



April 8, 2025

The Honorable Michael Marcotte
Chair, House Committee on Commerce and Economic Development
Room 37, State House
115 State Street
Montpelier, VT 05633-5501

Re: Oppose SB.69 and protect access to digital content for vulnerable youth

Dear Chair Marcotte and members of the Committee:

On behalf of Chamber of Progress—a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological advancements—I write to respectfully urge you to **oppose S.69**, which would inadvertently compromise online privacy, prohibit online services from offering teenagers healthy, algorithmically curated feeds by default, and disproportionately harm Vermont’s most vulnerable youth.

Chamber of Progress applauds S.69's efforts to address harm to minors. We remain committed to advocating for policies that prioritize online safety for young people. However, we must also emphasize the importance of safeguarding fundamental rights such as freedom of speech and privacy, and we are concerned about the potential harm this bill may cause to youth in Vermont.

S.69 would undermine the privacy and online experiences for *all* users

We acknowledge and appreciate that S.69 does not have an explicit age verification requirement. Nevertheless, the bill’s multi-factor test comprises a de-facto requirement to verify the age of **ALL** users - a tremendous encroachment of individual privacy. For almost any service accessible to Vermonters. That’s because the overwhelming majority of commercial internet sites are “*routinely accessed by an audience that is composed of at least two percent minors two through 17 years of age.*” The text suggests empowering the Attorney General to establish age assurance guidelines, seemingly acknowledging this implicit age verification requirement.

However, age estimation requires gathering even *more* data, acting contrary to data minimization efforts and contradicting the bill's own privacy principles. Age estimation is inherently unreliable, so many online services will simply opt for strict age verification to avoid potential legal risks. Thus, S.69 leaves Vermonters with an unpleasant dilemma: turn over sensitive personal data to access or forgo the access to that online service entirely.

S.69's provisions will ultimately compel companies to gather personal information from so many users threatening cybersecurity. Specifically, services that cater to LGBTQ+ communities would be at particular risk for targeting since their data could be used for cyberbullying or blackmail. Privacy violations online often lead to offline violence. In 2024, LGBTQ+ people experienced increases in physical threats,¹ and in 2022, 54% of respondents reported experiencing severe harassment, including stalking, physical threats, and doxing.² This is not a theoretical threat: recently a company that offered verification services to online platforms was found to have left personal data unprotected, threatening the privacy of untold numbers of users.³

Platforms may over-moderate for all users, disparately impacting historically marginalized youth

The minimum duty of care provision in S.69 is well-intentioned but ultimately overly broad. The bill imposes liability on businesses for “reasonably foreseeable emotional distress” and “compulsive use” without clearly defining these terms or outlining objective enforcement criteria. This ambiguity could lead to arbitrary enforcement and unintended censorship, as platforms may over-moderate content to avoid potential liability, resulting in a diminished experience for users of *all* ages and restricting vulnerable youth from the resources they need the most.

Marginalized and at-risk youth have the most to gain from social media engagement, particularly if they face adversity or isolation offline. Researchers have identified that social media can be beneficial by offering meaningful social interactions, confirmed by a Pew survey indicating 81% of American teens say social media makes them feel more connected, while 68% say social media makes

¹ See <https://www.adl.org/sites/default/files/documents/2024-06/online-hate-and-harassment-the-american-experience-v2024.pdf>

² See <https://www.adl.org/sites/default/files/pdfs/2022-09/Online-Hate-and-Harassment-Survey-2022.pdf>

³ See <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver-licenses-au10tix/>

them feel that they have a support network in face of hardship.⁴ The network benefit is most critical for marginalized youth, including but not limited to youth of color,⁵ LGBTQ+ youth, youth with disabilities,⁶ Neurodiverse youth, and low-income youth. Common Sense Media reports that for Black, Latino, and LGBTQ+ youth “social media is a vital source of connection, news, and inspiration.”⁷

Social media can save lives—particularly for vulnerable youth lacking supportive in-person environments. The Lancet Medical Journal’s recent Commission on Self-Harm finds that social media use may have protective effects for individuals at risk of self-harm who are isolated or otherwise have difficulties forming in-person connections.⁸ For many, these platforms provide a lifeline to supportive communities, offering access to mental health resources, peer support, and crisis intervention tools that may not otherwise be available. This is particularly true for LGBTQ+ youth who use online platforms to seek emotional support, search for information about their identities, and find communities that accept them when their own parents do not.⁹ In Vermont, 42% of LGBTQ+ youth do not consider their home to be an affirming environment,¹⁰ while 68% of LGBTQ+ youth nationwide reported finding online spaces to be supportive, and 64% identified role models on social media.¹¹

We agree that greater protections for young users are needed, but this bill’s requirements would undermine those protections and harm vulnerable users. Instead of imposing a vague duty of care, Vermont should focus on strengthening digital literacy and parental tools to empower families while preserving access to information.

⁴ Zain Jafar, et. al., at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10439458/#R18>

⁵ Thomas, A., Jing, M., Chen, H. Y., & Crawford, E. L. (2023). Taking the good with the bad?: Social Media and Online Racial Discrimination Influences on Psychological and Academic Functioning in Black and Hispanic Youth. *Journal of youth and adolescence*, 52(2), 245–257. <https://doi.org/10.1007/s10964-022-01689-z>

⁶ See <https://www.nytimes.com/2019/06/05/learning/im-a-disabled-teenager-and-social-media-is-my-lifeline.html>

⁷ See https://www.common sense media.org/sites/default/files/research/report/2024-double-edged-sword-hopelab-report_final-release-for-web-v2.pdf

⁸ Moran, P., Chandler, A., Dudgeon, P., Kirtley, O. J., Knipe, D., Pirkis, J., Sinyor, M., Allister, R., Ansloos, J., Ball, M. A., Chan, L. F., Darwin, L., Derry, K. L., Hawton, K., Heney, V., Hetrick, S., Li, A., Machado, D. B., McAllister, E., McDaid, D., ... Christensen, H. (2024). The Lancet Commission on self-harm. *Lancet (London, England)*, 404(10461), 1445–1492. [https://doi.org/10.1016/S0140-6736\(24\)01121-8](https://doi.org/10.1016/S0140-6736(24)01121-8)

⁹ Michele Ybarra, et. al., “Online social support as a buffer against online and offline peer and sexual victimization among U.S. LGBT and non-LGBT youth.” *Child Abuse & Neglect* vol. 39 (2015). <https://www.sciencedirect.com/science/article/pii/S014521341400283> X?via%3Dihub

¹⁰ See <https://www.thetrevorproject.org/wp-content/uploads/2022/12/The-Trevor-Project-2022-National-Survey-on-LGBTQ-Youth-Mental-Health-by-State-Vermont.pdf>

¹¹ See <https://www.thetrevorproject.org/survey-2024/>

We caution the Committee that similar laws in Texas,¹² Maryland,¹³ and California¹⁴ have been struck down in court, as the courts have reaffirmed that the First Amendment protects individuals—regardless of age—in their right to access and engage with lawful expression.

Again, we commend the bill sponsors and the committee for their dedication to promoting healthy and safe online spaces for youth. However, we are concerned that this bill could unintentionally limit access to valuable resources, disrupt supportive online communities, and create barriers that disproportionately impact Vermont's most vulnerable youth. For these reasons, we respectfully urge you to **oppose S.69**.

Sincerely,

A handwritten signature in black ink, appearing to read "B. January", written in a cursive style.

Brianna January

Director of State & Local Government Relations, Northeast Region

¹² See <https://www.texastribune.org/2025/02/07/texas-scope-act-minors-social-media-restrictions/>

¹³ See <https://marylandmatters.org/2025/02/03/social-media-companies-head-to-court-claim-maryland-kids-code-is-unconstitutional/>

¹⁴ See <https://www.rcfp.org/x-v-bonta-ninth-circuit-ruling/>