable, privacy-invasive age verification technology or otherwise redesigning their services  
5 to be universally child friendly (however that is defined by the State of California); and negatively  
6 affecting our members' reputations with their users, advertisers, investors, and others. AB 2273  
7 would also expose our members to stiff civil penalties and enforcement actions brought by the  
8 California Attorney General should they not comply with the law's vague dictates to the State's  
9 satisfaction. It is no exaggeration to say that AB 2273 threatens not just our members and their  
10 services, but also the internet as we know it.

11           6.     ***“Potentially harmful” content.*** Particularly onerous is AB 2273's requirement that  
12 businesses evaluate and mitigate the risk that any new or existing “potentially harmful content”  
13 will reach users under age 18, and deliver those assessments to the California Attorney General on  
14 demand. At the outset, this provision requires members to vet almost all content they publish,  
15 which could range into millions or even billions of items posted each day. I know of no reliable  
16 way to isolate internet content that is “likely to be accessed by” users under 18, particularly as  
17 some minor users (such as 17-year-olds) are likely to access much of the same content that adults  
18 access. Even if our members could meaningfully isolate such content, they next would have to  
19 engage in the impossible task of determining whether that content “could harm” minors, and  
20 propose plans to mitigate those risks.

21           7.     These requirements severely impinge on our members' ability to exercise editorial  
22 discretion over the content they publish. Instead of speaking freely on their own services—and  
23 inviting their users to do the same—our members will now first have to incur significant costs  
24 simply to probe if protected exercises of speech will pass muster under the State's murky harms  
25 analysis, however that is defined. In short, AB 2273 imposes both a tax and a muzzle on our  
26 members—and their users—before either can utter a word online. In practical effect, the  
27 vagueness and breadth of these requirements means that NetChoice members will be chilled from  
28 freely publishing a diverse and rich range of content, so as to avoid the risk of liability if the State

1 deems that content “potentially harmful.” Such a requirement injures everyone that benefits from  
2 a dynamic internet, including NetChoice’s members and their users.

3 8. *Enforcement of content policies and community standards.* AB 2273’s  
4 requirement that members enforce their own content policies and community standards would  
5 severely harm members’ ability to exercise editorial discretion over their services. NetChoice’s  
6 members have adopted unique-business-specific content policies and guidelines governing the use  
7 of their websites, reflecting their different values. In this way, content moderation reflects a  
8 significant means by which online services express themselves and the types of communities they  
9 are seeking to create. Choices about whether to allow or prohibit certain kinds of content involve  
10 editorial judgments by our members: what speech they want to foster and what speech they wish  
11 to distance themselves from.

12 9. In accordance with their individual content moderation policies, some of our  
13 members already review massive amounts of content—including text, videos, audio, and images—  
14 each day to make nuanced judgment calls on the type of content they wish to leave up or remove.  
15 The volume of users and activity on our members’ services is enormous. Some have over a billion  
16 users, with an accordingly huge amount of content uploaded daily. This content is posted from all  
17 over the globe and reflects a wide range of perspectives, identities, and norms. How our members  
18 approach content moderation decisions in turn shapes the type of online experience created for  
19 their users and advertisers.

20 10. There is no one-size-fits-all approach to content moderation, nor does it take place  
21 in a vacuum. Instead, moderation efforts entail a complex and dynamic set of interactions among  
22 a service’s own norms, user preferences, and real-world events. They also involve a range of  
23 content moderation tools, including both human review and automated filtering (like algorithms)  
24 to handle higher volumes of content. Our members carefully titrate their content moderation  
25 efforts to curate communities and experiences consistent with their subjective values: A member  
26 might determine that content should be shown despite its controversial nature; that removal or de-  
27 prioritization of content is necessary; or that not only should content be removed but that the  
28 posting user should be suspended or banned from the service. Content moderation also involves

1 context and service-specific decisions about how to arrange and display content, recommend  
2 content to users, and facilitate access to content. On some services, content moderation can even  
3 be user-driven, by granting users the option to decide whether they wish to avoid certain content.  
4 For example, some of our members permit users to block or mute other users or content marked  
5 with certain hashtags, or create lists containing terms or phrases they wish to avoid seeing on the  
6 service.

7 11. Being able to approach content moderation decisions with flexibility and discretion  
8 is essential for our members to strike a balance between addressing potentially objectionable  
9 content and preserving open and reliable access for users. NetChoice's members already dedicate  
10 substantial personnel, resources, and effort to content moderation. But these efforts are ever-  
11 changing and responsive to the often unpredictable content that appears on their services each day.  
12 For this reason, our members have developed adaptable policies that simultaneously guide future  
13 moderation decisions and provide services with the agility to react to unexpected types of content  
14 or changed circumstances.

15 12. Under AB 2273, however, NetChoice members will have to adopt a rigid, one-size-  
16 fits-all approach towards content moderation and would be significantly constrained in their ability  
17 to address content in the manner they see fit. Our members would be inclined to drop certain  
18 content policies and rules that require significant flexibility to monitor, which in turn would  
19 deprive users of notice of the types of content that may be removed and deny our members the  
20 ability to fashion the tone and tenor of online discussions on their services. AB 2273 would also  
21 undermine our members' ability to modify content moderation rules rapidly in response to new  
22 developments, whether online or in the physical world. By eliminating businesses' ability to make  
23 these sorts of particularized editorial judgments, AB 2273 would irreparably harm members'  
24 ability to moderate, organize, curate, and otherwise prioritize their content within the unique  
25 circumstances in which it was posted. Given the risk of civil liability, the law may also discourage  
26 our members from having content policies and community standards at all, to avoid the risk of  
27 unpredictable and punitive penalties.

28 13. *Use of algorithms and content personalization.* AB 2273's restrictions and



1 prohibitions on businesses using algorithms and “personal information” (which includes basic  
2 information about a user’s interaction with a service), would irreparably harm our members’ ability  
3 to conduct routine website operations (such as search, newsfeeds, and service improvements),  
4 provide tailored content to their users, and maintain the relationships with advertisers that sustain  
5 some of their services. For example, AB 2273’s prohibitions on “dark patterns” could—depending  
6 on how that phrase is interpreted—extend to our members’ commonplace use of algorithmic  
7 features that order and shape content. Algorithms fundamentally structure our members’ websites  
8 by permitting them to retrieve and present information responsive to user requests; provide and  
9 optimize personalized content recommendations to users; detect bot and spam activity; and serve  
10 many other functional purposes. Given the vast amount of user-generated content our members  
11 host online, some of our members also use algorithms to make moderation decisions and respond  
12 quickly to objectionable content. Accordingly, restricting our members’ use of algorithms would  
13 significantly impair their ability to flag, remove, and deprioritize content, thereby *undermining*  
14 those members’ ability to enforce their content policies (as AB 2273 would require). Curtailing  
15 online businesses’ ability to curate content through these algorithms would lead to irreparable  
16 expressive and operational harms for our members.

17 14. AB 2273’s restrictions on the use of information would also irreparably harm our  
18 members by affecting their relationships with third parties, including advertisers. Many online  
19 businesses, including our members, rely on advertising to remain in business and offer free or low-  
20 cost content to users. Advertisers recognize the value of reaching a specific audience, and thus  
21 pay more for targeted advertising. And users benefit from targeted advertising both by receiving  
22 subsidized access to our members’ services and also by seeing more relevant advertising content.  
23 AB 2273 will interfere with our members’ ability to sell targeted advertising and thereby  
24 jeopardize the foundational business and operational model on which many of our members rely.  
25 The restrictions will also interfere with our members’ ability to share information with other third  
26 parties on whom they rely to support and enrich the services they offer, such as vendors for hosting,  
27 data analytics, and other important operational services like spam and fraud detection, technical  
28 support, and customer support services. AB 2273 will thus require our members to redesign their

1 services.

2           15. **Age verification.** AB 2273 also irreparably harms members by requiring services  
3 to “[e]stimate the age of child users with a reasonable level of certainty.” Even assuming the  
4 technology to age verify accurately were available, this obligation would require many of our  
5 members to fundamentally restructure their services by requiring verification of legal identity  
6 before the services can be accessed. This would require our members to collect more personal  
7 information from users, which many users will not want to provide, either because it is burdensome  
8 and inconvenient to do so or because they object to providing such personal information (or both).  
9 This will damage our members’ relationships with their users, and is nearly certain to decrease the  
10 number of users for many services (and thereby damage those services’ ability to sell advertising).  
11 Many of our members also welcome anonymous users as a matter of principle and as a vital feature  
12 of the internet—a feature that AB 2273 will dismantle.

13           16. **Impact of AB 2273 on members’ reputations.** For decades, our members have  
14 painstakingly built and nurtured relationships with their users, investors, and advertisers. These  
15 relationships are based on each member’s proven ability to deliver innovative, high-quality  
16 services. If AB 2273 is permitted to go into effect, our members will no longer be able to provide  
17 the same quality of service that users and others have come to expect. Whether from the law’s  
18 requirements that members effectively purge their websites of any potentially harmful content,  
19 from its restrictions on content personalization, from its prohibitions on our members’ use of  
20 routine algorithmic operations to enrich users’ experiences, or from any number of the law’s other  
21 burdensome and censorial obligations, the result is clear: AB 2273 will require our members to  
22 create, at best, a highly degraded version of their services. In turn, our members’ carefully  
23 cultivated reputations and user relationships will deteriorate, leading to an inevitable dampening  
24 of investor and advertiser support in a time when the technology industry is already suffering  
25 economic downturn. Accordingly, AB 2273 will inflict immediate and irreparable long-term, and  
26 likely devastating reputational and financial harm on our members.

27           17. **Preparing for AB 2273.** Although NetChoice understands that AB 2273’s formal  
28 effective date is July 1, 2024, NetChoice’s members must start—and are already starting to—

1 prepare for compliance now, including by spending significant resources and preparing for  
2 fundamental changes to their services. NetChoice’s members must decide now whether they want  
3 to (a) restrict their services to individuals over 18 (and attempt to develop a reliable way of  
4 verifying that users are in fact over 18); or (b) redesign the entirety of their services to comply  
5 with AB 2273’s child-appropriate requirements. They are already beginning to incur enormous  
6 expense and expend vast amounts of time on, among other tasks: consulting experts to determine  
7 how to vet and categorize their existing and forthcoming content as “potentially harmful”;  
8 engaging in efforts to determine whether they can enforce their content policies to the State’s  
9 satisfaction; redesigning and finding substitutes for their essential algorithmic services; and  
10 reevaluating their relationships with advertisers and other third parties. At minimum, efforts to  
11 comply with AB 2273 will require our members to hire an army of additional personnel, including  
12 content reviewers, content moderators, compliance officers, children’s experts, privacy experts,  
13 customer support services, and legal counsel. These compliance efforts will not only impose  
14 staggering and unsustainable costs on our services; they will also derail our members from  
15 focusing on supporting expressive content online. Moreover, given the vagueness, breadth, and  
16 subjectivity of the law’s demands, it is highly doubtful that perfect compliance is even possible.

17 18. Accordingly, compliance with AB 2273 would not only be severely burdensome,  
18 but in many instances, may not be technically workable at all. Though the law does not take effect  
19 until next year, its expressive harms are enormous, immediate, and irreparable now. Moreover,  
20 NetChoice’s members’ substantial costs in undertaking this enormously burdensome vetting  
21 exercise are unrecoverable, and could not be recouped if Plaintiff’s challenge to AB 2273 is  
22 ultimately successful on the merits. Similarly, the loss of customer trust and loyalty that would  
23 result if our members were required to redesign their services as the law requires would take years  
24 to build back (to the extent it could be rebuilt at all).

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge.

3 Executed at Washington D.C., this 16th day of February 2023.

4 

5 \_\_\_\_\_  
6 Carl Szabo  
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