



March 1, 2024

Senator Kesha Ram Hinsdale  
Chair of the Senate Committee on Economic Development, Housing, and General Affairs  
115 State Street  
Montpelier, VT 05633-5301

Senator Alison Clarkson  
Vice Chair of the Senate Committee on Economic Development, Housing, and General Affairs  
18 Golf Avenue  
Woodstock, VT

**RE: S289 – Vermont Kids Code**

Dear Senate Committee Members:

Design It For Us is a youth-led coalition advocating for safer online platforms and social media. We aim to drive and achieve key policy reforms to protect kids, teens, and young adults online through the mobilization of youth activists, leaders, and voices. **We ask you to support the Vermont Kids Code.**

As digital natives, we demand a safer environment in which we can continue to grow and thrive. We don't want to be shut out from the internet – we want to make it better.

The online ecosystem can be a productive and positive place. We benefit every day from the creativity it fosters, the communities it strengthens, and the vast personal and intellectual growth it enables. However, the unchecked, profit-driven mechanisms employed by Big Tech on social media and online platforms have caused immense and unnecessary harm. Big Tech has addicted and exploited our generation. Our mental, physical, and emotional well-being is at stake. Accountability is long overdue.

The Kids Code is measured, it is vetted, and it is workable. It is time for regulations to catch up with our lived experience, research<sup>1</sup>, and industry best practices<sup>2</sup>. **Listen to us, your constituents, and the population this bill seeks to protect, not industries that benefit from our exploitation.**

**Do not listen to platforms, advertisers, or other businesses when they say that the Vermont Kids Code is so broad it would sweep nearly every company on the internet under the bill's scope.** This is a far cry from the truth. The Kids Code is narrowly tailored to only to apply only to for-profit entities that buy and sell the personal data of 50% of the Vermonters from whom they collect personal

---

<sup>1</sup> Matthew A. Lapiere, Frances Fleming-Milici, Esther Rozendaal, Anna R. McAlister, Jessica Castonguay; The Effect of Advertising on Children and Adolescents. Pediatrics November 2017; 140 (Supplement\_2): S152–S156. 10.1542/peds.2016-1758V

<sup>2</sup> IEEE Standards Association, 8 Examples of Protecting Children's Data Privacy and Fostering a Positive Experience, 13 July 2022, found at <[IEEE SA - 8 Examples of Protecting Children's Data Privacy and Fostering a Positive Experience](#)>

data. After meeting that threshold, the Kids Code would only regulate the entities that are reasonably likely to be accessed by at least 2% of Vermont youth aged 2 to 18.

**Do not listen to advertisers when they say that the Kids Code would deprive Vermont youth of access to and benefits from the Internet including the ability to learn about future educational opportunities.** The Kids Code does not prohibit advertising, or even targeted advertising to youth. It prohibits the profiling of children and the sale of their personal data. Research shows that the use of hyper-personalized data is addictive, which makes platforms harder to cease using. Importantly, the Kids Code allows for the use of profiling in a way that would benefit youth, under which advertising of high-quality educational opportunities should be permitted.

**Do not listen to industry arguments that Vermont should not act to protect its youth because this bill has been found to be unconstitutional in other states.** We have repeatedly seen how Big Tech will turn to the courts in an attempt to stop any oversight of their industry when they cannot stop proposed legislation through lobbying. 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 Kids Code. The District Court sided with industry, but the fight is far from over as the case has been appealed to the 9th Circuit.

The Vermont Kids Code before you is not the same as what is being challenged in California. Lessons from the litigation have been applied and the Vermont Kids Code has been strengthened against legal attacks with clarifying definitions and language. The State of Vermont has the duty and right to pass laws that regulate industries in ways that protect Vermont residents. Big Tech is attempting to circumvent this right through litigation and fear-mongering.

**We need data privacy and mitigation of reasonably foreseeable risks of harm now.** The internet wasn't created for us.<sup>3</sup> A recent study found that of the apps and services teenagers aged 13-17 use, less than a third were designed for teens. As teens, we lose countless hours of sleep because autoplay is the default setting on apps with videos. We question our self-worth because we are fed targeted ads that promote harmful practices and unattainable beauty standards. We are subject to bullying, discrimination, and sextortion because the industry is willing to knowingly sacrifice our health for profit.

By approving the Vermont Kids Code, you have the opportunity to curb the tide of tech's harms while creating space for its positive aspects to flourish. This is not about limiting our access to the internet and its connective, expressive, and innovative opportunities. It is about amplifying our ability to engage with such an opportunity without a looming risk of harm.

We are students. We are humans. We are the future of this country. And we are asking you to demand the design of online spaces for us, so the next generation can benefit from a better online world. Please support the Vermont Kids Code.

Thank you for your consideration of our perspective.

---

<sup>3</sup> Accountable Tech, Prevalence of Design Harms Among Young People, 29 March 2023, found at <https://accountabletech.org/research/prevalence-of-design-harms-among-young-people/>

Sincerely,

Design It For Us Coalition

[Design It For Us](#) is a first-of-its-kind youth-led coalition that aims to drive and achieve key policy reforms to protect kids, teens, and young adults online through the mobilization of youth activists, leaders, and voices. Our coalition is led by two Co-Chairs and a Core Team of young people between the age of 18 and 26. We are a growing network of hundreds of youth activists and youth-led organizations, leveraging our power to ensure that online spaces are designed for us.