

The Vermont Kids Code: Fact Sheet

Every day children navigate an online world designed by and for adults. They are marketed to and nudged to pay for products, their every preference and behavior is profiled and used for profit, they are addicted and deceived by designs meant to keep them online longer, and are exposed to risky contacts and behaviors. In the same way that we test cribs and car seats and put nutrition labels on foods, the internet should have product safety standards for children and teens. The Vermont Kids Code is a consumer protection bill that would institute common sense practices of privacy and safety by design to protect children under 18 online.

The Kids Code Addresses Root Causes

The Kids Code—an Age Appropriate Design Code model—places the responsibility for safe online products on tech companies instead of parents and youth. We know families are doing their best when it comes to technologies like social media. The harms that occur are not due to their irresponsibility but rather are the result of extortive privacy practices and intentionally addictive design features. The Vermont Kids Code does not simply provide additional parental controls or tools for users, it requires companies to assess and revise their products and services under a new duty of care model.

Ensuring that Vermont’s Youth have Consumer Protections Online

Just like medical professionals have a fiduciary responsibility to act in the best interest of their patients, the VT Kids Code creates an overarching “duty of care” that requires companies to design their products with the “best interests of children” in mind. Under the Code Vermont we’d see:

Privacy-By-Default	Safety-By-Design
<ul style="list-style-type: none">• All default settings must be set to high privacy• No tracking of kids’ geolocation• No selling kids’ personal data• No profiling kids• Limiting the collection of kids’ data	<ul style="list-style-type: none">• Online experiences must be age-appropriate• Companies must mitigate foreseeable risks of harm to kids• No persuasive or manipulative designs• No features that are detrimental to kids’ well-being

The Vermont Kids Code is

- **Harm Prevention:** The privacy and design by default approach changes mitigate harm at the product level before products reach the hands of kids.
- **Tech Neutral:** Instead of focusing on specific products such as social media or online gaming, the bill would apply to all online products reasonably likely to be accessed by kids. Being tech-neutral ensures that we protect kids where they are online.
- **Content Neutral:** The consumer protection approach focuses solely on ensuring that kids have data privacy protections and safely designed products. The bill does not regulate content.
- **Future Proof:** The Kids Code was designed to be future-proof amidst a constantly changing tech ecosystem. Its tech neutral scope serves to include upcoming tech products that kids might use, such as artificial intelligence-based products. Also, a focus on design not only ensures that safety will be embedded in future products but gives companies the freedom to innovate.

The Vermont Kids Code and Global Momentum

Together, 41 states, including Vermont, have sued Meta for intentionally designing addictive and harmful products. The Kids Code would address the extractive practices outlined by Vermont Attorney General Charity Clark in the [Vermont lawsuit](#), including the use of extortive privacy practices and the use of addictive features such as infinite scroll and autoplay.

The Kids Code has been in effect in the UK for two years and has compelled Big Tech to change the designs of their products to put kids' best interests first, including:

- Instagram and TikTok disabled direct messages between children and adult strangers.
- YouTube turned off autoplay and turned on break and bedtime reminders by default.
- Google has turned on SafeSearch by default for users under 18.
- TikTok has turned off notifications for those under 16 at 9 pm, for those under 18 at 10 pm.

The [Vermont Kids Code](#) sponsored by Sen. Ram Hinsdale and Rep. Monique Priestley joins a growing push for age-appropriate design code legislation at the state level. The legislation has already been signed into law in California and introduced in many other states.

The Vermont Kids Code: Updated to Withstand Big Tech Litigation

The Vermont Kids Code is an updated version of the California Kids Code, which has been held up in the courts by a lawsuit brought by Big Tech lobby firm, NetChoice. The lawsuit against the Kids Code contends that it violates the First Amendment despite the fact that it is about data and design, not content. This is part of Big Tech's playbook to contest any legislation that may regulate their business. [More than a dozen](#) recent amicus briefs filed in the case in support of the Kids Code offer expertise from researchers, technologists, legal experts, attorneys general, privacy and design experts, The American Federation Of Teachers, The American Academy Of Pediatrics, The American Psychological Association, and more outlining the imperative for safety and privacy by design.

Given the growing body of evidence of the harms of online products, and the growing state litigation efforts to combat them, we know these companies are never going to prioritize our kids' privacy and safety - unless regulation requires them to do so.

For Further Information

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