



April 16, 2024
House Judiciary Finance and Civil Law Committee

Dear Chair Becker-Finn and Committee Members,

On behalf of Children's Minnesota, I am writing in support of HF2257, the Minnesota Age Appropriate Design Code (AADC), which will protect children in our state by making their online experiences safer.

Children's Minnesota is the state's largest pediatric healthcare system, seeing more than 160,000 kids each year. As pediatricians, my colleagues and I see firsthand the mental health challenges children are facing, challenges that have reached a crisis point not only in Minnesota, but nationwide. Research points to the growing use of digital media as one of many contributing factors to this crisis.

In May of last year, the U.S. Surgeon General Dr. Vivek Murthy, released [an advisory](#) highlighting the specific impact of social media on children's mental health. In that advisory Dr. Murthy highlighted how social media has made it easy for youth to be exposed to harmful and inappropriate content as well as content that can negatively impact their self-esteem, leading to depression, body dissatisfaction, eating disorders and more. Social media use can also increase the risk of children being targeted by those that wish to exploit them. This risk is increased when privacy settings aren't clearly understood or set up appropriately.

Today teenagers spend an average of nine hours per day on screens and 81% of 14-22 year olds say they use social media either daily or almost constantly. These are young people interacting in spaces that aren't designed with their welfare in mind, increasing all the risks mentioned above. The Minnesota AADC will change that by putting guardrails in place that protect youth online, giving them the opportunity to enjoy some of the benefits of social media, like community, social support and learning, while protecting them from harm.

Minnesota children and their families need support as they continue to navigate an online world. I hope we can count on your support for HF2257.

Sincerely,

A handwritten signature in black ink, appearing to read "Gigi Chawla" with a small mark above the "a".

Gigi Chawla, MD, MHA
Vice President and Chief of General Pediatrics
Children's Minnesota



April 16, 2024

House Committee on Judiciary Finance and Civil Law
State Office Building, Room 5
100 Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

RE: HF 2257 - "Minnesota Age-Appropriate Design Code Act" (Oppose)

Dear Chair Becker-Finn and Members of the House Committee on Judiciary Finance and Civil Law:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HF 2257 in advance of the House Commerce Finance and Policy Committee hearing on April 16, 2024.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members. Acknowledging policymakers' valid concerns about the online privacy of young individuals, it is imperative to prioritize the establishment of a comprehensive data privacy law applicable to all consumers. This law should incorporate safeguards for sensitive data, specifically addressing information commonly linked to younger users.

CCIA holds a firm conviction that children are entitled to a higher level of security and privacy in their online experiences. Presently, our members are actively engaged in various initiatives to integrate robust protective design features into their websites and platforms.² CCIA's members have been leading the effort to implement settings and parental tools to individually tailor younger users' online use to the content and services that are suited to their unique lived experience and developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools to allow parents to block specific sites entirely.³

This is also why CCIA supports the implementation of digital citizenship curriculum in schools, to not only educate children on proper social media use but also help educate parents on what mechanisms presently exist that they can use now to protect their children the way they see fit and based on their family's lived experiences.⁴ In fact, the Minnesota House and Senate have both introduced proposals in 2024, including SF 3474, SF 163, and HF 192, that would establish digital well-being and media literacy education throughout the K-12 curriculum.

It should also be recognized that protecting children from harm online does not include a generalized power to restrict ideas to which one may be exposed. Speech that is neither obscene to young people nor subject to other legitimate laws cannot be suppressed solely to protect young online users from ideas or images that a legislative body disfavors. Proposals to keep children safe online should be established through a risk-based approach to developing protections for different ages of users and by focusing on tangible harm. CCIA has had a chance to review the proposed amendments and while we appreciate the change that would recognize

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children's Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://www.project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-online/>.

³ Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/>.

⁴ See *supra* note 2.

the distinct needs and diverse experiences of children of different age ranges, this bill presents the following concerns.

The bill lacks narrowly tailored definitions necessary to achieve compliance.

As currently written, the proposed amendments still define a child as anyone under 18. Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to tailor such treatments to respective age groups appropriately. For example, if a 16-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We suggest changing the definition of “child” to a user under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard. This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

The bill would also require businesses to provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using “clear language suited to the age of children likely to access that online service, product, or feature”. The definition of “clear language suited to the age of children likely to access online services” is not defined and leaves room for significant subjective interpretation. If a child is defined as anyone under 18, one could expect a wide variation of reading comprehension skills across such a wide age group — a 17-year-old would presumably have better reading comprehension skills than that of a 5-year-old. Without “clear language” being defined, the bill would be difficult to comply with.

Additionally, the definition of “best interests of children” is incredibly vague and impossible to operationalize at scale, creating moving goalposts for compliance. The benefit of a dynamic marketplace is that online businesses can tailor their services and products to what is most relevant and useful to their specific audience. Private online businesses will be unable to coherently or consistently make diagnostic assessments of users, including their “emotional, physical, or financial” health. Humans in general, especially children, have very nuanced opinions surrounding what may be harmful to them. The diverse lived experiences of children, teens, and adults vary significantly, leaving businesses without a comprehensive roadmap to navigate each user’s unique perspective. Determining the optimal solutions for the well-being of each and every young individual engaging with an online platform poses a serious feasibility challenge.

The bill’s provisions addressing the "profiling" of a child and the enforcement of penalties for violations pose significant questions regarding compliance.

In order to achieve meaningful children’s safety protections, it is imperative for businesses to have a roadmap of how to properly comply and avoid unintentional violations.⁵ This measure provides broad strokes of *what* is expected of businesses but does not portend *how* businesses may achieve those objectives. Instead, businesses may be allowed to “profile a child by default” under certain circumstances. CCIA interprets this as necessitating businesses to distinguish users aged below and above 18. We recommend providing clarity on the procedures businesses should follow to determine the age of users online, specifically when “profiling” them as children. Without a proper mechanism in place, businesses may encounter challenges in accurately determining the age of each individual user, potentially resulting in unintended violations for which the business may be held liable.

⁵ Digital Trust & Safety Partnership, *Age Assurance: Guiding Principles and Best Practices* (Sept. 2023), https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf.

CCIA cautions against conflating concepts regarding “profiling” or estimating the age of users.⁶ For example, when a website asks a user to make a self-attestation of their age, such as on a website for alcohol products, the owner of that website is not held liable if that user chooses to mischaracterize their identity. Similar self-attestation measures are currently in place for social media platforms and other digital services, and the burden is on the consumer to be forthcoming and honest about the age and birth date they enter. This, however, would change under HF 2257 — if online services were to rely on self-attestation for estimates but then in-turn be held liable for mischaracterizations, this would unreasonably treat the business as the bad actor. Further, it is unclear what impact the use of VPNs and similar mechanisms to evade state-specific age verification requirements by users could have on organizations’ liability under this bill.

To achieve compliance and avoid the proposed penalties for violations, it is likely that “profiling” or age estimation would effectively amount to age verification. Current commercially available facial recognition and other mechanisms that provide age estimation cannot sufficiently accomplish what lawmakers are expecting.⁷ The AADC purports not to require age verification, but the definitions and policy itself are so vague that sites will have no choice but to implement some kind of age verification technology to achieve compliance. Such verification requirements then raise questions about potential conflicts with data minimization principles and other consumer data privacy protection measures.

CCIA is concerned that businesses may be forced to collect age verification data, which would paradoxically force companies to collect a higher volume of data on children.⁸ Businesses may be forced to collect personal information they don’t want to collect and consumers don’t want to give, and that data collection creates extra privacy and security risks for everyone. Further, the Commission Nationale de l’Informatique et des Libertés (CNIL) analyzed several existing online age verification solutions but found that none of these options could satisfactorily meet three key standards: 1) providing sufficiently reliable verification; 2) allowing for complete coverage of the population, and; 3) respecting the protection of individuals’ data, privacy, and security.⁹ Though the intention to keep kids safe online is commendable, this bill is counterproductive to that initiative by requiring more data collection about young people.

Restricting access to the internet for younger users curtails their First Amendment right to information, denying them entry to supportive online communities that might be unavailable in their local physical location.

The First Amendment, including the right to access information, is applicable to teens. Vague restrictions on protected speech cannot be justified in the name of “protecting” minor users online nor is a state legislative body the arbiter of what information is suitable for younger users to access. Moreover, when businesses are required to deny access to social networking sites or other online resources, this may also unintentionally restrict children’s ability to access and connect with like-minded individuals and communities. For example, children of racial or other minority groups may not live in an area where they can easily connect with others

⁶ Khara Boender, *Children and Social Media: Differences and Dynamics Surrounding Age Attestation, Estimation, and Verification*, Disruptive Competition Project (May 10, 2023),

<https://www.project-disco.org/privacy/children-and-social-media-differences-and-dynamics-surrounding-age-attestation-estimation-and-verification>.

⁷ Berin Szóka, *Comments of TechFreedom In the Matter of Children’s Online Privacy Protection Rule Proposed Parental Consent Method; Application of the ESRB Group for Approval of Parental Consent Method*, TechFreedom (Aug. 21, 2023),

<https://techfreedom.org/wp-content/uploads/2023/08/Childrens-Online-Privacy-Protection-Rule-Proposed-Parental-Consent-Method.pdf>.

⁸ Caitlin Dewey, *California’s New Child Privacy Law Could Become National Standard*, The Pew Charitable Trusts (Nov. 7, 2022),

<https://pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/11/07/californias-new-child-privacy-law-could-become-national-standard>.

⁹ *Online age verification: balancing privacy and the protection of minors*, CNIL (Sept. 22, 2022),

<https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.

that represent and relate to their own unique experiences. An online central meeting place where kids can share their experiences and find support can have positive impacts.

The hyperconnected nature of social media has led many to allege that online services may be negatively impacting teenagers' mental health. However, some researchers argue that this theory is not well supported by existing evidence and repeats a "moral panic" argument frequently associated with new technologies and new modes of communication. Instead, social media effects are nuanced,¹⁰ small at best, reciprocal over time, and gender-specific. Additionally, a study conducted by researchers from Columbia University, the University of Rochester, the University of Oxford, and the University of Cambridge found that there is no evidence that associations between adolescents' digital technology engagement and mental health problems have increased.¹¹ Particularly, the study shows that depression's relation to both TV and social media was practically zero. The researchers also acknowledged that it is possible, for example, that as a given technology becomes adopted by most individuals in a group, even individuals who do not use that technology could become indirectly affected by it, either through its impacts on peers or by them being deprived of a novel communication platform in which social life now takes place.

Related proposals with similar requirements for online businesses are currently being litigated in several different jurisdictions.

When the federal Communications Decency Act was passed, there was an effort to sort the online population into children and adults for different regulatory treatment. That requirement was struck down by the U.S. Supreme Court as unconstitutional because of the infeasibility.¹² After 25 years, age authentication still remains a vexing technical and social challenge.¹³ California, Arkansas, and Ohio recently enacted legislation that would implement age verification and estimation requirements — each law is currently facing a legal challenge due to constitutional concerns, and judges recently put the laws on hold until these challenges can be fully reviewed.¹⁴ The fate of a similar law in Utah is also in jeopardy as it is also facing legal challenges.¹⁵ CCIA recommends that lawmakers permit this issue to be more fully examined by the judiciary in these ongoing challenges before burdening businesses with legislation that risks being invalidated or passing on expensive litigation costs to taxpayers.

In the United Kingdom, the Age Appropriate Design Code is not an enforceable law but is regulatory guidance for ensuring compliance with the UK Data Protection Act.

The Age Appropriate Design Code of the United Kingdom is not a law, but regulatory guidance, rooted in a UN Convention to which the United States does not belong. It is possible for a business to comply with UK law while not following the UK AADC. In fact, the UK Data Protection Act ("DPA") explicitly states that a "*failure by a person to act in accordance with a provision of a code issued under section 125(4) does not of itself make*

¹⁰ Amy Orben et al., *Social Media's enduring effect on adolescent life satisfaction*, PNAS (May 6, 2019), <https://www.pnas.org/doi/10.1073/pnas.1902058116>.

¹¹ Amy Orben, Andrew K. Przybylski, Matti Vuorre, *There Is No Evidence That Associations Between Adolescents' Digital Technology Engagement and Mental Health Problems Have Increased*, Sage Journals (May 3, 2021), <https://journals.sagepub.com/doi/10.1177/2167702621994549>.

¹² *Reno v. ACLU*, 521 U.S. 844 (1997).

¹³ Jackie Snow, *Why age verification is so difficult for websites*, The Wall Street Journal (Feb. 27, 2022), <https://www.wsj.com/articles/why-age-verification-is-difficult-for-websites-11645829728>.

¹⁴ *NetChoice, LLC v. Bonta* (N.D. Cal. 5:22-cv-08861); *NetChoice, LLC v. Griffin* (W.D. Ark. 5:23-cv-05105); *NetChoice, LLC v. Yost* (S.D. Ohio 2:24-cv-00047); .

¹⁵ *NetChoice, LLC v. Reyes* (D. Utah 2:23-cv-00911); *Zoulek et al. v. Hass & Reyes* (D. Utah 2:24-cv-00031).



that person liable to legal proceedings in a court or tribunal.”¹⁶ The code was designed by the UK Information Commissioner’s Office to meet its obligations under the UK DPA to prepare a code or suggestions for safe practice.

Many proponents of the Age Appropriate Design Code in the United States claim that the UK’s internet is “still working.” However, this mischaracterizes the approach taken in the United Kingdom. UK businesses processing personal data about UK children are not required to implement “age estimations,” “profiling” of a child, or other requirements in this proposed Act in order to operate. UK legislators avoided imposing “age verification” or similar higher thresholds upon organizations, recognizing the tension between higher accuracy and further data collection.

The UK also does not have the same fundamental and structural laws and rights that Americans do such as the Constitution and its First Amendment, nor does it share Americans’ noted affinity for expensive civil litigation. Under U.S. law, where the proposed Act’s language would be legally enforceable, covered entities would be forced to implement *age verification* measures to avoid potential liability – even if they did not want to direct their services to children.

* * * * *

While we share the concerns of the sponsor and the House Committee on Judiciary Finance and Civil Law regarding the safety of young people online, we encourage Committee members to resist advancing legislation that is not adequately tailored to this objective. We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Jordan Rodell
State Policy Manager
Computer & Communications Industry Association

¹⁶ *Age appropriate design: A code of practice for online services*, ICO (retrieved Mar. 2, 2023), <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-a-code-of-practice-for-online-services/>.

April 16, 2024

Re: In support of the Age-Appropriate Design Code Act; HF 2257

Dear Chair Becker-Finn and Members of the Judiciary Finance and Civil Law Committee,

As an organization deeply committed to expanding the understanding and access to lifesaving learning for youth in Minnesota, Good Trouble stands in strong support of the Age-Appropriate Design Code Act (HF 2257/ SF 2810). Our mission to promote belonging, mastery, independence, and generosity in education is grounded in the understanding that the environments in which our youth engage have profound effects on their development and well-being. This understanding extends beyond the physical spaces of schools and into the digital realms where our young people spend an increasing amount of their time.

The statistics are alarming: Minnesota lost 835 individuals to suicide in 2022, with suicide ranking as the second leading cause of death among our youth aged 10-24. The link between extended online activity and deteriorating mental health in adolescents is undeniable. The Age-Appropriate Design Code Act offers a crucial legislative framework to mitigate these risks, holding technology companies accountable for the impact their platforms have on young users.

This Act is not about restricting access to digital spaces; rather, it is about ensuring these spaces are designed with the foresight and responsibility to protect young users from harm. Discrimination, bullying, and harassment have no place in our schools, nor should they be tolerated online. The Act's emphasis on preventing discriminatory outcomes is particularly significant for Good Trouble, as we strive for a world where every young person, regardless of background, has their core youth developmental needs met.

Good Trouble's experience, reinforced by our interactions with over 200 local leaders, educators, and young individuals, has taught us that meaningful engagement and supportive relationships can dramatically alter the life trajectories of youth at-risk. The digital environment, governed by the Age-Appropriate Design Code Act, must be an extension of these supportive structures, not a departure from them.

The Act's requirements for ethical design and data protection are not only feasible but necessary. Other countries have implemented similar measures, leading to tangible improvements in the safety and well-being of their young citizens. Minnesota has the opportunity to lead by example, ensuring our digital spaces are as nurturing and safe as the communities we strive to build offline.

In closing, Good Trouble urges the Minnesota Legislature to pass the Age-Appropriate Design Code Act. Our commitment to the youth of Minnesota compels us to advocate for their safety and well-being in every arena, digital included. Lets come together to protect our most vulnerable and guide them towards a future where they can experience belonging in the real world and the digital.

Thank you for your consideration and for the work you do on behalf of the people of Minnesota.

Sincerely,

Jose R. Perez & Julian Spencer
Co-Founders of Good Trouble

MINNESOTA KIDSCODE

EXEMPTIONS

- Non-profits
- HIPAA covered entities
- Clinical trial data
- Journalism
- Government sites

SCOPE

The MN Kids Code applies to **online services, products, or features that:**

- Are for-profit companies operating in MN
- Collect or have collected personal data
- Annually buy, receive, sell, or share personal data of 50,000+ of MN consumers

Social Media

Instagram,
TikTok, Snap

Gaming

Fortnite, Roblox,
Candy Crush

Streaming

Netflix, Amazon
Prime, Youtube

Ed Tech

KhanAcademy,
Google Classroom

PROHIBITIONS

- Selling kids' personal information
- Collecting unnecessary personal information
- Designing features that are detrimental to kids' well-being
- Unnecessarily tracking kids' location
- Using kids' data without explicit permission
- Using manipulative design to trick kids

REQUIREMENTS

- Set all default settings to the most private
- Design age-appropriate experiences for kids
- Make it easy to report privacy concerns
- Let kids know when they are being tracked
- Provide privacy notices in clear language
- Conduct a risk assessment of how they use kids' data

Example Changes by Service

Social Media

- Default privacy settings to private or friends only
- Remove harmful features (e.g. stranger messaging, limiting notifications, time restrictions)
- Disable targeted ads based on profile data

Gaming

- Limit collection of personal data not needed for core gameplay
- Turn off location tracking by default
- Remove in-game monetization features like loot boxes

Streaming

- Turn off autoplay by default for kids' profiles
- Require parental consent for collection of viewing history
- Restrict behavioral advertising based on viewing history data

Ed Tech

- Restrict advertising based on learning profiles
- Disable tracking of schoolwork progress for marketing
- Anonymize user data used for product analytics

MINNESOTA KIDS CODE

April 16, 2024

Chair Jamie Becker-Finn
House Judiciary Finance and Civil Law Committee
559 State Office Building
St. Paul, MN 55155

Re: HF 2257, the Minnesota Age-Appropriate Design Code Act - Support

Dear Chair Becker-Finn and Committee Members,

The undersigned are writing in support of the Minnesota Kids Code - HF 2257.

The Minnesota Kids Code, an Age Appropriate Design Code model bill, creates a better online world for kids by requiring tech companies to institute common-sense consumer protections and data privacy reforms that ensure digital products, just like physical ones, are designed safely and in an age-appropriate manner.

Big Tech exploits consumers by extracting copious amounts of data from its users, including its youngest and most vulnerable ones, and selling or using it to inform products and marketing. More data means more profit – incentivizing companies to utilize addictive design features and other measures to keep children glued to their products. Time and again, advocates, researchers, and whistleblowers have shown that Big Tech prioritizes profit over the well-being of the most vulnerable consumers in the market: children.

As representatives of organizations that work for safe, just, and thriving futures for our communities, we see how the online world is both essential and comes with severe costs, particularly for children and teens. Ensuring the safety of tech products is long overdue. That is why we support the Minnesota Kids Code.

We have nutrition labels on food packaging and rigorous testing for cribs and car seats, yet the technologies children use daily from the youngest ages have little to no safeguards. As a result:

- 75% of social media platforms [use AI to recommend children's profiles to strangers](#).
- Of the top 100 free apps for kids in Google Play, [1 in 3 have banner ads](#), including ads for adult content.
- 60% of school-based apps [share kids' data with third parties](#).
- A leaked internal survey found that "[1 in 3 teenage girls is exacerbating body image problems](#)" on Instagram and that 6% of US teens link their interest in suicide directly to the platform.

These harms are allowed by design. Just look at the revelations from the [Attorney General's lawsuit](#) against Meta that revealed that Meta used the latest in brain science to ensure their products are stickier and riskier for our kids instead of using that knowledge to design safer products. These problems are not limited to just Meta or social media. The business model for the entire industry rests on an extractive business model that, to date, is unchecked.

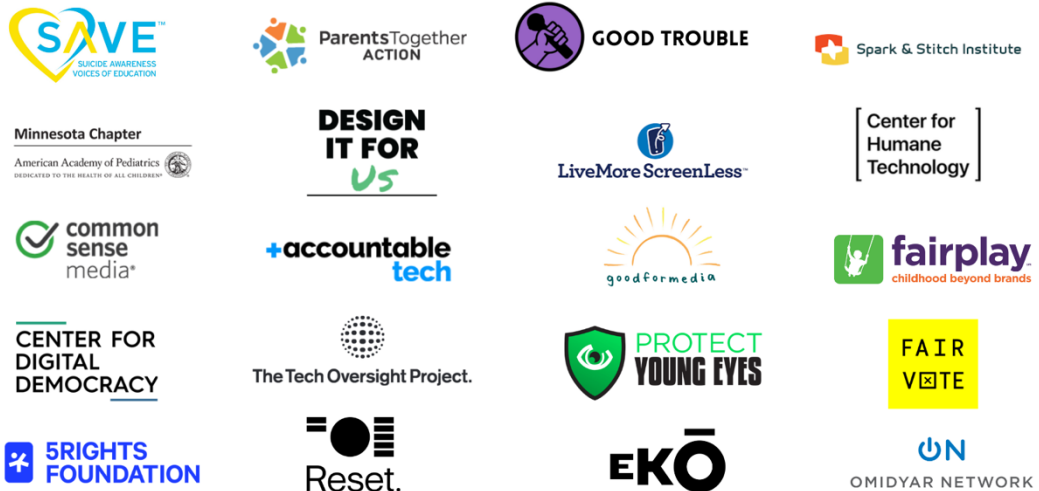
The Minnesota Kids Code would instead require companies to provide children with high privacy settings by default and to mitigate reasonably foreseeable harms to kids from using their products. Unlike other approaches to keeping kids safe online, the Minnesota Kids Code doesn't put the onus on parents, and it doesn't require companies to moderate content or prevent children and teens from searching for content they want to see.

Don't let tech companies claim it's impossible. They are already protecting kids online by design and default in the UK, where similar standards were adopted into law two years ago. Since then, companies have made hundreds of specific changes to make children's and teens' online experiences safer and better – Minnesota youth deserve the same protections.

HF 2257 is an unprecedented opportunity for our state to demand essential privacy and consumer safety protections to support youth mental health and well-being. Representing every corner of society – advocates, educators, healthcare practitioners, technologists, and young people ourselves – our coalition collectively asks for you to put children's interests ahead of the tech industry's by supporting the Minnesota Kids Code.

Sincerely,

Minnesota Kids Code Coalition



MINNESOTA KIDS CODE

Minnesota Age Appropriate Design Code Act Legal Brief

What about the *NetChoice v. Bonta* Lawsuit?

We have repeatedly seen how Big Tech will turn to the courts in an attempt to chill any oversight or regulation of their industry when they cannot stop proposed legislation through lobbying.¹ True to form, in September of 2023, NetChoice, a Big Tech trade association (whose members include Meta, TikTok, Google, and Amazon) filed suit to enjoin the unanimously passed California Age Appropriate Code (California AADC). The District Court sided with industry, but the fight is far from over as the case has been appealed to the 9th Circuit. Sadly, *NetChoice v. Bonta* is just one example of Big Tech's campaign to avoid accountability through an extreme distortion of the First Amendment.

Widespread outrage about the decision and how the District Court erred in its application of the law and understanding of the harms kids face resulted in more than 60 experts and advocacy groups - collectively representing more than 1.8 million Americans - submitting [amicus briefs](#) in support of the California AADC. In their briefs, the amici – which include the American Academy of Pediatrics, American Psychological Association, American Federation of Teachers, law professors, Meta whistleblowers Frances Haugen and Arturo Bejar, the Federal Trade Commission, and a bipartisan group of 21 state Attorneys General – warn of the far-reaching dangers of upholding a September 2023 [ruling](#) by the District Court.

Legislators need to remember that resolution of this case could take years and the time to protect youth is now. It is not the first time Judge Freeman of the Northern District of California has erroneously applied the law in a way that benefits Big Tech. Two of her previous rulings on kids' data privacy have been [invalidated](#) by the 9th Circuit, further suggesting that the *NetChoice v. Bonta* decision is unlikely to be upheld in its entirety.

Common Legal Questions

Shouldn't Minnesota wait for the appellate court decision?

- No. The Minnesota Legislature has the duty and right to pass laws that regulate industries in ways that protect Minnesota residents. Big Tech is attempting to circumvent this right through litigation and fear-mongering.
- The decision of a California District Court, and even the 9th Circuit Court of Appeal, is not binding on Minnesota. Big Tech has deep pockets and intends for this litigation to continue for years. Minnesota children are in desperate need of online protections now.

¹ See *NetChoice v. Yost* (Ohio), *NetChoice v. Reyes* (Utah), *NetChoice v. Griffin* (Arkansas), *NetChoice & CCIA v. Moody* (Florida), *NetChoice & CCIA v. Paxton* (Texas), *Meta Platforms, Inc. v Federal Trade Commission*

Doesn't this bill violate free speech protections?

- No. Big Tech is trying to create confusion. The Minnesota Kids Code regulates data management practices and product design. It is not content-based regulation.
- Instead of prohibiting companies from showing children vaguely defined categories of content, the Kids Code regulates how companies collect, manage, and use children's data. It also requires companies to change their design of online features (e.g., autoplay) that have been shown to harm children - such features are also distinct from content.
- Data privacy laws have long been upheld as constitutional.

So it's not about content, but doesn't it still regulate speech?

- Since the Age Appropriate Design Code doesn't target any content online or require tech companies to moderate content differently, it's not regulating protected speech under the First Amendment.
- It is possible, however, that the Appellate Court may rule that because the California AADC seeks to regulate online spaces, it has an impact on speech. The court may determine that requiring companies to determine what constitutes harmful design and/or use of data has an impact on protected speech.
- If the court decides that speech is targeted or impacted by the AADC, then the appropriate standard of review would be a lower, more deferential to the legislature, level of review called intermediate scrutiny. The higher standard of scrutiny - that is the least deferential to the legislature - only applies if a regulation discriminates on the basis of viewpoint (i.e., a law that determines who gets to say what, and who doesn't). Neither the California AADC nor the Minnesota AADC does this. These bills are content-neutral and apply equally to all companies that meet the threshold of users and revenue in-state. So, at best, intermediate scrutiny applies here.
- When applying the intermediate scrutiny standard to the AADC, the AADC clearly prevails. The standard says that where speech is impacted, the law still is constitutional if two things are true: 1) it furthers an important state government interest, and 2) it does not burden speech any greater than it needs to carry out its important state interest. States have a substantial government interest in protecting kids' data privacy and mandating design changes to keep kids safe online. The provisions of the AADC are narrowly drawn to achieve this substantial government interest - ensuring the Code passes this level of scrutiny if it is to be applied.

What about the federal Children's Online Privacy Protection Act (COPPA)? Can Minnesota do more to protect kids online?

- Yes. Minnesota can, and should, do more to protect kids online.
- COPPA sets the floor for protecting kids online - COPPA allows for states to adopt and enforce further protections for kids' privacy, as long as such laws are not at odds with the provisions found in COPPA. Since the Kids Code does not conflict with COPPA, it would be allowed.

For Further Information or To Get Involved

- Website: <https://Minnesotakidscode.com/>
- Coalition Outreach: Gloria Totten, gloria.totten@gmail.com

KEEP KIDS SAFE!

PASS THE MINNESOTA KIDS CODE



**ParentsTogether
ACTION**



April 16, 2024

Re: In support of the Age-Appropriate Design Code Act (HF 2257)

Dear Chair Becker-Finn and members of the Judiciary Finance and Civil Law Committee,

We, the undersigned, are 212 parents, grandparents, and other Minnesota residents who care about kids, and we're writing because Minnesota needs the Age Appropriate Design Code Act (HF2257 introduced by Rep. Bahner).

Families are in crisis. We're fighting every day to protect our kids from depression, cyberbullying, eating disorders, dangerous viral "challenges," exposure to drug use and to sexual predators – all of which are fueled by social media for big tech profits. These dangers have life-threatening consequences for children. Teens who spend five or more hours a day on social media are [71% more likely to have one or more risk factors for suicide](#) than those who spend less than an hour a day. That's a terrifying number when you consider that 81% of 14 to 22 year-olds said they use social media either "daily" or "almost constantly."

This constant use is by design. Social media companies engineer their products to keep kids online as much as possible – through algorithms, notifications, and endless scrolling – because it makes them money. These manipulative tactics harm users, especially the youngest and most vulnerable. Regulating the tech products our children use is way overdue. We have nutrition labels on food packaging, rigorous testing for cribs and car seats, and yet the technology most children use daily has few to no safeguards.

More than 80% of Americans say they want laws that force social media platforms to take steps to make kids safer online. We agree with President Biden, who in his State of the Union address said that "we must hold social media platforms accountable for the experiment they're conducting on our children for profit." But families can't wait for Congress to act. Minnesota has the opportunity to lead the nation in protecting children online and prioritizing young people's mental, physical, and emotional health over profits for private companies. The best way to do that is design codes.

Design codes are proven to work to protect children. The UK implemented the Age Appropriate Design Code in September 2021. Since then, tech companies have made changes to products that children use to ensure their data isn't needlessly collected and that product design is not detrimental to their health and well-being.

We believe Minnesota children deserve these protections too, and we need your help getting them for our kids. We call on Minnesota lawmakers to put children's interests ahead of those of the tech industry by supporting the HF2257, the Minnesota Age Appropriate Design Code Act.

Minnesota Parent Experiences

My daughter's ED was triggered by a combination of TikTok weight loss and beauty videos, in spite of screen time filters and parental support, and her 8th grade health class making them count calories. The result was horrific for our whole family. I have had to quit my job. -Sarah A, Taylors Falls, MN

I am the mother of four teenage daughters. Daughter developed a severe eating disorder, and I spent a good portion of high school years in treatment centers. Her eating disorder started shortly after she received her first cell phone. She still is in the battle today. -Jody S, Inver Grove Heights, MN

The video could have been our daughter. First she got the phone. Then the eating disorder. Then anxiety. Depression. We've spent years in therapy--years--to reassure her that she is beautiful, worthy and good. -Lindsey A, Minneapolis, MN

My daughter was hospitalized with anorexia. I still believe social media played the biggest part along with COVID lockdown. -Seth E, Circle Pines, MN

My daughter goes through TikTok and all these videos are causing her to feel very insecure about herself, and she tries her best by losing weight. Like wrapping her stomach and running everywhere and not eating a lot. -Mila Q, Moorhead, MN

My daughter has struggled with self harm and an eating disorder for the past 4 years, she is now 18 and we are still in the thick of it. -Paula D, Eden Prairie, MN

My step daughter is recovering from an eating disorder, substance abuse, and self harm. My now 6yo boy was exposed to very inappropriate videos on what was supposed to be kid safe YouTube at the age of 4. -Aliesha G, Rochester, MN

As a middle school teacher and librarian, I see and work with students who have been negatively impacted by online social media. Our school has seen a dramatic increase in the number of students who express feelings of depression and suicidal thoughts. They experience stress and anxiety and feel as though they just can't measure up. -Melissa P, Nisswa, MN

My daughter has been through inpatient and outpatient treatment that is related to her depression stemming from social media. -Tanja M, Redwing, MN

My wife and I have been dealing with the effects of social media on our daughter for a couple of years now and it's tearing our family apart. -Jamie G, Excelsior, MN

Social media has been harmful to not only myself, but also my daughters. I have struggled with body dysmorphia and an eating disorder, while my oldest daughter has now recovered from self harm. I constantly worry about my youngest daughter and if she is going to have the same struggles. I am so careful about what I say around her or to her so that she knows that she is perfect exactly how she is and she is only ten years old. -Christen H, Rosemount, MN

Sara-Jane Wilson
Bloomington, MN

Janine Morgan
Eden Prairie, MN

Nancy Schumacher
Duluth, MN

Roxanne Friedenfels
Madison, MN

Marylyn Irrgang
Shakopee, MN

Nan Stevenson
St Paul, MN

Don Hon
Minneapolis, MN

Kathleen Todd
Minneapolis, MN

Kay Beams
Eden Prairie, MN

David Undlin
Apple Valley, MN

Barbara Klucsar
Blaine, MN

Niambi Jackson
Burnsville, MN

Tom Clayton
St Paul, MN

Pamela Johnson
MN

Cynthia Brockway
Saint Paul, MN

Spencer Johnson
Lake Lillian, MN

Mina Blyly-Strauss
Minneapolis, MN

Lauren Kofsky
Minnetonka, MN

Monica Allen
Eagan, MN

Georgia Cady
Minneapolis, MN

Danni Harding
Saint Paul, MN

Robert Riskin
Minneapolis, MN

Alan Shefland
Minnetonka, MN

Doreatha Cannon
Hopkins, MN

Michael Erickson
Minneapolis, MN

Lynn C. Lang
Saint Cloud, MN

Richard Mammel
Albert Lea, MN

M Rosanne Bootz
Chanhsssen, MN

Elyssa Florea
Northfield, MN

Eric Benson
St Louis Park, MN

Christina Nguyen
Hugo, MN

Brooke Diamond
Edina, MN

Jennafer Balgie
Saint Paul, MN

Jennifer Baker
Hinckley, MN

Deedee Karssen
Plymouth, MN

Julie Washburn
Minneapolis, MN

Caroline Lyngstad
Long Lake, MN

Matthew Saxe
Crystal, MN

Nishiime Peltier
Cass Lake, MN

Carolina Randall
Corcoran, MN

David Berberick
Maple Grove, MN

Will Warnock
MN

Jimmie Bishop
Minneapolis, MN

Wendy Walz
Forest Lake, MN

Jeanne Claridge
Eagan, MN

Theresa Delrosario
St Paul, MN

Steph C
Crystal, MN

Beth Cook
Bloomington, MN

Kim Matushak
St. Paul, MN

Mark Carlton
Bloomington, MN

Tim Meinke
Minneapolis, MN

Ryan Baka
Minneapolis, MN

Terrance Schrammen
Saint Paul, MN

Nancy Hauer
White Bear Lake, MN

John Viacrusis
Moorhead, MN

Christopher East
Minneapolis, MN

Brandan Fiedler
Chisholm, MN

Lonnie Houff
Austin, MN

Jean Fleming
Lakeville, MN

John Fleming
Lakeville, MN

Carol Frechette
Shakopee, MN

Joella Berkner
Inver Grove Heights, MN

Jim Bungarden
Wells, MN

John Remkus
Rosemount, MN

Elizabeth Ishmael
Rice, MN

Mikaela Herzog
New Hope, MN

Cindy Nguyen
Minneapolis, MN

Dennis Alanen
Saint Paul, MN

Austin Ihiekwe
Cottage Grove, MN

Linda Mitchell
Faribault, MN

Timothy Mullen
Saint Charles, MN

Kat K
Clements, MN

Bartley Dunn
Minneapolis, MN

James Marsden
Maplewood, MN

Amber Murphy
Farmington, MN

Jessica Sovell
Fairmont, MN

Michelle Sutton
Duluth, MN

Ryan Sutton
Duluth, MN

Shannon Doolan
Richfield, MN

Mollie Schierman
Plymouth, MN

Holly Petersen
Eden Prairie, MN

Geoffrey Saign
St Paul, MN

Bryan Mccullough
Proctor, MN

Rebecca Goldberg
Minneapolis, MN

Juan Cardona
Richfield, MN

Maria Dewitt
Stillwater, MN

Scott Stamness
Woodbury, MN

Sharon Fortunak
St Paul, MN

Yolanda Latessa
Shakopee, MN

Joseph Bracken
Vergas, MN

Karen Johnson
Minneapolis, MN

Brad Murphy
Minneapolis, MN

Brad Berland
Spring Park, MN

Vernetta Stewart
Cottage Grove, MN

Gail Linnerson
Saint Paul, MN

Peter Veits
Burnsville, MN

Jason Nicholoff
Minneapolis, MN

Nancy Engelhardt
Saint Paul, MN

Linda J Paselk
Inver Grove Heights, MN

Julie Nordmeyer
Cottage Grove, MN

Kathleen M Braud
Little Falls, MN

Fran Hormel
Minneapolis, MN

Brenda Dunlap
Maple Plain, MN

Thomas Abraham
Prior Lake, MN

Jim O'Toole
Rochester, MN

Marissa Ruiz De
Somocurcio
Robbinsdale, MN

Karen Rex
Minneapolis, MN

Kristin Beamish-Brown
St Paul, MN

Raymond Bissonnette
Mahtomedi, MN

Jason Husby
Minneapolis, MN

Michael Heinsohn
Columbia Heights, MN

Diane Mclaughlin
Richfield, MN

Donna Seabloom
Elk River, MN

Amy Odonnell
Saint Paul, MN

Ja Young
West St. Paul, MN

Karen Eva
Pemberton, MN

David Moffatt
Mountain Iron, MN

Patricia Hopkins
Minneapolis, MN

Brenda K Pearson
Wabasha, MN

Julie Zlochevskiy
Brooklyn Park, MN

Linda Jarvis
Minneapolis, MN

Lisa Mccorison
Sturgeon Lake, MN

Anissa Black
Minneapolis, MN

Pamela Brittell
Eveleth, MN

Beth Blake
East Bethel, MN

Jennifer Barr
Richfield, MN

Lynnche Brown
St. Paul, MN

Alissa Martinson
Fosston, MN

Shannon Williams
Coon Rapids, MN

Denise Schroeder
Oakdale, MN

Shawna Hill
Fairmont , MN

Dorine Holmberg
Princeton, MN

Jacolyn Kotlarz
Delano, MN

Laura Myles
Minneapolis, MN

Sarah Stahelin
Bemidji, MN

Melissa Stiegler
Edina, MN

Jennifer Besser
Maple Grove, MN

Pamela Wieland
Coon Rapids, MN

Travis White
Brooklyn Center, MN

Melissa Block
Eagan, MN

Yodit Tsegay
Woodbury, MN

Timothy Blaylark
Minneapolis, MN

Ed Andrist
Prior Lake, MN

Roxanne Friedenfels
St. Louis Park, MN

Jackie Anderson
Lake Elmo, MN

Gwendolyn Blackman
Minneapolis, MN

Joann Gustafson
Saint Michael, MN

Natasha Sisko
Rosemount, MN

Joan Anderson
Albert Lea, MN

Leslie Mccollam
Maplewood, MN

Mark Glesener
Bird Island, MN

Erika Vickerman
Minnetonka, MN

Kyle Klaas
Eden Prairie, MN

Joanie Betsinger
Spring Valley, MN

Sheila Paulson
Little Falls, MN

Hector Reillo
Minneapolis, MN

Rose Lisson
Becker, MN

Susan Jordan
Minneapolis, MN

Al Kruse
Marshall, MN

Angela Gifford
Lindstrom, MN

Max Vanmeerten
Oak Park Heights, MN

Meghan Booker
Duluth, MN

Raleigh Koritz
Mpls, MN

Elisabeth Johnson
Saint Paul, MN

Pamela Lyngen
Buffalo, MN

H Ande
Ssp, MN

Angela Welsch
Mankato, MN

Nadine Wetzel
Saint Paul, MN

Lynn Levine
Minneapolis, MN

Jill Husom
Blaine, MN

Renee Cluff
Bemidji, MN

Starr White
Federal Dam, MN

Patricia Hoeft
Willmar, MN

Andrea Johnson
Owatonna, MN

Heidi Biagi
Saint Paul, MN

Makenzie Wangness
Burnsville, MN

Emily Primm
Rosemount, MN

Nancy J Stevenson
St Paul, MN

Phylis Cohen
Minneapolis, MN

Toni Bjorklund
Minneapolis, MN

Mark Schroeder
Spring Grove, MN

Jean Ross
Minneapolis, MN

Craig Brown
Bloomington, MN

Rebecca West
Loretto, MN

Meg Hirman
Shoreview, MN

Sonja Lockman
Orono, MN

Heidi Matheson
Minneapolis, MN

Jorge Agostinho
Burnsville, MN

Matthew Hoarn
Winona, MN

Amy Golly
Lakeville, MN

Jayne Zurn
Cambridge, MN

Mary Kay Baumann
Farmington, MN

Sue Watlov Phillips
Fridley, MN

Amanda Busch
Spring Park, MN

Angelena Vaillancourt
Woodbury, MN

Denise Carroll
St. Cloud, MN

Rod Hemmila
White Bear Lake, MN

Micheal Erickson
Minneapolis, MN

Nicolette Larson
Hutchinson, MN

Jeanie Kalenberg
Hutchinson, MN

Barbara Klucsar
Blaine, MN

Ryan Baka
Minneapolis, MN

Jane Fosse
Maplewood, MN

M Zink
North Oaks, MN

Paula Schultz
Little Falls, MN

Arthur Yeske
Prior Lake, MN

Erika Vickerman
Minnetonka, MN

Elisabeth Johnson
Saint Paul, MN

Lynn C. Lang
Saint Cloud, MN

Meg Hirman
Shoreview, MN

Kate Graham
Roseville, MN

Paula Brown
Brooklyn Center, MN

Francine Dupont
Maple Grove, MN

MINNESOTA KIDS CODE

Date: April 14, 2024
To: Interested Parties
From: Minnesota Kids Code Coalition
Re: MN Kids Code Survey Results

Minnesota Voters Overwhelmingly Support Legislation to Protect Children Online

A new Public Policy Polling survey conducted on behalf of the Minnesota Kids Code Coalition finds that **85% of voters in Minnesota believe it's important for Minnesota lawmakers to take action to address the impact of the internet and social media on young people.** Of these voters, 60% believe it is very important, including majorities of all age groups, Democrats, Republicans, and Independents.

Furthermore, a massive **85% of voters believe it's important that lawmakers act this year.**

Minnesotans also have a generally negative view of social media platforms like Instagram, Facebook, TikTok, Snapchat, and YouTube, with 59% of them viewing these companies unfavorably, and only 1/3 of them viewing them favorably. Because of these views, voters overwhelmingly (78%) support requiring that social media platforms provide tools and safeguards to better protect children online.

Nearly 60% of Minnesota voters surveyed disagree with the legislative approach pushed forward by the tech lobby to focus on law enforcement rather than changing how platforms are designed.

When asked whether they would be more or less likely to support their Minnesota state representative if they prioritized legislation to require tech companies to make their products safer for children, a near majority (47%) said it would make them more likely to support them.

Other key findings from the survey include:

- Democrats are the most supportive, with 84% in favor of requiring social media platforms to provide user protection tools; 76% of Republicans and 74% of Independents also supportive.
- Lopsided majorities of Independents (76%), Republicans (86%), and Democrats (92%) want the Minnesota state legislature to take action this year.
- Majorities of voters in all age groups view social media companies unfavorably: 55% of voters aged 18-45, 59% of voters aged 45-65, and 68% of voters older than 65.

Public Policy Polling surveyed 640 Minnesota voters from April 11-12, 2024. The margin of error is +/- 3.9%. 65% of interviews for this survey were conducted by text message and 35% by telephone.



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

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P.O. Box 10544 Chicago, IL 60610
www.technet.org | @TechNetUpdate

April 15, 2024

The Honorable Jamie Becker-Finn
Minnesota House of Representatives
Room 559, State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155-1232

RE: HF 2257 (Bahner) Age-Appropriate Design Code - Oppose

Dear Representative Becker-Finn,

TechNet must respectfully oppose HF 2257, which would enact the Age-Appropriate Design Code. While we appreciate the intent and similarly believe in providing a safe and secure experience for kids online, we have some concerns with our ability to implement this bill effectively.

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 4.4 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.

Our companies prioritize the safety and privacy of kids that access their sites and platforms. We strongly believe children deserve a heightened level of security and privacy and there are a number of efforts within the industry to incorporate protective design features into their websites and platforms. Our companies have been at the forefront of raising the standard for teen safety and privacy across our industry by creating new features, settings, parental tools, and protections that are age-appropriate and tailored to the differing developmental needs of young people.

First, HF 2257 puts companies in the position of determining what is best for children. The requirement that companies consider the "best interests of children" will mandate companies to make difficult, subjective determinations about their services and what is best for children. Different companies, even parents in one household, will have very different interpretations of what is and isn't in the "best interests" of children, or attorneys general in different states who enforce this law.

Second, the bill has an incredibly broad application, including to websites that are "reasonably likely to be accessed" by children under the age of 18. Despite attempts to

provide clarity to which sites are and are not “reasonably likely to be accessed”, it will be a difficult determination for companies to make. If they are subject to the bill, companies are required to complete a data protection impact assessment (DPIA) for any and every online service, product, and feature that children are “reasonably likely to access”. DPIAs are costly and time-consuming, particularly for websites and features that are low-risk regarding impacts on children.

Further, HF 2257 implicitly requires websites to conduct age verification to determine whether a user is a minor and receives a higher level of default privacy protections. As we’ve noted, we’re not opposed to providing greater protections to minors. But a statute that effectively requires age verification raises significantly more issues. HF 2257 places numerous restrictions on the use and processing of minors’ data, with civil penalties for violations. This strongly incentivizes companies to determine who is and isn’t a minor on their platform to make sure they are providing heightened protections to minor users.

Age-verification is a complex challenge for our industry to address and requires consideration of how to properly balance the interests of privacy and security. Stringent age-verification would require the collection of more personal information such as birthdates, addresses, and government IDs. The standard in this bill would require companies to collect more personal information, which conflicts with industry best practices and data minimization principles. Efforts are ongoing to develop more privacy protective ways to verify age online. But until there are industry-wide tools available, age-verification will continue to have tradeoffs and be difficult to implement in practice.

Finally, HF 2257 borrows heavily from the California AADC, which is the subject of ongoing litigation and is currently enjoined by a federal court. While HF 2257 attempts to avoid some of the First Amendment issues of the CA AADC, open ended requirements to analyze and consider the best interests of children and potential psychological and emotional harms will invite an analysis of the content available to minors. Given the uncertainty around the ongoing litigation over the AADC, we encourage you to wait and see how this issue plays out in Court before moving forward with the bill. Thank you for your consideration. If you have any questions regarding our opposition, please contact me 630-400-3439 or at tdiers@technet.org.

Sincerely,



Tyler Diers
Executive Director, Midwest
TechNet

April 16, 2024

Chair Jamie Becker-Finn
House Judiciary Finance and Civil Law Committee
559 State Office Building
St. Paul, MN 55155

Subject: Testimony on HF2257, the Minnesota Age-Appropriate Design Code Act - Support

Chair Becker-Finn and members of the committee:

My name is Shama Tolbert, and I am here today as a concerned parent from Minneapolis, advocating for the support of HF2257. This legislation is crucial for the safety and well-being of our children.

In 2022, my daughter fell victim to a sex trafficker who exploited the weaknesses within social media platforms. A 27-year-old man, connected to her by Facebook and posing as a “friend,” lured her into a dangerous situation, leading to her kidnapping and sex trafficking. It was a traumatic experience for our family, and we have still not recovered.

There should be safety measures. The platforms allow sex traffickers and pedophiles to prey on our kids. Parents alone can't keep their kids safe. Features like disappearing messages and secretive communications channels make it hard for us to monitor. I held off on allowing my daughter to have a phone. I monitored her social media. I did everything I was supposed to do, and she was still not safe. The people who want to prey on our kids can reach them because the platforms are designed to let them do it.

Social media online is more dangerous than any street in a bad neighborhood because these harms are happening in what are supposed to be safe spaces. Before my daughter got a phone, she went to the library to get on social media. She says all the kids did. We thought they were studying, but they were online meeting adult strangers who knew how to target them through social media.

Predators have more access to our kids than we do because the platforms are set up to make these connections and to make it so that our children cannot log out. Social media's addictive features keep my daughter online even though that's where she was harmed. The constant exposure and overstimulation caused by explicit content, violence, and self-harm narratives has taken a toll on my daughter's mental, emotional, and physical well-being. Yet, social media is not going away.

We need you to make the platforms places where kids can use them the way they want – to express their feelings, keep in contact with their peers, and post pictures. Not be exposed to suicide stories and self-harm Reels – things she's not looking for but that are fed to her through the Video, Explore, or For You features of the sites where they send you images and videos you never even selected.

Please put safety measures in these platforms. Please support HF2257 to create a safer online environment for our children and to prevent what happened to my daughter from happening to another girl.

Thank you.

Shama Tolbert
Minneapolis, MN 55422

April 16, 2024

The Honorable Jamie Becker-Finn
Judiciary Finance and Civil Law Committee
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Re: In support of the Age-Appropriate Design Code Act (HF 2257)

Dear Chair Becker-Finn and members of the Judiciary Finance and Civil Law Committee,

Hello, we just wanted to introduce ourselves– Janet Casperson and Shannon Lee. Two moms who live in the Blaine and Lino Lakes communities. Attached you will find pictures of our kiddos Sam (Janet's son) and Ashlyn (Shannon's daughter).

Sam was an animal lover, loved the Beatles, and was an awesome big brother. He was good with kids and volunteered at Kids on the Run and Vacation Bible School. He was one of the funniest kids you'll ever meet. He had a charming and sarcastic personality and was very witty. He loved fishing and Boy Scouts and was extremely polite and respectful.

Ashlyn loved playing soccer and anything having to do with nature. She was intentional about making time to watch the sunrise and the sunset. She loved nostalgia, antique shops, her favorite color yellow, collecting rocks and most importantly she loved sunflowers because they always turn to find the light. Her motto was to "live life in warm yellows" and she made sure to make everyone around her feel that warm bright energy that she always conveyed.

In the fall of 2019 Sam's friend took his life on the first day of school. Two weeks later, his best friend since he was three, also died by suicide. Ashlyn and Sam were good friends but went to different schools. They started dating late that fall. Ashlyn knew that Sam was struggling after losing his friends and tried to be good support for him. They got along well, never had an argument, and were just starting to enjoy all the fun things a new relationship brings. Sam struggled with the usual stuff teenagers face as well as trying to deal with the loss of his friends. On January 2nd, 2020, Sam too died by suicide.

Ashlyn was blindsided by losing Sam. They had a great relationship, and she was devastated by his loss. On top of this she felt a great deal of responsibility for not being able to save Sam. He had told her he was going to take his life, she talked to him and thought he was okay but sadly it wasn't enough. Other people felt Ashlyn should have done more to save Sam and she was the target of some pretty terrible messages that came via social media. Some of these came anonymously through Snapchats extensions that allow people to say things but you don't know who said them. While some messages came anonymously, others were from people she knew which she saved in the section of Snapchat called "My Eyes Only". In this space lives the proof of who and what was said to her although we cannot access that space without her special code for it. Some messages Ashlyn received told that she should kill herself too and on February 18th, 2020, just six weeks after Sam died, Ashlyn also died by suicide.

In looking through Ashlyn's phone after she died it was sad to see the way social media played a part in how she felt about herself. As she spiraled into grief after Sam died you could see how her "likes" in places like TikTok and Instagram feed her more sadness and negativity. At home, as parents, we try to do the right thing and make our kids feel loved and valued but then the negativity of the outside world infiltrates their space and can have a detrimental impact on their well-being. At the end of the day, we are just not equipped to keep up with the ever changing digital space. The challenges our kids face today are so different than what we dealt with in our youth. The digital world we live in today moves so fast and we are not keeping up. It's become nearly impossible for parents to stay on top of what their kids are doing in the digital world. We are smart, educated people but we are drowning trying to understand a space we just don't know how to maneuver. Most of the time in this space our kids are much smarter than us. This is why we need help. This is why passing the MN Kids Code is so important. We need the big social media companies to meet us somewhere on this issue because we simply cannot do this alone. We need the people who understand and work in these digital spaces to help us keep our kids safe. The time for talking about whether we need a bill like this has passed.. We are most certainly to the tipping point of NEEDING something like this to pass to help parents who are overwhelmed with the digital world we live in. Without help from lawmakers and the big social media companies our kids will continue to fall down the rabbit hole of the digital world. This is not an issue that just affects a few select people, it affects everyone. This type of bill puts into play safeguards that help to shape our youth who will go on to be our future and we need to keep that future bright and safe. Please, please pass this bill, our future depends on it.

Sincerely,

Janet Casperson and Shannon Lee

Parents to Sam Casperson and Ashlyn Lee, both forever 16



April 16, 2024

Chair Jamie Becker-Finn
House Judiciary Finance and Civil Law Committee
559 State Office Building
St. Paul, MN 55155

Subject: Testimony on HF2257, the Minnesota Age-Appropriate Design Code Act - Support

Chair Becker-Finn and members of the committee:

My name is Shamail. I'm 16 years old, and I live in a loving and protective home with my mom, stepdad, and my older brother. I'm writing you in support of the Minnesota Age-Appropriate Design Code – also called the Minnesota Kids Code. I want to share a chapter of my life I hope no one else has to go through.

My journey into the digital world began when I was 12 when I found myself navigating through so much negative online content that, frankly, no child should ever encounter. The digital world, with its endless streams of information and suggested content, began to introduce me to the darker corners of life—drugs, violence, and cyberbullying.

As these themes increased in my online interactions, they started to impact my self-perception. The constant exposure led me to feel insecure and to question my appearance, my worth, and my identity. I asked myself: Was I skinny enough? Was I pretty? Did I have the right clothes? These questions, fueled by the unrealistic standards and harmful content I was exposed to, began to shape my reality.

By the age of 14, older men, strangers to me, began appearing as 'Suggested Friends' on Facebook and other platforms. Naively, I accepted their requests, unaware of their intentions and blind to the dangers ahead. What followed was a period of grooming by older individuals, a time during which my life took a turn away from everything familiar—my family, my friends, and the safety of my home.

At 14, I was lured and kidnapped for a whole month by one of those individuals - a 27-year-old man posing as a peer to me. It has been a long journey to get to where I am today. With the support of my family and a team of great therapists by my side, I have walked a path filled with healing and the continuous struggle to reclaim my sense of self.

And, here I am, declaring with all my might: No more! This should not, cannot, be the reality for us kids.

In sharing my story, I don't want to just highlight the personal challenges I faced. I want to shed light on the broader issue of online safety and mental health for kids. We need to make safer online spaces where youth can explore, learn, and grow without being groomed, stalked, and preyed upon.

The responsibility to create safe online environments for kids should not rest on the young shoulders of users like myself. Now at 16, I've been forced to mature beyond my years, always planning for my safety in a digital world filled with unseen dangers. This burden is one that no child should bear.

But seeing that you care enough to give this bill a hearing, I am hopeful about the future. It's time for us to stand together. It's time for you to make online platforms safe for me and kids just like me, our kids, and every future generation.

Thank you.

Shamail Henderson
Minneapolis, MN 55422



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Minnesota Attorney General Keith Ellison
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April 16, 2024

The Honorable Jamie Becker-Finn
Chair, Judiciary Finance and Civil Law
Committee
559 State Office Building
St. Paul, MN 55155

The Honorable Peggy Scott, Ranking
Member, Judiciary Finance and Civil Law
Committee
335 State Office Building
St. Paul, MN 55155

Re: House File 2257

Dear Chair Becker-Finn, Ranking Member Scott, and committee members:

Pursuant to my duty under section 8.32 of the Minnesota Statutes to recommend statutory changes to protect consumers, I write in strong support of House File 2257, the Minnesota Age-Appropriate Design Code Act. This innovative legislation seeks to enhance online privacy and safety protections for children in a digital world increasingly full of pitfalls that threaten harm to Minnesota's youngest residents.

Compelling research published by the 5Rights Foundation illustrates the way that—apparently by design—children are often exposed to and steered towards troubling and inappropriate content online. A key finding of their research was that “the design features of the digital world are not accidental, but are deliberately aimed to increase time, spread and activity with insufficient corresponding mitigations to protect children from the impact - even when it involves harmful material or activity. These are not bugs but features of the digital world.”

House File 2257 would establish a new consumer protection act, that would require businesses over a certain size (i.e., businesses that have annual gross revenues in excess of \$25 million; buy or receive the personal information of 50,000 or more concerns, households, or devices; or derives 50% or more of its annual revenues from selling consumers' personal information) to consider the best interests of children when designing, developing, and providing online services, products, or features and to prioritize the best interests of children over commercial interests.

Protecting the best interests of children from the detrimental effects of online services, products, or features is a large and ongoing problem. For example, FTC research indicates that dark pattern practices have been deployed in children's gaming apps, leading to harm such as unauthorized charges, and preventing consumer cancellation attempts. Increasing research shows that large social media platforms such as Meta and TikTok employ practices and techniques that negatively impact children and youth, including physical and mental health harms such as depression, eating disorders, and even suicide. For example, a report from one parental control app



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(see reference), analyzed more than 3.4 billion messages across texts, email, apps, and social media platforms found that:

- 70% of tweens and 91% of teens encountered nudity or content of a sexual nature;
- 75% of tweens and 93% of teens engaged in conversations surrounding drugs/alcohol;
- 72% of tweens and 85% of teens experienced bullying as a bully, victim, or witness;
- 43% of tweens and 75% of teens were involved in a self-harm/suicidal situation.

The intent of House File 2257 closely aligns with the work of my Office. In October 2023, I joined a bipartisan group of 42 state attorneys in suing Meta for intentionally creating addictive design features that manipulate children and teens into spending as much time as possible on their platforms despite knowing this often causes them serious physical and mental harm. That litigation is ongoing. Similarly, my Office, along with a large, bipartisan coalition of attorneys general, continues to actively investigate TikTok for similar practices, including design features TikTok uses to capture the attention of young users and addict them to their platform.

As Attorney General, I reaffirm the need for substantive, enforceable laws in Minnesota that protect not only the privacy rights of children, but that also address real, demonstrated harms to children associated with the addictive use of online platforms and the exploitative and predatory use of children's personal information. I'm pleased to support House File 2257 and thank you for your leadership on this important issue affecting millions of Minnesotan children.

Sincerely,

KEITH ELLISON
Attorney General