

Minnesota Chapter

INCORPORATED IN MINNESOTA

American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN®

Minnesota Chapter of the American Academy of Pediatrics

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Burnsville, MN 55306

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January 10, 2024

Chair Bonnie Westlin
Legislative Commission on Data Practices
658 Cedar St.
St. Paul, MN 55155

Re: In support of the Age-Appropriate Design Code Act (SF 2810)

Chair Westlin,

The Minnesota Chapter of the American Academy of Pediatrics (MNAAP) is a leading voice on children's health and well-being in Minnesota. The MNAAP represents more than 1,000 pediatricians, pediatric providers, and pediatric trainees - all of whom are committed to protecting and advancing the health of every child and adolescent in Minnesota through advocacy, education, and special projects. We write to you today in support of the Minnesota Kids Code - SF 2810 (Maye Qaude, the Age Appropriate Design Code Act). Through this bill, Minnesota can #PutKidsFirst by requiring the places kids go online provide them data privacy, and thus safer online experiences, by design and default.

As pediatricians and pediatric providers, we know that children are not just little adults. They differ physically, psychologically, and emotionally in ways that make them more vulnerable to certain conditions and experiences than adults - including their susceptibility to data-driven marketing practices and manipulative design. Given that the prefrontal cortex of the human brain, which is responsible for skills like planning, prioritizing, and decision-making, is not fully developed until the mid to late 20s, children's and adolescents' ability to practice emotional control, impulse inhibition, mental flexibility, perspective taking, and attentional control are not fully developed. All of this has direct implications for children and adolescents' behavior online.

For example, children and adolescents are more attracted than adults to the novelty and rewards that online experiences are designed to offer. They are also more susceptible to influence from peers - including celebrities or influencers that they like or identify with - and may be especially vulnerable to online algorithms designed by and for adults. These algorithms and other design features are created to maximize time spent using the product or service, while also collecting vast data profiles about each user. In fact, research has compared social media use to diagnostic criteria for substance use dependencies and found that, like with substance use disorders, many adolescents report an inability to stop using social media - even when they want to. Additionally, this research found that many adolescents use social media to regulate their emotions, need increasing social media use to achieve the same level of pleasure, experience withdrawal symptoms following abstinence, and experience significant impairment in their daily educational and social routines. As medical professionals, we know how to react when substance abuse interferes with the health of our patients. Yet, when it comes to online products or services we do not have the same tools or supports. Regulators allow these companies to harm our patients in ways that would be considered completely unacceptable elsewhere.

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In fact, the manipulative design and engagement extending features built into online products and services often lead to excessive use and prevent children from developing healthy relationships with technology. The U.S. Surgeon General recently issued a report detailing the digital world's risks of harm to children, warning that internet and social media platforms are intentionally "designed to maximize user engagement" in terms of user time spent, frequency of use, and attention - with adolescents self-reporting that they spend more time on social media and other online platforms than they intended, in ways that hurt their wellbeing. The report warned that .

We see the outcomes of these harms daily in our patients. This is why we urge your support of SF2810. The MN Kids Code is a design code rooted in data privacy principles, which means entities with online services and products likely to be accessed by children and adolescents must design their products to protect kids' privacy in an age appropriate way. This means not collecting or selling their data, setting high privacy standards by default, and avoiding manipulative design - all of which would greatly impact the way our patients interact with the online world for the better.

It is past time that we require companies to design these products and services with the safety of children, rather than corporate profits, in mind. As both the research and our experience with patients show, protecting our children's physical and mental health must include having guardrails in place for their online experiences. This is not simply a responsibility to be laid at the feet of parents. The parents of our patients know about the importance of screen time limits and the potential dangers lurking in online spaces - but they are also up against the reality that the internet is an integral part of their children's daily lives. Parents' own rules and limits are no match for products designed to manipulate their children's developing brains into craving more and more time online.

We respectfully ask the Data Practices Commission to #PutKidsFirst by recommending the passage of the SF 2810 in the 2024 Legislative Session.

Sincerely,

A handwritten signature in blue ink that reads "Eileen Crespo".

Eileen Crespo, MD, FAAP

President, Minnesota Chapter of the American Academy of Pediatrics