

How many more kids will be victimized before we make the digital world safer for them?

[BALTIMORE SUN EDITORIAL BOARD](#)

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As briefly satisfying as it may have been to watch some [Big Tech CEOs squirm](#) under a bipartisan grilling from the U.S. Senate Judiciary Committee Wednesday — including an outright apology from Meta CEO Mark Zuckerberg to parents who say social media contributed to their child’s exploitation and, in some cases, death — it’s also fair to wonder if a dysfunctional Congress is capable of doing much about online youth safety. Senators can make withering speeches, but let’s see them pass actual legislation that might hold the Instagrams, the TikToks, the Discords, the Snap Chats and the Xs of the world accountable for the harm they inflict on youth and then get it on President Joe Biden’s desk. Remember, this is the crowd who is up in arms about border security but can’t quite bring themselves to make a deal to accomplish much of what they seek. They are talkers, not doers.

That’s why protecting kids online from predators, inappropriate content, and having their personal information collected may be best accomplished not in Washington, D.C., but in state capitals. Next week in Annapolis, the House Economic Matters Committee is set to have its first public hearing on House Bill 603, which would require online platforms to take steps to protect children. This would include creating a confidential “data protection impact assessment” of any online product. Should that product be found to be harmful to kids, the company could be forced to pay fines in the thousands of dollars for each offense. The proposed statute, called the [Maryland Kids Code](#), is modeled after a similar approach taken in California and in the United Kingdom.

It’s beyond horrifying that so little has been done to date. As much as we recognize that privacy and First Amendment rights to free speech are inevitably linked to issues of content, experiences like that of Todd Minor Sr. who last month wrote on these pages about the death of his 12-year-old son Matthew ([“A TikTok challenge killed our son, now we fight for other children’s safety,”](#) Jan. 24), should never happen. Matthew died after participating in an online “choking challenge” in which people were encouraged to cut off their air supply until passing out from lack of oxygen. Since the 2019 incident, Minor and his wife have been advocating for “shifting the burden of online safety from resting solely on families to being shared with the digital platforms themselves from the moment they design their products.” That seems a perfectly reasonable goal to us — and surely to even the most vigilant of parents who can’t hover over every child every minute of the day in a world linked to the internet by laptops, cellphones, watches and tablets at home, at school, at friends’ homes, and on and on.

Similar [legislation passed the Maryland House of Delegates](#) last year by a large margin before dying in the state Senate. Supporters fear it will face headwinds from lobbyists representing Big

Tech companies again, perhaps even including those whose CEOs demonstrated such contrition in D.C. They'd like to quietly kill it — “quietly” because even tech purveyors know public opinion runs against them. In Maryland, it's estimated that two-thirds of high-schoolers spend three hours or more in front of a screen, while three-quarters of social media platforms use artificial intelligence or “AI” to recommend children's profiles to strangers, advocates for Maryland Kids Code say. It simply can't be that difficult to offer some protection, like banning the use of a child's personal data unless given explicit permission.

Admittedly, matters involving what is often termed “[age appropriate design code](#)” can be complex. But is there really a good argument for selling personal information about kids? Other than making bigger profits (at what could prove a terrible price), we just don't see it. Would this problem be preferably addressed at the national and perhaps even international level? Absolutely, but we can't afford to wait for the miracle required for Congress to get its act together, nor even for some of the savvier tech companies to take voluntary measures. The stakes are simply too high. Maryland has an opportunity to be a leader in online child protection, and lawmakers ought to seize it sooner rather than later. Perhaps if more states like Maryland take this chance, Congress may yet act.

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