



# Social Media Victims Law Center

600 1st Avenue, Suite 102-PMB 2383  
Seattle, WA 98104  
(206) 741-4862

Laura Marquez-Garrett  
Attorney  
laura@socialmediavictims.org

March 9, 2025

Senator Wendy Harrison  
[WHarrison@leg.state.vt.us](mailto:WHarrison@leg.state.vt.us)

Dear Senator Harrison:

My name is Laura Marquez-Garrett, and I am an attorney at the Social Media Victims Law Center (SMVLC). This letter is submitted to explain why we support S69, the Kids Code/Age-Appropriate design code, a bill that goes hand in hand with the best practice of the Phone and Social Media Free school legislation, S21.

## **Background**

SMVLC is a small Washington State law firm, founded by Matthew Bergman in late 2021 for the sole purpose of representing children harmed by social media products that, as currently designed and distributed, are health harming products.

In three years, SMVLC has been retained on behalf of more than 4,000 children across the U.S. (most between the ages of 10 to 18) in connection with social media related harms such as:

- Suicide
- Accidental Death
- Attempted Suicide
- Problematic use (also referred to as addiction)
- Anxiety and depression
- Sexual Exploitation
- Sextortion
- Eating disorders

Our team has intimate knowledge and expertise of how the design of social media products endanger Vermont's children. SMVLC currently represents eight Vermont families residing in the following counties,

- Chittenden
- Lamoille
- Windham
- Washington
- Windsor

Over the last three years, we have met with thousands of parents and children, reviewed medical, school, and police records, analyzed back-end data pulled from children’s accounts across all major platforms, engaged in product testing and reviewed related studies, and engaged in discovery and interviewed industry experts.

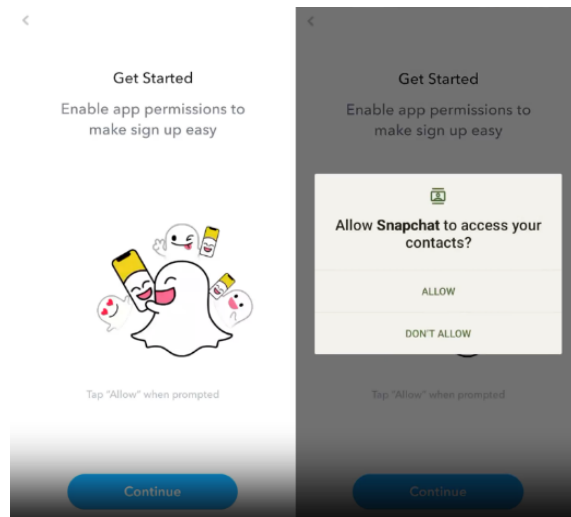
Our clients sustain these harms through virtually any wi-fi enabled device, not just parent provided smart phones. This includes,

- School devices (including while kids are in class and even in situations where parents request that the school not provide such access),
- Gaming consoles, like the Xbox, PlayStation, and Nintendo Switch,
- Smart TVs (check your own, as I recently learned that I do not even have the option to delete the web-browser app that came pre-installed on mine),
- Tablets with parental controls installed, and
- Friends’ devices, or the phone any teen can walk into Target and buy for \$50.

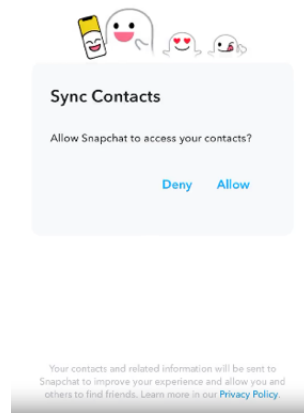
### **Social Media Poses a Clear and Present Danger to Minors**

The following are just a few examples of social media product designs that put children at risk in ways not obvious to parents.

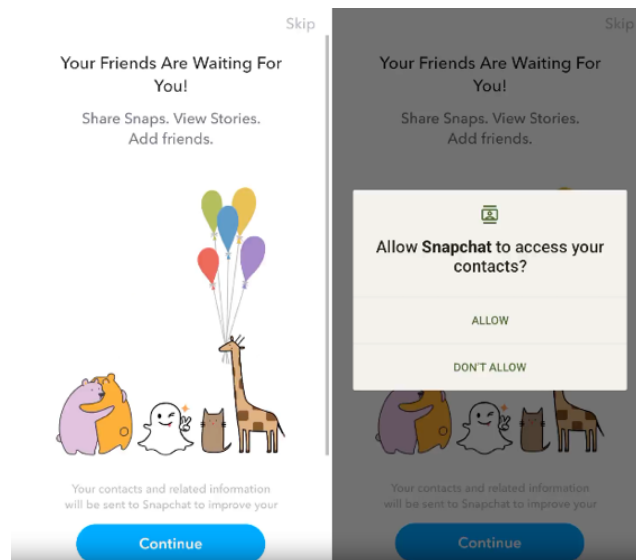
- Use of “dark patterns,” which trick consumers into agreeing to something to which they might not otherwise agree. Here is an example from the Snapchat sign-up process, including faded messaging designed to get consumers to click “allow” without ever reading or understanding the invasive degree of access to personal information sought,



If a user does not “Allow” then Snap (and platforms like it) keep asking. Instead of providing easy-to-understand disclosures, they make misleading claims designed to obtain access, *i.e.* that such access is necessary to improve the user experience and find friends.

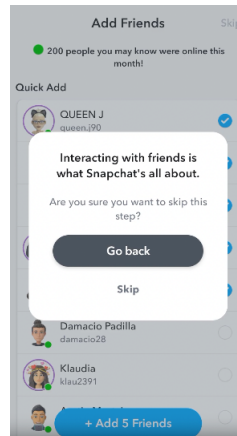


And they keep asking, and making it look fun and safe, because there are no regulations or requirements prohibiting such manipulative and deceptive tactics, even when aimed at children.



- Representations meant to convince children that strangers are not strangers at all. Here are some examples of Snapchat statements,
  - “Your Friends are Waiting for You!”
  - Interacting with Friends is what Snapchat’s all about.
  - Add Friends
  - 200 people you may know were online this month!
  - Add them as a friend so that they can see your Story.

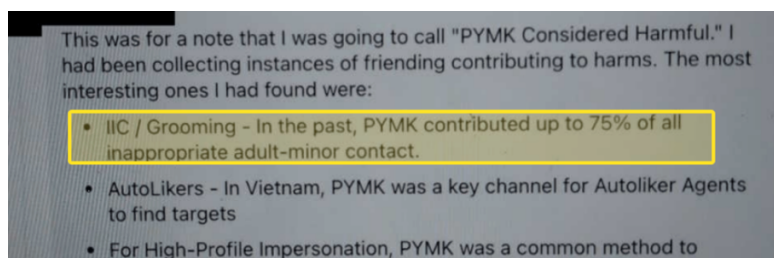
The above account was opened on a burner phone with no contacts such that, in every instance, Snapchat was referring to a complete stranger.



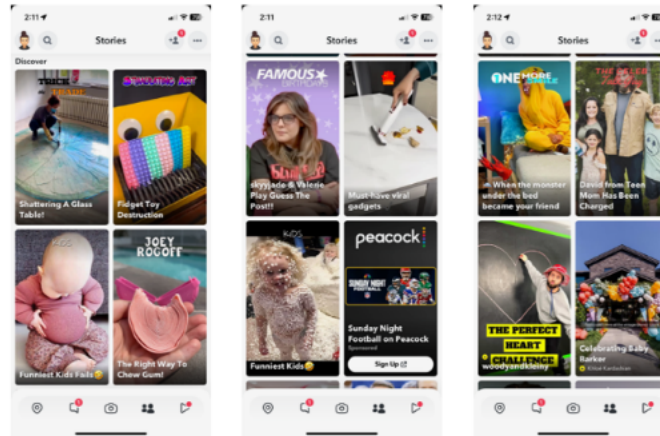
- These platforms also create strong incentives for children to add the product-recommended “friends” by providing rewards and what we refer to as “gamification.” Snapchat users, for example, have publicly viewable Scores, as well as Streaks, Friend emojis and/or rankings, and Charms. The more users connect to “friends,” the higher their scores grow, resulting in a dopamine boost.
- Snap and other platforms also take thousands of our children’s personal data points and use them to profile and target children through highly refined content and user recommendation systems. Social media platforms know how old each user is, no matter how they self-identify their age. They use that information for marketing and product development ... and ignore it for safety. It’s counterintuitive, but these products are far more dangerous when used by minors.

For example, when young girls open Instagram or Snapchat, they report being bombarded with explicit (unsolicited) photos and sexual offers. In contrast, the adult females with whom we have spoken say that they are not. In very plain terms, if I’m a forty-year-old looking for 13-year-olds and you offer me 40-year-olds, I lose interest. If you offer me children, your store becomes my new favorite place. That is how profiling works and that is what certain of these companies currently are doing to children as a matter of design and engagement first programming choices.

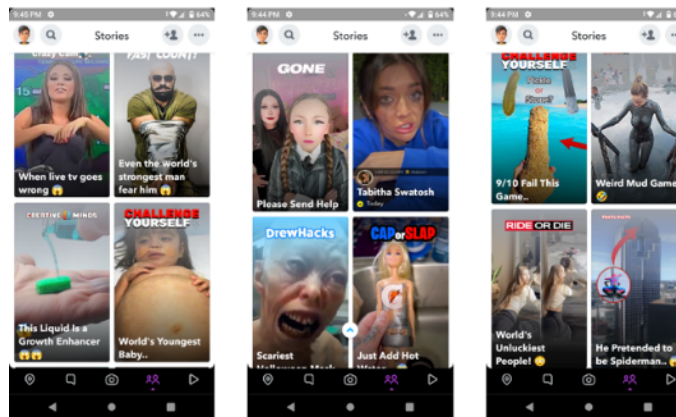
The following is a Meta document made public after 2021, discussing these harms as they relate to the Facebook user recommendation feature, People You May Know.



Another illustration of how profiling harms work: an account opened by a self-identified adult female and not running any searches might receive the following from Snap via the Discover/Stories feature (a feature Snap claims to curate and from which, on information and belief, it receives significant marketing revenue),



While an account opened by a self-identified minor male and not running any searches might receive the following from Snap via the Discover/Stories feature,



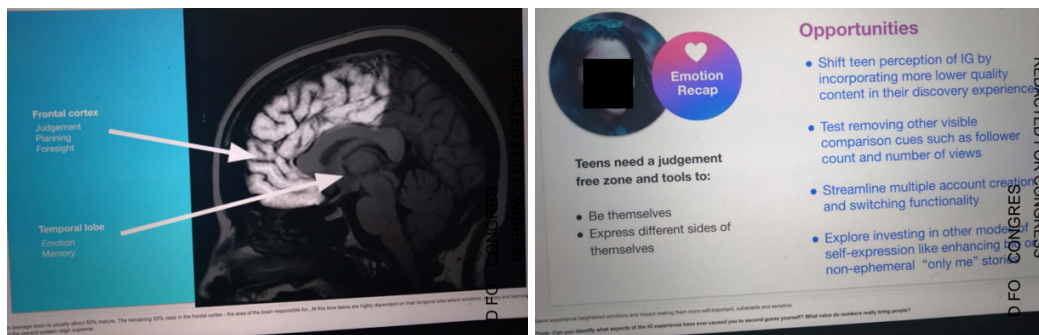
Some of the most disturbing content that is pushed, UNSOLICITED, to children are live murder and suicide videos. As an adult, I have never received live murder or suicide videos on any social media platform, nor do I know of any adults who have. This may be difficult to believe, but I have spoken to dozens of children who have received such videos. As you can imagine, those harms are ones that do not simply go away.

### **Social Media Companies Know Their Platforms Harm Kids**

Adolescent brains are not fully developed in regions related to risk evaluation, emotional regulation, and impulse control. Social media companies intentionally design their products to exploit young users' diminished decision-making capacity, impulse control, emotional maturity, and psychological resiliency caused by users' incomplete brain development. Because young

users' frontal lobes are not fully developed, they experience enhanced dopamine responses to stimuli and are therefore much more likely to become addicted to social media products; exercise poor judgment in their social media activity; and otherwise not understand or appreciate the risks.

These companies know this, in fact, they are counting on it. The following are screenshots from another published Meta document, titled "The Power of Identifies: Why Teens and Young Adults Choose Instagram. These companies explicitly consider our children's age-based vulnerabilities when designing their products, and our lawmakers should too.



These types of dangerous and manipulative designs further contribute to compulsive use. Compulsive use is not just a child who likes to use social media a lot. It is a child so harmfully dependent on these products that they cannot sleep or even think. We represent thousands of families whose children lose control, engage in self-harm, even run away when access to these products is denied. We represent a family whose fourteen-year-old daughter wrote in her suicide note, "You shouldn't have taken my phone away," and another whose fifteen-year-old son took his own life immediately after yelling that his parents made him lose his Streaks (referring to Snapchat Streaks). In response to complaints like this, Snap made it so that a child can buy back their streaks if they lose them, rather than eliminating the harmful feature from its product.

According to TikTok's own documents, TikTok causes anxiety and depression and makes it difficult for children to do things like make eye contact with others.

- "The product in itself has baked into it compulsive use."<sup>1</sup>
- "The reason kids watch TikTok is because the algo[rithm] is really good. . . . But I think we need to be cognizant of what it might mean for other opportunities. And when I say other opportunities, I literally mean sleep, and eating, and moving around the room, and looking at somebody in the eyes."<sup>2</sup>
- "[C]ompulsive usage correlates with a slew of negative mental health effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety," in addition to "interfer[ing] with essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones."<sup>3</sup>

<sup>1</sup> TT-MS-AG-000285717 at 51:42, as per pleadings filed by Kentucky AG.

<sup>2</sup> TT-MS-AG-000285717 at 49:24, as per pleadings filed by Kentucky AG.

<sup>3</sup> TT-MS-AG-000200080, as per pleadings filed by Kentucky AG.

Also according to TikTok's own documents, its algorithm is so effective that all it takes to hook an average user is 260 TikTok videos. TikTok videos can be as short as 8 seconds and are played automatically and in rapid-fire succession, thus equating to as little as 35 minutes of TikTok use. This is from the speed of the algorithm, the data points TikTok extracts and uses to target our children, and the frightening accuracy of its targeting technologies.

Kids are vulnerable to these designs and begin to lose themselves, break rules to keep using, and pull away from the people trying to impose healthy boundaries on their use; traditionally well-behaved students develop behavioral problems in class; and a multitude of similar harms. This is very much an addiction in terms of its impact.

These companies not only internally acknowledge this, they have spent billions to create addictive features that lead to compulsive use such, which features have nothing to do with content. This includes, and to name only a few,

- Slot machine mechanics
- Continuous Scroll and Neverending Feed
- Gamification features
- Push notifications in the middle of the night and at school
- Even the speed of the algorithm.

Online products do not need to work this way to work. These dangerous designs simply make them exponentially more profitable. For example, if Meta slowed its algorithm just slightly during the evening, kids would be able to log off when they wanted to go to sleep. Meta knows, they just won't make these kinds of simple, product changes because kids are the greatest consumers of their products and, if their products were less addictive, would use them less at night. Meanwhile, this means millions of American children suffering from severe, even debilitating sleep deprivation and resulting mental health harms such as anxiety, depression, inability to self-regulate, and suicidality.

These dangers cannot be addressed simply with parental oversight, education, or Big Tech provided tools – because they are product-level defects. Parents and teachers cannot plan ahead when it comes to addiction or design-based manipulation and cannot educate children about design-based dangers effectively concealed from consumers.

### **Legislative Imperative to Prevent Social Media Harms**

S69 addresses how social media companies design and distribute their products on virtually any wi-fi enabled device – including school laptops.

I encourage you to speak to your colleagues about the Phone and Social media free school bill. School is supposed to be the place where our children are safe. I cannot tell you how many of these harms we see take place not only in a school setting but because schools allowed devices when parents did not.

March 9, 2025

Page 8 of 10

Likewise, many of you have seen reports of teens sextorted and dying by suicide. Please look closely and you will notice that many of these teens are school athletes. That is not a coincidence. It is the result of the fact that Instagram, one of the most commonly used platforms by schools to tout sports teams, is designed and being operated in a way that makes it easy for predators to find and target those children specifically.

For any and all of these reasons, it is not just appropriate but necessary that schools stop asking and requiring students to use these health harming products in order to obtain an education. This not only actively causes harm to kids it also provides parents with false assurances as to the safety of inherently dangerous and defective products.

Every day Vermont waits to impose basic duties of care and safety settings and help our students obtain an education without exposing them to these harms, means more addiction, more exploitation, and more abuse.

Lastly, I would like to emphasize these points and the importance of S69, by sharing the stories of two of Vermont's children (with their permission) as an attachment to this written testimony. We are filing their complaint this week.

Unfortunately, I cannot share a copy of the complaint at this time. The facts, however, are nearly identical to a complaint we filed in Connecticut in early 2023 and Amended in March 2024. I am attaching a copy of that Amended Complaint to this submission and urge you to read it both because it includes specific design-based harm examples and because all of these children deserve for their stories to be seen.

Sincerely,

SOCIAL MEDIA VICTIMS LAW CENTER

A handwritten signature in blue ink, appearing to read 'Lmg', is positioned above the typed name of the sender.

Laura Marquez-Garrett  
Senior Counsel

CC: Kayla Morse, Committee Assistant



### Attachment A

*On Monday, November 2, 2020, at approximately [2:00 a.m.], a Vermont State Police Trooper observed two juvenile females, later identified as 12 year-old ER and 12 year-old NS, standing in a roadway in Williston, Vermont. One of the juveniles, ER, did not have any shoes on, and NS's pants were undone; neither was dressed appropriately for the 37-degree weather. It was later learned that ER and NS had been picked up by a male they believed was 17 years old, later identified as [24 year-old] Brandon Rhoades, who gave them alcohol. . . . N.S. stated that they had met on the app, snap chat . . . ER reported that she had been sexually assaulted by Rhoades and given what she believed to be a Plan B pill after the assault. NS advised that Rhoades kissed her. Rhoades then left ER and NS on the side of the road where they were located by VSP.*

- Excerpt from a police report of the incident.

In March 2024, SMVLC is filing a lawsuit on behalf of the two Vermont teenagers in the story above. They currently are 17 and, instead of thinking about prom and college, are trying to move past the incredible trauma experienced because of Snapchat and its designs. They have chosen to stand up in the hopes that, just maybe, sharing their stories will motivate courts and law makers to protect other children from these same harms.

We refer to these young women by initials in their complaint, and I will refer to them here by the pseudonyms Elizabeth and Shannon.

Elizabeth and Shannon both started using Snapchat around age 10. The Snapchat product is incredibly popular with middle school kids because it is, among other things,

- Advertised with bright colors and cartoon animals,
- Known for silly photo filters and texting with friends, and
- Rated 12+ in the Apple and Google app stores.

Like many parents, Elizabeth's mother looked it up and it appeared to be a fun and relatively safe product for kids. She also talked with her child about known dangers – things like not sending photos and not accepting things from strangers.

In Elizabeth's case, before she started using Snapchat, she was into gymnastics. She and Shannon were well adjusted children who were close with their families and liked hanging out at the local ice cream shop with friends. Like millions of kids, after their use began, the design features resulted in compulsive use and everything changed. They started having problems sleeping, waking up at night to get access, and feeling like they needed and could not live without these products.

Two years after they started using Snapchat, when Elizabeth and Shannon were just 12 (and self-identified as minors), Snapchat pushed Shannon's data to a 24-year-old man who lived nearby. Literally recommended that they "Friend" each other despite the two having no friends in common.

March 9, 2025

Page 10 of 10

- Shannon did not choose a public profile.
- She also had no way to stop Snap from recommending her to adult strangers.
- She also believed Snap when it told her this was a young, cute boy, and that they probably knew each other and were “friends.”

One night, she and Elizabeth snuck out and met this Snapchat “Friend” at a local middle school. Remember, these were 12-year-old girls whose brains were not fully developed – they literally were not equipped with the skills needed to protect themselves and had been repeatedly assured as a matter of product design and corporate interests that this was their “friend” and Snapchat was safe and could be trusted. This “friend” drove them several miles away, offered them vapes and alcohol, and assaulted them. When Elizabeth left the car to check on Shannon, he drove away, with their coats and shoes in his vehicle in December in Vermont.

This story is similar to ones we hear almost every, single week from a new teenager or grieving parent. Because this is how these companies have chosen to design and program the products that they claim to be safe for our children to use.

Elizabeth and Shannon deserved better. All children deserve better.

So please, be courageous like Elizabeth and Shannon and vote yes on SB 69 and any other bill aimed at imposing basic duties of care on the companies and institutions that have access to our children.