

**Senate Bill 571 Consumer Protection – Online Products and Services – Data of Children
(Maryland Kids Code)**

Senate Finance Committee

February 14, 2024

Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of SB 571.

SB 571 would require tech companies to put mechanisms in place to protect children and youth, including not collecting or selling youth data, setting high privacy standards by default, and avoiding manipulative design. These measures would have a positive impact on children's mental health.

For over a decade the mental health of children and youth has been worsening. In the 10 years leading up to the COVID pandemic, depression increased by about 40% in young people,¹ and the mental health of youth deteriorated dramatically in the wake of the pandemic. In 2021, the American Academy of Child and Adolescent Psychiatry (AACAP) and the Children's Hospital Association (CHA) joined together to declare a National State of Emergency in Children's Mental Health.² Maryland youth have not been immune to these trends. Data from the Youth Risk Behavior Survey of 2021-22 shows that 29% of Maryland high school students and 23% of middle school students reported that their mental health was not good most of the time or always.³

Many point to social media as a contributing factor to these disturbing trends. There is a growing body of research that indicates that social media can have a profound risk of harm to the mental health of young people. According to the U.S. Surgeon General, action must be taken to create safe and healthy digital environments that minimize harm. "Social media platforms are often designed to maximize user engagement, which has the potential to encourage excessive use and behavioral dysregulation. Push notifications, autoplay, infinite

¹ Kids' mental health is in crisis. Here's what psychologists are doing to help. American Academy of Pediatrics. January 1, 2023. Accessed January 14, 2023. <https://www.apa.org/monitor/2023/01/trends-improving-youth-mental-health>

² A declaration from the American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry and Children's Hospital Association. American Academy of Child and Adolescent Psychiatry. October 2021. Accessed January 14, 2023. <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>

³ Maryland Department of Health releases 2021-2022 Youth Risk Behavior Survey and Youth Tobacco Survey data. Maryland Department of Health. March 3, 2023. Accessed January 14, 2023. <https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-releases-2021-2022-Youth-Risk-Behavior-Survey-and-Youth-Tobacco-Survey-data.aspx#:~:text=More%20than%20one%2Dthird%20of,or%20always.%20Female%20students%20were>

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scroll, quantifying and displaying popularity (i.e., 'likes'), and algorithms that leverage user data to serve content recommendations are some examples of these features that maximize engagement.”⁴

SB 571 would address several of these concerns. It would prohibit tech companies from collecting or selling young people’s data, set high privacy standards, and prevent manipulative design, all of which align with the U.S. Surgeon General’s recommendations.

For these reasons, MHAMD supports SB 571 and urges a favorable report.

⁴ U.S. Surgeon General. Social Media and Mental Health. 2023. Accessed February 12, 2024. <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>