February 9, 2024

The Honorable C. T. Wilson
House Economic Matters Committee
6 Bladen Street, Room 231
House Office Building
Annapolis, MD 21401

Re: HB 603 (Dels. Solomon, Wilson, and Love) - Favorable

Dear Chair Wilson and Committee Members,

As a Baltimore Curriculum Project teacher, I write in strong support of the Maryland Kids Code -
HB 603 (Dels. Solomon, Wilson, and Love). Teachers, like myself and my coworkers, are on the
front lines of the national mental health crisis affecting children in Maryland and beyond. This
mental health crisis - that we're confronting daily in the classroom - has been deeply
exacerbated by the pervasive presence of data-driven and psychologically manipulative tech
products and services. This is why I support the Maryland Kids Code, which would require the
online spaces kids frequent to conduct risk assessments and provide youth high data privacy by
default, thus creating safer online experiences.

It is well documented that students are experiencing an unprecedented decline in their mental
health and wellbeing. Even before the COVID-19 pandemic, indicators of poor mental health
among children and adolescents were on the rise: declining happiness, life satisfaction, and
flourishing, and sharply increasing anxiety loneliness, depressive symptoms suicidal ideation,
hospitalizations for self-harm and suicide attempts, and completed suicides. This crisis plays out
every day in our classrooms and veteran teachers will tell you how much has changed - sadly
for the worse - in recent years. Although we recognize that this crisis is the outcome of a
multitude of factors, one such factor with an outsized impact is the lack of data privacy
guardrails and protections for the current generations who have grown up without the
opportunity to experience a childhood and adolescence that is not in some way mediated by the
Internet.

In my classroom of 2nd graders, I see the effects of improper safety functions regarding the
invasive measures enacted by tech products and services. The standard operations that violate
the protection of students' online presence is reflected in their socio-emotional interactions with
their peers and in their visible decline in attitude and mood. This was clearest to me during the
holiday period where there were stark emotional shifts in scholars before and after breaks.
Students receive unmitigated access to various online platforms, with new and updated
technology which results in major changes in behavior and performance. Each child that came
to class sharing stories about their increased technology usage would also demonstrate
increased struggles with focus and work completion, not to mention the differences in their
emotional state. Scholars who previously were relatively even keeled on par with their grade
level peers would be shorter tempered and more prone to irritable outbursts leading to
arguments and necessary mediations. The Maryland Kids Code would provide a measure of
security regarding their online experiences and reduce social media-based conflicts based on

the content that is being consumed and how the addictive tendencies result in challenges to students' day to day functioning. During our morning meetings, I have fondly remarked on bedtimes with our class competition of being the first to be asleep, to have students explain that they wake up in the middle of the night to play online games with peers, scroll social media, and that their rest has been disturbed by notifications on various platforms. These students have reported minimal amounts of sleep every day, which affects their performance throughout the day – students sleep through classes, they are more irritable, and are unfocused, drastically affecting their academic success.

I write in support of the Maryland Kids Code to prevent the monitoring of data points that recommend unregulated content that encourages students to consume unsafe media and participate in unsafe behaviors. There is clear harm that is seen in students' academic performances and in their social interactions – their vocabulary and actions. Consequently, I strongly support regulation that will allow students to engage with the virtual world without sacrificing their privacy and allow corporations accountability for their data management practices and product design that can interfere with student success.

Furthermore, these companies own internal data and research documents their contributions to our current crisis. For example, whistleblowers have revealed Meta's detailed knowledge of serious and widespread harms to pre-teen and teenage users of its platforms. From 2019 to 2021, a team of Meta employees, with expertise in psychology as well as quantitative and qualitative analysis, completed a "teen mental health deep dive" which included focus groups, online surveys, and pairing survey responses with Meta's data about the time each respondent spent on Instagram and the type of posts viewed.[1] Their findings showed the negative impact of Meta's products - particularly for teen girls - with just some of the results showing 41% of teen users of Instagram reported feeling "unattractive". They expressed feeling that way while using the product. 32% of teen girls said that when they felt bad about their bodies, Instagram made them feel worse, and that frequent social comparison is a key driver of subjective well-being which teens reported Instagram making the problem worse. This effect trickles down to earlier ages where students enter school crying and disengaged from their lessons because of concerns about their hair, how they look, and often performatively participate in isolative actions to classmates who they believe do not meet these arbitrary criteria.

You might think that armed with this internal research and data, Meta would implement changes to make things better. The company is reported to have considered such options - in fact Meta tested hiding "Like" counts in an effort to address social comparison and its negative outcomes. This testing found that hiding "Like" counts did indeed result in less social comparison and lessened negative outcomes for participants in the experiment overtime. However, the same

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[1] Plaintiffs' Amended Master Complaint (Personal Injury) at 94, ¶ 307, *In re Soc. Media Adolescent Addiction/Personal Inj. Prods. Liab. Litig.*, MDL No. 22-md-03047-YGR (N.D. Cal Apr. 14, 2023), ECF No. 234-1.

testing found that such changes had a 1% negative effect on Meta's advertising revenue - resulting in leadership deciding not to implement the change as a default.[2]

This example perfectly illustrates the need for the Maryland Kids Code. Big Tech companies continue to put profits over our kids - even when they have internal research documenting the harms and potential low-cost solutions. Without common sense regulation, like that contained in HB 603 (Dels. Solomon, Wilson, and Love), these companies will continue to make data practice and design decisions that negatively impact our children - in and out of the classroom.

This is why I urge your support of the Maryland Kids Code. Big Tech will not design their products to protect kids' privacy and wellbeing in an age appropriate way unless we require them to do so. Passing the Maryland Kids Code would have a real impact. It will protect our youth from the exploitation of their data, require high privacy settings by default, and prohibit manipulative design - all of which would greatly impact the way our students interact with the online world for the better.

For these reasons, we respectfully ask for your favorable vote on HB 603 (Dels. Solomon, Wilson, and Love), the Maryland Kids Code.

Sincerely,

Nichelae McFarlane
Baltimore Curriculum Project
2nd Grade Teacher

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[2] Complaint for Injunctive and Other Relief at 43, ¶ 232, *State of Arizona et al. v. Meta Platforms, Inc. et al.*, No. 4:23-cv-05448-YGR, (N.D. Cal. Nov. 11, 2023), ECF No. 73-2.