

The Vermont Kids Code

What Public Health Professionals Should Know

The Vermont Kids Code, an Age Appropriate Design Code model, is a consumer protection bill that protects children under 18 from the manipulative and harmful design practices that exacerbate today's mental health crisis.

In May 2023, the US Surgeon General released an Advisory on Social Media that provides evidence on how social media products are not sufficiently safe for children and adolescents.¹ The advisory notes that “social media platforms are often designed to maximize user engagement, which has the potential to encourage excessive use and behavioral dysregulation.”

This advisory calls attention to growing concerns about the impact of social media on young people's mental health. While multiple stressors influence mental health conditions, the use of digital and online products was found to significantly contribute to increases in depression, self-harm, and suicide.² **Youths in Vermont are in a mental health crisis.** According to the 2021 Vermont Youth Risk Behavior Survey, one-third of high school-aged participants reported experiencing poor mental health “most of the time” or “always.”³ While youth suicide rates remain level in the state, young people are showing up in crisis situations more often.⁴

Digital Platforms are Harmful by Design

Many online products are intentionally designed to keep kids online longer with the use of addictive features and invasive techniques such as profiling, notifications, “likes,” and more. Many features designed to maximize engagement are also blatantly dangerous for kids. For example:

- 75% of the top social media platforms use AI to recommend children's profiles to strangers.⁵
- Leaked Instagram documents said the platform is exacerbating body image problems for 1 in 3 teen girls.⁶
- 6% of US teens link their interest in suicide directly to Instagram.⁷
- Research finds that within three minutes of account setup on TikTok, young people are recommended self-harm.⁸
- High levels of screen time are closely associated with poor sleep quality among adolescents, having downstream effects on psychological and behavioral outcomes.⁹

The Kids Code Addresses the Root Cause

Just like medical professionals have a fiduciary responsibility to act in the best interest of their patients, the Vermont Kids Code creates an overarching “duty of care” that requires companies to design their products with the “best interests of children” in mind.

With the Vermont Kids Code, companies will be directly responsible for designing their products to enhance kids' safety and well-being by protecting privacy and removing manipulative and harmful designs from the outset.

Status Quo Problem	The Kids Code Solution
Companies' business models prioritize profit over the well-being of young users.	Companies must design their products with the "best interests of children" in mind.
Companies encourage constant use with addictive design features (e.g., infinite scroll) that contribute to depression and anxiety.	Companies must remove addictive design features and institute developmentally appropriate designs.
Companies design algorithms to maximize screen time and manipulate minors into providing more personal data in order to profit from children's increased screen time.	Companies must adhere to strict data privacy requirements and apply common sense product safety practices to all online products, services, or features, including algorithms.
Companies use "dark patterns" to trick kids into lowering privacy/data security settings and making in-app purchases.	Companies are forbidden from manipulating design to mislead children and required to default to high privacy settings for kids.
There's no oversight or accountability when companies design inappropriate products.	Companies must complete risk assessments on their product design and data use practices.

The increase in mental health concerns among youths has grown exponentially since the outset of the pandemic, presenting a complex public health crisis. This requires a multi-pronged effort to address compounding sources of harm to developing minds. The Vermont Kids Code targets one critical facet - the overuse of online products. By establishing preventative safeguards directly into the design, this bill takes an upstream approach to promoting healthy technology habits from the product design level.

For Further Information

Contact: info@VTKidsCode.com

Website: VermontKidsCode.com

Sources

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