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INNOVATION ECONOMY

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The Honorable C.T. Wilson
Chair
House Economic Matters Committee
Maryland House of Delegates
230 Taylor House Office Building
6 Bladen Street, Annapolis, MD 21401

*RE: HB 1453 (Behler) - Social Media Platforms - Vloggers and Video Content
Featuring Minors (Child Influencers Protection Act) – Unfavorable*

Dear Chair Wilson and Members of the Committee,

On behalf of TechNet, I'm writing to share our concerns on HB 1453 related to vloggers.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, Tallahassee, and Washington, D.C.

A growing number of Americans are monetizing their accounts or content to take advantage of the vast economic opportunities that digital connectivity enables. Many companies are proud to build platforms that are empowering small businesses and the creator economy to thrive. As more creators are compensated for their content—by brand partners, platforms, or other revenue sources—it is important that they directly follow all laws and regulations governing labor law, taxation, etc., without regulations that put the platform between the state and its residents.

We appreciate the policy concerns this bill aims to address and support requirements to create trusts that compensate people who appeared in vlogs as minors once they turn 18. However, as drafted, HB 1453 has the potential to sweep in vast numbers of people participating in the internet vlogging space. While some families use vlogging as a significant moneymaker, there are some minor children that are part of videos that make only cents on the dollar, and they don't

intend to profit from online activities. This legislation would require any minor featured online to have a trust fund set up for them and a significant institutional effort for those minors who may only make nominal amounts.

The bill also requires that a minor featured in a vlog can request deletion of content at any point after becoming an adult. This requirement has the potential to cause implementation challenges and lead to unintended consequences. It is unclear how the deletion requirements would work and leaves many questions. The request to delete may work for content hosted by the platform, but it's much harder to stop individual users from sharing clips or videos if the content is already out in the public domain. How would a social media platform be able to establish that the minor-turned-adult was the one featured in the content? Another question to consider is whether there was more than one minor featured on a vlog, but only one makes the request – how would that request work? As an alternative, we suggest that deletion requirements be directed from a child to a parent, not from a child to a platform.

Creating a third-party right to delete for a user's content opens the door for bad actors to exploit our members' systems. For social media platforms to comply with this bill, they would have to collect even more information to verify someone's identity, which is in direct conflict with data minimization principles.

Social media platforms have a responsibility to protect users' privacy while balancing public interest and newsworthiness, and the bill does not include an exemption for such content. For example, vloggers could record content at a newsworthy event where the minor appears in an incidental manner with limited personal identifiable information involved, such as a partial face, etc. This law would give platforms zero ability to keep up with critical reporting, as they do not exercise editorial actions for content on the platform.

Platforms aren't able to track all forms of monetization, such as branded partnerships or product placement. This bill could lead to frivolous information requests and create operational ambiguity for platforms, in addition to unreasonable expectations that platforms maintain such information. At a time when the creator economy is fueling economic growth, the law should avoid mandating conditions that lead to disincentives to create and share content, or worse, might lock some Americans out of these opportunities altogether.

Finally, we would like to clarify that nothing in this bill shall be construed to have any effect on a party that is neither the vlogger nor the child engaged in vlogging.

Illinois passed SB 1782 in 2023, which gives children who appear in online vlogs the ability to receive compensation from monetization of their likeness. Should the committee choose to move this bill, we encourage them to look to the Illinois model instead to address this issue.

TechNet's member companies prioritize the safety and digital well-being of children who access their sites and platforms. Our members strongly believe children deserve a heightened level of protection, and TechNet members have been at the forefront of raising the standard for digital well-being across the industry by creating new features such as settings, parental tools, and protections that are age-appropriate, empower families to create the online experience that fits their needs, and are tailored to the differing developmental needs of young people.

For the reasons stated above, TechNet is opposed to HB 1453. Thank you for your consideration of our concerns and please let me know if you have any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic