



TO: The Honorable C.T. Wilson, Chair
Members, House Economic Matters Committee
The Honorable Jared Solomon

FROM: Loretta I. Hoepfner, MSOD

DATE: February 13, 2024

RE: **SUPPORT** – House Bill 603 – *Consumer Protection – Online Products and Services – Data of Children (Maryland Kids Code)*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for House Bill 603.

On a federal level, the American Academy of Pediatrics (AAP) is working with the authors of the federal Kids Online Safety Act that requires social media companies to curb manipulative design practices that target children and exploit the vulnerabilities of children. I am attaching a letter that national AAP sent to Congress urging them to take prompt bipartisan action to enact comprehensive privacy, design, and safety protections for children and adolescents online. Consistent with AAP, MDAAP urges a favorable report on House Bill 603.

For more information:

Loretta I. Hoepfner
Email: loretta@mdaap.org
1211 Cathedral Street
3rd Floor
Baltimore, MD 21201
410-878-9703



AAP Headquarters

345 Park Blvd
Itasca, IL 60143
Phone: 630/626-6000
Fax: 847/434-8000
www.aap.org

Reply to

AAP Washington Office
601 13th St NW, Suite 400N
Washington, DC 20005
Phone: 202/347-8600
E-mail: kids1st@aap.org

Executive Committee

President

Moira A. Szilagyi, MD, FAAP

President-Elect

Sandy L. Chung, MD, FAAP

Immediate Past President

Lee Savio Beers, MD, FAAP

Secretary/Treasurer

Dennis M. Cooley, MD, FAAP

CEO/Executive Vice President

Mark Del Monte, JD

Board of Directors

District I

Wendy S. Davis, MD, FAAP

District II

Warren M. Seigel, MD, FAAP

District III

Margaret C. Fisher, MD, FAAP

District IV

Michelle D. Fiscus, MD, FAAP

District V

Jeannette "Lia" Gaggino, MD, FAAP

District VI

Dennis M. Cooley, MD, FAAP

District VII

Gary W. Floyd, MD, FAAP

District VIII

Martha C. Middlemist, MD, FAAP

District IX

Yasuko Fukuda, MD, FAAP

District X

Madeline M. Joseph, MD, FAAP

At Large

Charles G. Macias, MD, FAAP

At Large

Constance S. Houck, MD, FAAP

At Large

Joseph L. Wright, MD, FAAP

March 16, 2022

Dear Member of Congress:

On behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 67,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write to call on Congress to take prompt bipartisan action to enact comprehensive privacy, design, and safety protections for children and adolescents online. We must address the shortcomings of the digital ecosystem that make it harmful to the well-being of young people and ensure that digital technology is optimally supportive of their healthy physical, mental, and emotional development and well-being. As Congress considers legislation to address digital technology and the role it plays in the lives of young people, we urge you to consider the following factors.

Digital technology plays an outsized role in the lives of today's children and adolescents. [Research](#) conducted prior to the COVID-19 pandemic has shown that young people are spending more time online than ever before and that a significant share of children and adolescents have their own smartphone or tablet. A recent [survey](#) showed that nearly half of teens say they use the internet "almost constantly." [Recent research](#) makes clear that these trends have been exacerbated by the dramatic changes to daily life experienced by families during the pandemic. Across academia, clinicians, and industry, there is clear consensus that the *design* of digital platforms shapes children's opportunities and risks.

Pediatricians see the impact of these platforms on their patients in practice and recognize the growing alarm about the role of digital platforms, in particular social media, in contributing to the youth mental health crisis. It has become clear that, from infancy through the teen years, children's well-being is an afterthought in widely used digital products with persuasive design features and algorithms that prioritize engagement. As President Biden [acknowledged](#) in his State of the Union address, strengthening privacy, design, and safety protections for children and adolescents online is one of many needed steps to create healthier environments that are more supportive of the mental health of Americans. Legislation to reduce the harms these platforms pose to the health and well-being of young people should:

- **Require digital platforms to prioritize the well-being of children and adolescents.**
- **Update and strengthen the Children's Online Privacy Protection Act (COPPA).**
- **Ban targeted advertising to young people.**
- **Curb manipulative design practices that exploit developmental vulnerabilities.**
- **Prevent the spread of harmful content through algorithmic recommendations.**
- **Invest in research to understand the impact of digital platforms on youth.**

Bills that can be used to develop comprehensive children's privacy and design legislation include the Kids Online Safety Act (S. 3663), the Children and Teens' Online Privacy Protection Act (S. 1628), the Protecting the Information of our Vulnerable Children and Youth (Kids PRIVACY) Act (H.R. 4801), and the Kids Internet Design and Safety (KIDS) Act (H.R. 5439/S. 2918). Please contact Matt Mariani (mmariani@aap.org) if you have further questions.

Sincerely,

Handwritten signature of Moira Szilagyi in black ink.

Moira Szilagyi, MD, PhD, FAAP
President

Considerations for Comprehensive Legislation to Protect Children and Adolescents Online

Require technology companies to build digital platforms that prioritize the well-being of children and adolescents as first principle. Families face huge headwinds using digital platforms designed to maximize profit and user engagement, enabling the development of the unworkable digital ecosystem young people face today. Congress should impose a duty of care on technology companies that requires them to prioritize the needs of children and adolescents from the start and hold platforms accountable for the products they create—before they go to market. This should include rigorous transparency, accountability, and independent evaluation mechanisms to ensure technology companies design platforms that minimize harms to young people and support their well-being.

Update and strengthen the Children’s Online Privacy Protection Act (COPPA). The passage of COPPA more than 20 years ago reflected an important recognition that young people need special protections online, but drastic changes in the digital technology landscape have rendered its protections insufficient. Congress should expand COPPA’s protections to adolescents, make data collection from children and teens an opt in, rather than an opt out, practice, and require the most protective settings to be enabled by default. Families should be given greater control over children and teen’s data with easy-to-understand disclosures about what data is collected and why. Congress should ensure COPPA’s requirements extend to all platforms likely to be used by young people and provide the Federal Trade Commission with the resources and authorities it needs to appropriately enforce the law.

Ban targeted advertising to young people. Research indicates that the use of data to target children and adolescents with personalized behavioral advertising is developmentally inappropriate due to immature critical thinking skills and lower impulse inhibition. Younger children cannot identify the more subtle types of advertising like influencer sponsorship, and they have higher trust in their favorite [characters](#), which can easily be manipulated. Advertising profiles can also identify children’s vulnerabilities, such as anxiety, negative body image, poor impulse control (in terms of spending or downloads), interest in high-risk activities (e.g., online dating, pornography, substance use) based on insights gleaned from data sources integrated across multiple platforms that families may not even have insight into themselves. The networks that distribute advertisements during children’s media use contain offensive and manipulative [content](#), and are largely unregulated. In short, behavioral advertising exploits young people’s developmental predispositions for commercial gain, and Congress should act to end this practice for children and teens.

Curb manipulative design practices that exploit children and adolescents’ developmental vulnerabilities. The current digital ecosystem is not working for families. Pediatricians counsel an approach to digital technology that centers moderation, high-quality content, and active user engagement, but features like auto-play, push alerts, confusing virtual currencies, and kid-friendly characters that pressure children to keep playing are at odds with those recommendations. Congress should limit manipulative design features to create a digital ecosystem that puts young people in control of how they use their devices and makes it easier to put them down.

Prevent the spread of harmful content and misinformation through algorithmic recommendations. The collection of data from young people, its aggregation across platforms, and its processing through complex algorithms exposes young people to harmful, extreme content, such as hate speech or violent images. Only a small subset of online content undergoes human review, allowing questionable messages and stereotypes to wind up in children’s laps. Pediatricians are particularly concerned about misleading health information that is shared and amplified online. Congress should rein in the use of algorithms to amplify dangerous content so young people have access to healthier digital environments. Parents, rather than technology companies, should have easy methods for turning off trending recommendation feeds, setting up filters, and controlling what their family experiences online.

Invest in research to understand how digital platforms impact the health and development of young people. Digital platforms are constantly evolving, and our understanding of their impact of on children and adolescents needs to keep up. Congress should invest in building the evidence base and help identify effective interventions to mitigate the harmful impacts of digital platforms on young people.