



February 22, 2024

RE: HB22 1136 Healthier Social Media Use by Youth

SUPPORT

Dear Madam Chair and House Education Committee Members,

My name is Dr. Kathy Wilson, and I live in Loveland. As Co-Director of Action & Advocacy and the Chair of the Education Task Force for the League of Women Voters of Colorado, I am representing the League regarding HB24 1136 Healthier Social Media Use by Youth. The League has been a nonpartisan organization for 104 years, influencing public policy through education and advocacy and encouraging informed and active citizen participation in government. The Colorado League has over 2300 members in 19 local Leagues spanning the state. We urge you to vote in SUPPORT of HB24 1136.

The aim of this bill is to promote the mental and physical health of Colorado's children through informed decision-making regarding the responsible use of social media. The League supports the Colorado General Assembly in this worthy effort. The League is keenly interested in behavioral health care that is integrated with, and achieves parity with, physical health care. HB24-1136 works toward this goal. We particularly support health education – from early childhood and throughout life – that integrates all aspects of social, emotional, and physical health and wellness. This bill works to bring about student self-awareness through education as they utilize social media platforms. Although we question the practical application of Section 4 Part 16 of the bill, we stress the importance of the proposed educational opportunities HB24-1136 presents. Finally, Colorado League members view the state legislature's role in establishing base level expectations in academic achievement to ensure consistency and equity across the state. Requiring course content in social media use to be integrated into current elementary and secondary health curricula will provide timely and relevant information for Colorado public school students. We applaud the sponsors of HB 24-1136 for bringing this bill forward.

Therefore, we urge the House Education Committee members to vote YES on HB24-1136. Thank you for your consideration of this important bill.

Respectfully,

Kathy Wilson, Ph.D.
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The Honorable Barbara McLachlan
Chair
House Education Committee
Colorado House of Representatives
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203

Re: HB24-1136, Healthier Social Media Use by Youth, TechNet Amend

Dear Chair McLachlan and Honorable Members of the Education Committee:

I write on behalf of TechNet to respectfully ask to the Committee to amend HB24-1136. Our industry strongly believes children deserve a heightened level of protection online and TechNet members have been at the forefront of raising the standard for digital well-being across the industry. We thank you for the opportunity to provide feedback on this bill.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, ecommerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Protecting the mental health and security of our children online is a top priority and is something our industry takes seriously. TechNet members have led the way in creating new features, settings, parental tools, and protections that are age-appropriate and empower families to create the online experience that fits their needs, and that are tailored to the differing developmental needs of young people. We encourage legislation that promotes the use of these tools and we support parental supervision as a meaningful way to balance a minor's access to online services with the need to ensure safe experiences. This would allow parents to determine the appropriate time spent and hours of the day for their family. Whether by activating parental controls on streaming television services or smartphone apps that help families manage their digital life across all connected devices, families have options when it comes to filtering content online. An educated consumer armed with

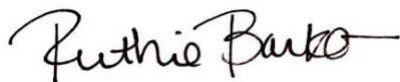
technology is always the best protection against unwanted online interactions. Therefore, we support the education approach of HB24-1136. This bill helps promote the education around the settings and tools available to parents and families and to promote their utilization.

TechNet requests that the provisions in 6-1-1601 (1)-(3) are either removed or amended. We request this due to concerns about interoperability between states absent a federal standard, not because we take issue with what these provisions aim to accomplish. If each state legislates this issue, a conflicting matrix of notification requirements would emerge. This would be impossible to comply with, and we think at minimum these paragraphs must be amended to be less prescriptive as to the content, language, and specific timing of the notifications.

TechNet must also underline that any state law on this issue must respect and uphold the First Amendment, not conflict with any other relevant federal law, and avoid burdening lawful speech. The current drafting of HB24-1136 falls short in this regard. Regulating youth and social media is in many ways similar to regulations state and local governments have attempted to enact in the past to protect minors from the effects of playing violent video games. Such laws have repeatedly been found unconstitutional. *American Amusement Machine Ass'n v. Kendrick*, 244 F.3d 572 (7th Cir. 2001); see also *Entertainment Merchants Association v. Henry*, No. CIV-06-675-C, *3 (W.D. Okla. Sep. 17, 2007). This issue continues to be litigated in multiple states today, with recent court decisions casting doubt on the constitutionality of bills such as this one that place undue barriers on minors' access to speech. While protecting children from harm is an important interest, the Constitution requires the law to be "narrowly tailor[ed]" to that goal. *Entertainment Software Ass'n v. Blagojevich*, 469 F.3d 641, 646-47 (7th Cir. 2006).

TechNet looks forward to working with the Committee to address the above outlined issues. Thank you for your consideration of our perspective on this critical issue, please contact me if you have any questions regarding our position at rbarko@technet.org.

Best regards,



Ruthie Barko
Executive Director, Colorado & the Central U.S.
TechNet

Cc: Members of the House Education Committee