

Zach Lilly
Deputy Director, State & Federal Affairs, NetChoice
1401 K Street NW, Ste 502
Washington, DC 20005



Maryland House Bill 0254—An Act Relating to Social Media Regulation

OPPOSITION TESTIMONY

February 22, 2023

Maryland House of Delegates
Economic Matters Committee

Dear Chairman Wilson, Vice Chairman Crosby, and members of the Economic Matters Committee:

Thank you for the opportunity to speak to you today. My name is Zach Lilly, and I am the Deputy Director of State & Federal Affairs at NetChoice. We are a trade associate made up of America's leading tech businesses.

I am here today to ask you to **oppose** HB0254, the Social Media Regulation bill.

I would prefer to start with the positives. I am glad to see the bill recognizes the importance of educating young people in the safe use of social media and the internet. It is a good example of the ways in which the state can act in good faith to protect adolescents while maintaining the ability of families to make choices for themselves and preventing the government from becoming the third parent in every Marylander's family.

The problem, however, begins as soon as the Maryland legislature starts taking unconstitutional queues from states like Florida, California, and Texas.

Following similar legislation, which NetChoice has challenged, states have declared their citizens unable to effectively parent their own children. In direct violation of basic principles of privacy and anonymity online, HB0254 would require a massive expansion of data collection by private companies and the state government.

While the target of the legislation are Maryland minors, the only way to meaningfully differentiate between users is to verify the age and personal information of each individual user in order to protect a covered entity from liability. There is no question that such a misguided regime of privacy violation will chill free expression and violate editorial rights - in direct violation of the 1st Amendment.

I also want to highlight the perverse incentive of creating a state agency largely dependent upon collecting fines built upon unconstitutional state data collection efforts. Law enforcement should be impartial. But unfortunately research, including that by the Institute for Justice, shows that the government often abuses this power. Enforcement officials and apparatuses should not stand to gain financially from their work.

The legislature should move to increase and improve the multistakeholder approach to children's safety online. Online platforms aren't the enemy, and the most effective methods to keeping kids safe have all been developed and deployed by these same platforms. Maryland should not rush to mow over the 1st and 4th amendment in a politically charged attempt to attack America's tech sector.

Again, I would ask for the committee not to advance HB0254. Thank you.

Sincerely,

Zach Lilly

Deputy Director for State & Federal Affairs, NetChoice

NetChoice is a trade association that works to protect free expression and promote free enterprise online.