

February 21, 2024

Chair Zack Stephenson
House Commerce Finance and Policy Committee
449 State Office Building
St. Paul, MN 55155

Re: Support HF2257 - Minnesota Age-Appropriate Design Code Act

Chair Stephenson and Members of the Committee,

The bill before you today, the Minnesota Age-Appropriate Design Code, addresses a matter of critical public health interest – the health and safety of our kids. I commend the authors and sponsors of HF2257 for their leadership and commitment to kids' online safety.

We invest a lot of energy and resources to understand the adults our children spend time with. We run teachers and caretakers through background checks. Parents sometimes ask other parents and their children's friends probing (or even embarrassing) questions. We do these things because the people our kids spend their time with help shape who they are and whether they'll be safe. At the same time, we don't apply similar safeguards for our kids when they are online.

We need to acknowledge that social media has changed dramatically since many of us first signed on. When I first signed onto Facebook in 2006, it was a platform for friends and family to connect. When feeds first rolled out in 2008, we chose who we wanted to receive content from, and those were the only people we heard from on the platform. But over time, the platform changed profoundly - our friends and family alone didn't produce enough content for Meta to continually grow and generate the supercharged advertising revenue the stock market demanded. Their advertising-fueled business model needed endless streams of content to insert their ads into.

So, Facebook and other platforms like TikTok, Instagram, and Pinterest rolled the dice and opt-ed us all into a historic and unrivaled experiment. Algorithms, not people, now control what information we consume. These companies rely on AI algorithms to fill our feeds with content because they want us to consume more content and spend more time on their platforms to generate more advertising money, and they can only do that by scouring every corner of the world for content to fill our feeds, regardless of what that content is. Without guardrails imposed by the public through the power of groups like the Minnesota Legislature, this growth will never be enough, no matter the consequences.

We've moved from a world where we can see who our children are interacting with to one in which our kids are in the hands of Artificial Intelligence. The core problem with this is the algorithms are dangerously (and sometimes life-threateningly) amoral - the computers don't understand the significance of what they are exposing our children to.

We know of kids who have searched online for information about healthy eating and exercising, but the algorithm, within a short period of time, starts sending them content about disordered eating and heavily altered unrealistic images of the bodies of young women they can never live up to. They do that because their metrics have shown that this content keeps young adults online longer. Meta is very clear about this in their internal documents. We've seen from documents like the filings from the attorneys general that Meta had a

tremendous amount of research demonstrating that their raw algorithms, regardless of if they were exposing children to unnecessarily provocative and extreme content, would keep kids online longer.

When we have advertising-reliant models, more time on the platform equals more money for those companies. Keeping kids online as long and as late at night as possible means more minutes to make money. Last year, the U.S. Surgeon General announced that 30% of adolescents were on screens until midnight most school nights. Contemplate that for a moment. If 30% are on until midnight, 10-15% are on until 2:00 a.m. Sleep deprivation is one of the most severe dangers of social media for kids because the data is unambiguous that sleep deprivation hurts kids in school. Sleep deprivation physically impairs kids' development. It increases the chance of mental illness issues, not just depression, but also things like bipolar or schizophrenia, substance use, and the risk of dying from accidents, not just car accidents, but accidents of all kinds.

In closing, I will address a few things you will hear from big tech companies that oppose this critical bill.

First, they're going say that if you pass this bill, it will de facto require them to gather more private information from kids. They'll conjure images of a giant database of government-issued IDs. No one wants that, right? Right. We now have several different technologies, and while each of them may be only 95% precise, we can find all the kids when they are combined. There is not only one way of finding kids. There are ten or 15 ways to do that, the details of which I would be happy to follow up with.

Second, they will say keeping kids safe should be done at the app store level. Meta has invested a lot of money into online advertising, promoting the message that parents can control what apps kids install on their phones. I strongly support giving parents more tools and more choices to protect their kids, but focusing on the apps doesn't do anything to guarantee that the apps are safe once our kids are on them. The Age-Appropriate Design Code will ensure the apps are designed safely before our kids are on them.

Third, they will say they already do many things to keep kids safe. One of the things that I found very hypocritical about many of the statements they've made in the last year is they've started publishing lists of all the safety features they have rolled out. If we were to stack-rate those features and figure out which ones have the most significant impact on kids, the vast majority of those were launched in a couple-week period in the summer of 2021 because the UK passed the Age-Appropriate Design Code. When that regulation passed, Meta decided to use the tools they already had to raise the floor for the world. This quick action proved they have tools to keep kids safe. They choose not to use them because they think they will make less money and grow more slowly if they prioritize the safety of children.

We need laws like the Minnesota Age-Appropriate Design Code right now because we need you to change the incentives that these platforms operate under. Kids are vulnerable; they need appropriate software, and they need appropriate places to congregate online. They need to be prioritized, and the only way that will happen is if you stand up, change the law, and change the harmful incentives these companies operate under.

I urge your support for HF2257, the Minnesota Age-Appropriate Design Code Act.

Frances Haugen is an advocate for accountability & transparency in social media. Frances holds an Electrical and Computer Engineering degree from Olin College and an MBA from Harvard University. She specializes in algorithmic product management, having worked on ranking algorithms at Google, Pinterest, Yelp, and Facebook. In 2021, as a last resort and at significant personal risk, Frances decided to come forward as a Facebook whistleblower.