

Maryland Senate Finance Committee

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My name is Ava Smithing. I am the founding partner of The Attention Studio, a Youth Fellow at McGill University's Centre for Media, Technology and Democracy, and a former Director of Advocacy at the Young People's Alliance. In April 2024, I testified before the U.S. House Energy and Commerce Committee about how social media platforms collected my data as a teenager and weaponized it against me, feeding me into a pipeline from bikini advertisements to exercise content to eating disorder material that taught me to deprive myself of sustenance. I interacted with one picture of one skinny girl, once, and that is all I was ever able to see. For ten years I was trapped inside that echo chamber.

I am here today because we made the mistake of not protecting consumers from social media. I paid the price. Millions of young people paid the price. Maryland has already acknowledged this by passing the Maryland Age-Appropriate Design Code. Now, before AI chatbots repeat the same cycle, Maryland has the chance to lead again and get it right this time.

I am testifying in support of SB 827 as someone who has lived through what happens when technology companies are allowed to collect intimate data about young people and use it against them with no guardrails and no accountability. What happened to me on social media is about to happen again with AI chatbots, only this time it will be worse.

Why AI chatbots are the next frontier of exploitation

Social media platforms were designed to be addictive and to isolate young people from our peers. Maryland has acknowledged this. But while we wait for those protections to be enforced, the same technology companies are building what they claim is the solution to the loneliness they engineered: AI companion chatbots.

Mark Zuckerberg has said publicly that he wants most people's friends to be replaced by AI chatbots. OpenAI brought back a retired version of its chatbot because users had become so emotionally dependent on it that its removal caused distress. Replika was created to allow people to keep talking to a friend after that friend had died. The intent is not subtle. These companies want people, including children, to form deep emotional bonds with their products.

Why young people are uniquely vulnerable

When I testified before Congress, I described how platforms exploited my natural bias to pay attention to negative content, my insecurities, and my desire for social validation. They turned all of it into data and used that data to keep me scrolling. The same psychological dynamics that made social media so dangerous for young people make AI chatbots even more so, because chatbots are designed to form a relationship with you.

My generation grew up online. We grew up watching people get canceled and publicly judged. We grew up being told our struggles were not valid because someone somewhere had it worse. We grew up

constantly comparing ourselves to celebrities and curated images. In an online world, judgment is everywhere. Chatbots do not judge you, in fact they do the opposite. They make you feel good.

That is the draw. When young people go to AI chatbots, they are looking for a judgment-free zone. They are looking to be validated and understood regardless of what they are going through. They will disclose their deepest fears, their mental health struggles, their insecurities, their relationships, things they would never say to a parent, a teacher, or even a friend, because the chatbot will not judge them, cancel them, or share it publicly.

The reality is that everything a young person says to a chatbot is data. Just like the time I spent looking at a photo of a thin woman was recorded and used to push me deeper into harmful content, the words a young person types to a chatbot can be collected, processed, profiled, and sold. A young person pouring out their heart to what feels like a safe space is handing over the most intimate details of their inner life to a corporation. For example, a teenager talking about how their acne is bothering them could get inundated with predatory ads for better skin. This is not a hypothetical risk. This is the business model, and it is the same business model that exploited me.

Why SB 827's specific provisions matter

The bill prohibits operators from using input data as training data without affirmative consent. This is the provision that would have changed my life on social media. When I interacted with that one photo, I never consented to having that interaction recorded, categorized, and fed back to me in an endless loop. SB 827 ensures that when a young person talks to a chatbot, their words cannot be absorbed into the model's training without their explicit, informed agreement. This is not a terms of service checkbox. The bill specifically prohibits inferring consent from inaction or burying it in general terms of use.

The bill prohibits processing chat logs for targeted advertising. On social media, my insecurities became advertising categories. The same thing will happen with chatbot conversations if we do not prevent it. A young person who tells a chatbot they are anxious about their weight should not then see diet pill advertisements. This provision stops that.

The bill prohibits profiling users beyond what is necessary to respond to a prompt. This is critical. When a chatbot builds a profile of a user's personality, emotional vulnerabilities, and behavioral patterns, it gains the ability to manipulate that user in the same way social media algorithms manipulated me. The difference is that a chatbot does not need collaborative filtering or algorithmic inference. The user hands it the information directly. Prohibiting profiling beyond what is needed to respond to a prompt prevents chatbots from building the kind of intimate psychological map that makes manipulation possible.

The bill requires clear, persistent warnings that users are interacting with AI. This includes a static warning that is always visible and dynamic warnings that pop up at the start of every interaction, after every hour of continuous use, and whenever a user questions how the chatbot works. Young people deserve to know what they are talking to, especially when the product is designed to feel human.

Why Maryland must act now

I want to be direct about the federal landscape. The House of Representatives recently marked up HR 7757, the so-called KIDS Act. That bill contains a chatbot provision, the SAFE BOTs Act, that amounts to telling companies to disclose that their chatbot is AI and showing a crisis hotline number when a child mentions suicide. That is the sum total of the federal government's proposal for AI chatbots interacting with children. And then it preempts the states from passing anything stronger. If that bill passes, Maryland could lose the ability to enforce a law like SB 827.

The federal government is not coming to protect young people from AI chatbot harms. If anything, it is preparing to block the states that are trying to.

When I testified before Congress in 2024, I told the committee that we needed to pass legislation to create a framework for regulating AI before the same data exploitation that harmed me on social media was replicated in new forms. I told them that every day we wait has irreversible consequences. Two years later, we are watching children form emotional dependencies on chatbots that sexually abuse them, convince them their parents are the enemy, and leave them in crisis when the product is taken away. The consequences I warned about are here.

We made the mistake of not protecting consumers from social media. I am asking you not to make that mistake again. SB 827 is the bill that gets it right. It addresses the data practices, the design mechanisms, and the accountability gaps that allowed social media to harm an entire generation. It treats chatbots as products because that is what they are. It gives families a private right of action because that is what justice requires. And it ensures that Maryland's protections cannot be wiped out by a federal government that has shown it is more interested in shielding these companies than in protecting the people they harm.

I urge a favorable report.

Thank you,

Ava Smithing