

BILL: House Bill 603
TITLE: Consumer Protection - Online Products and Services - Data of Children
(Maryland Kids Code)
DATE: February 13, 2024
POSITION: SUPPORT
COMMITTEE: Economic Matters
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The Maryland Association of Boards of Education (MABE) supports House Bill 603 to establish reasonable standards and practices for businesses providing online services and content accessible to children.

MABE supports House Bill 603 because it would provide meaningful assurances to families, communities, and the State as a whole that our children are reasonably protected from harmful effects arising from their online activity. Specifically, House Bill 603 would require privacy protections for online products, prohibit data collection and sharing practices, require businesses to document the risks associated with their online products likely to be accessed by children, and establish a duty for businesses under this law to act in the best interests of children. In these ways, the adoption of the “The Maryland Age-Appropriate Design Code Act” will advance the State’s work to protect our children, and our nearly 900,000 public school students, from the most serious and potentially harmful risks and outcomes from their online activities.

House Bill 603 clearly states, “It is the intent of the General Assembly that:

1. Children should be afforded protections not only by online products specifically directed at them, but by all online products they are reasonably likely to access;
2. Covered entities that develop and provide online services that children likely to access shall ensure the best interests of children when designing, developing, and providing those online products;
3. All covered entities that operate in the state and process children’s data in any capacity shall do so in a manner consistent with the best interests of children;
4. If a conflict arises between commercial interests and the best interests of children, covered entities that develop online products likely to be accessed by children shall give priority to the privacy, safety, and well-being of children over those commercial interests; and
5. Nothing in this subtitle may be construed to infringe on the existing rights and freedoms of children.”

MABE endorses these objectives and the State’s passage of House Bill 603 in order to achieve them. Further, this bill clearly articulates the types of behaviors from which children should be protected, and which businesses must work to prevent, including:

1. Reasonably foreseeable and material physical or financial harm to a child;
2. Severe and reasonably foreseeable psychological or emotional harm to a child;
3. A highly offensive intrusion on a child’s reasonable expectation of privacy; or
4. Discrimination against a child based on race, color, religion, national origin, disability, sex, or sexual orientation.

For these reasons, MABE requests a favorable report on House Bill 603.