

Senate Testimony: App Store Accountability Act

Chairman Wilson, Vice Chair Lang, and members of the Committee, thank you for the opportunity to testify on Senate Bill 167.

My name is Melissa McKay, and I'm the President of the Digital Childhood Institute, a small nonprofit focused on protecting children in the digital world. I'm here today in my personal capacity as a mother of five great kids, and the views I share today are my own.

Over the past decade, I've written Congressional testimony, led three national child-safety movements, and helped draft six pieces of child-safety legislation, including the Utah version of this app store bill, the first of its kind. My organization also recently filed FTC complaints against Apple and Google.

My passion for this issue comes from personal experience. My first three children grew up with very limited screen time, which we knew was best. My fourth child, who is on the autism spectrum, has different needs and relies on the online world much more for his education and socialization.

Even as an expert, I've felt powerless at times to protect my son online. Trillion-dollar tech companies have built systems that profit from children instead of protecting them. We all know parental controls don't work.

These experiences and others led me to spend nearly two years developing model app store legislation alongside experts in child safety, technology, and law. It was written narrowly and responsibly to target only the most exploitative practices in app stores. Every word of this legislation was crafted by advocates, without the harmful influence of tech companies.

Requiring Parental Consent for Binding App Contracts

Currently, tech companies distort the intent of a 25-year-old federal privacy law (COPPA) beyond recognition to argue that once a child turns thirteen, they should be allowed to disable parental controls and agree to binding online contracts on their own.

Parents deserve the final say in their children's digital lives. This bill rightly restores parental oversight for minors under eighteen in areas such as app downloads and in-app purchases, all of which involve lengthy legal terms that children cannot possibly understand.

Google often claims that so-called "low-risk" apps should not have to verify a user's age or obtain parental consent. But there is no such thing as a low-risk app when even the weather app can expose kids to pornography through in-app advertising backdoors. No app

should be exempt from consent and transparency requirements. Developers shouldn't have the option to decide whether they want to be regulated.

Responsibility for Age Verification

The foundation of any effective child-safety law is the ability to effectively distinguish between children and adults. Legal precedent has always placed the duty of age verification and safe product distribution on the store, not on the individual products it carries.

Google's proposed legislation, however, relies on developers who often don't have the tools necessary for accurate age verification. They also allow for a user's stated or estimated age to be used. Research shows that roughly thirty percent of minors lie about their age online. That's negligence and can cause real harm, like when children are allowed to be paired with adults on high-risk dating apps. It takes Ohio backward on the critical real age-verification laws that have already been passed.

Conclusion

I would ask that you support this bill. Thank you for your time and for your commitment to protecting kids online. I look forward to your questions.