

# EXHIBIT 9

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
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[00:01:15]

**CHAIRMAN JON HAWKINS:** We'll to the first item on our agenda, HB464, Social Media Regulation Act Amendments. Representative Teuscher, and let me turn on your microphone.

**REPRESENTATIVE JORDAN TEUSCHER:** Awesome. Thank you, Mr. Chair, members of the committee, really excited to be here. It's my favorite committee to come and to present in, and there's nowhere I'd rather be on a Valentine's Day than in front of you guys. We've got a really great bill, and as part of my presentation, I have a number of people I'm going to ask to come up to the mic and I appreciate the committee's time in this, because it is a really important issue, and we want to make sure that we establish a strong record for why the state is taking action and regulating in this space. But let me just give a little bit of background to start this out. This is on House Bill 464, Social Media Regulation Act Amendments. And as you'll remember, last year, Utah passed two bills. They were the first in the nation approach at putting together regulations on social media to help minors deal with the negative impacts and mental health challenges that come from social media. As part of that effort, we had agreed to delay the implementation of that bill to the end of this general session, the 2024 General Session, and we did that because it is a space that is difficult to navigate in, especially from a legal perspective. All of the challenges that sit on top of regulating in the space. There's First Amendment issues, Section 230 issues, there's vagueness issues, there are commerce clause, interstate commerce issues that we have to deal with and understand. And we wanted to make sure that in our bills, we took the best approach where we could actually protect these kids while at the same time ensuring that if these bills were challenged, that we've done everything we can to provide the court a strong record and bills that are narrowly tailored in a way that allow for them to withhold judicial scrutiny. Well, since last general session, we've worked really hard with social media companies to make sure that we're taking that right approach. We've also learned from other states who have copied Utah's laws and didn't take the time to make changes or have a delayed implementation, and in most of those cases, those laws have seen legal challenges. And so, we've seen the challenges on both sides where the court has signaled, there might be some problems, and we've come back to retool these bills to try to avoid those legal pitfalls, kind of the low-hanging fruit, while at the same time protecting kids and the mental health challenges. So we have two bills this session that will come in to replace the bills that we did last session. The outcome of the bills are generally very similar to what you saw from last year. The way we go about it is a little bit different. So let me just explain. House Bill 464. This bill, the first thing you'll see that's a little bit different is that we have a section, Section 1102, that has legislative findings. And one of the things that we wanted to make sure is that it was really clear to the courts if this bill were to be challenged, of why we're legislating in this space and what findings the legislature has found on the subject of social media and how it affects the mental health of minors. And so, you'll see those legislative findings there. Then the bill after that is fairly simple. What it says is that if you are a social media company that engages in the use of algorithms that curate content for individuals, and you use engagement-driven design elements. And those are defined as things like autoplay, endless scrolling, push notifications when you're not in the app, that if you're that type of social media company using those features, that there is a private right of action for minors who have been harmed by these social media companies, that they're able to recover damages for the mental health issues that they have arising out of the use of these sites.

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Additionally, though, you'll find in the bill, an affirmative defense, Section 1104, that tells the social media companies that if they will do four things. And, Mr. Chair, let me just clarify, I am speaking to an amendment that we are making. In the current bill there's five things. We're taking one of those things out, but it's a very slight amendment. If you'll do four things, those four things are, one, limit a minor's use on the social media platform for under three hours a day. Secondly, limit their use of the platform outside of the hours of 10:30 p.m. to 06:30 a.m., third, that you'll disable the engagement driven design elements. And lastly, get the parents' permission. The idea behind the parents' permission is really, this is like a waiver in a sense, that they are giving up the right to have a rebuttable presumption that their minor was harmed if they allow their minor on the site, if they'll do those four things, then they are entitled to affirmative defense, which flips the rebuttal presumption on the site of the social media companies. So that, in essence, is the bill. We feel really strongly that this bill will be able to uphold or be upheld if there is any legal challenges, while at the same time, it will give the right incentives to the social media companies to try to protect the mental health of the youth. What I want to spend the rest of my time in my presentation is to try to address and put on the record the clear harms that we're seeing from social media and minor's use of social media. So I have a number of witnesses that I'd like to come up and testify, and I'd like to start with Lydia Johnson, if you could come up to the stand and -- Mr. Chair, we have asked them to fill out the form beforehand, so we've got that done.

**CHAIRMAN JON HAWKINS:** Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** Go ahead.

**CHAIRMAN JON HAWKINS:** Yeah, and if you'll just state your name and begin your testimony, that would be great.

**LYDIA JOHNSON:** Hi, I'm Lyddy Johnson. I'm 15-years-old, and I'm in Northridge, and I'm a sophomore at Northridge High School. When I was 12-years-old, I got my very first smartphone, and I downloaded social media. So my parents took all the precautions, like limited screen time, no TikTok, everything that people said you needed to do to protect your teen, but it didn't work. I found my way around the restrictions on my phone, and I spent hours doing nothing but mindless scrolling. And in my freshman year, I started to post videos. I knew it was against the rules in our household, but I didn't care. I got followers pretty quickly, and they were always giving me praise, telling me how amazing I was, but it was all lies. These people didn't know me, and the fake validation I kept getting just made me crave more. And the addiction, it got to the point when I felt like, if I was not on social media, something was wrong or missing. I thought that social media would make me happy, but it didn't. The continuation of the use of social media eventually led to anxiety, depression, and suicidal thoughts. My personality changed. I was not the same person I was before. I shut everyone out of my life. I was different, and at one point, I remember I snapped. I made a plan in my head, and it was a plan to kill myself. I felt like I couldn't do anything right. Social media had taken over my life. I couldn't do anything. My schoolwork started to drop. My grades dwindled. I couldn't do anything right. I felt worthless, empty, hopeless, and I couldn't get myself out of the hole that I dug. And so, that morning, I almost killed myself, but I got scared, and so I finally told my mom, and my parents,

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
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they didn't know any of this because I hid everything from them. And they were trying everything they could to try and help me and get my score back up, but they never thought to take away my phone. And they said that if they had ever known what the problem was and that social media was the thing that was causing such problems, they would have never let me access it. After a few months, I got a flip phone, and I still have it today. It's great, and I never realized how bad my addiction was until it was finally out of my life. It was really, really hard the first few months, but at that point, all I wanted was to get better and to get help, because I never want to feel that way ever again. I'm still trying every day to never go back there. I continue to go to therapy, and I've not been on social media in over a year. Being off social media, I soon learned that the fake validation you get from social media is nothing like the validation you get from people that love you and know you. I was free to pursue my strengths in art and music, and the validation I felt from doing something that I love and good at is irreplaceable. My parents, if they had ever known how easy it was to get addicted to social media, they would have never allowed me on it. Parents need to be informed about what they are putting their kids on and truly consider if it is okay for their child. My story has a happy ending, but there are many teenagers out there that are struggling just like I did.

**LYDIA JOHNSON:** And don't have the same resources I had. And that is why we need to pass this bill for them. Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** Thank you, Lyddy.

**CHAIRMAN JON HAWKINS:** Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** As Lyddy mentioned, this is a happy ending. But there are many minors in situations like that that don't have the support, that don't have the parental support, and the problem is that these algorithms are just so powerful and designed to do exactly what you saw happen in this case. I'd like to now invite Karl and Britney Obray to come and tell their story.

**BRITNEY OBRAY:** Hello, I am Britney Obray. Hopefully, I can get through this. But this is my husband, Karl Obray. And as you see in the picture, this is our son, Dexton Obray. And like Lyddy said, a lot of kids don't have a second chance or a happy ending. Our son was one of those that didn't have happy ending. Dexton was very targeted. The algorithms, all the things of social media, the dangers, was the reason we don't have him here today. For example, on one of the videos that we found on his phone, there was a video of this man, and he's inside a building with cops, and on there, it says, "I think we're better as friends", and then it shows him pull a gun, and he puts it to his head, and it shows him with the gun to his head for at least 15 seconds, and then the screen goes black. There's also another video that we found that it's a boy and a girl, and they're cuddling, they're enjoying life, and the next thing you know, the man is pulling out a gun and putting it to his head, and then the screen goes black. Another example is, a video of someone asking, "How much popcorn can you eat before you kill yourself?" And it says, "50 bags." The next frame shows a boy eating 50 bags of popcorn because he wants to kill himself. These examples that I'm sharing are the rated G versions of what our son was shown and allowed to watch by being targeted because of his depression and his sadness that he became

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addicted to because of social media. So when we become parents, our main purpose is to protect our children. It is our job. Our biggest fear in life is burying our child before we die. It's unimaginable. Dexton thrived in life, and he made a lot of friends. Anyone who knew him, including teachers, adults, strangers, coaches, they adored him. He had a giant heart, and he brought a bright light to anyone he met. Dexton's giant heart led him to be the biggest teddy bear ever, and he was a big kid, and he was a big teddy bear. In Fifth Grade, he felt bad that some girls weren't getting a valentine, so he asked us to get roses and bring them to his class, to everyone in his class. That was just the type of kid Dexton was, bright, loving, and caring. So in middle school became the pressures of social media. Dexton begged and begged and begged, just like every kid does. My friends have it. Other parents are letting my friends have it. Why can't I have it? We became pressured and pressured to allow him to have social media. So in Seventh Grade, we allowed Instagram and Facebook. Instagram has the videos where you can just scroll, and we slowly noticed that he was addicted to those. It consumed his life. And slowly we would take away his phone and have the regulations that we needed. But Eighth Grade came, and the pressures of TikTok became more and more. The excuses were, everyone has it, everyone's parents, the same excuses as always. So we ended up allowing TikTok. Looking back now, we noticed the light in Dexton just wasn't the same. A while after we allowed social media, Dexton came to me and said he was struggling and needed help. He didn't know what was making him so sad and depressed, and at the time, we didn't either. He had a good life, lots of friends, loving parents, a good home, amazing siblings. It just didn't make sense to us, and we had no idea what was going on. So we got him into counseling, and from there, he seemed to do better. The summer before Dexton became a freshman, he started football. His whole life was football. Also, his football team talked via Snapchat. That's how they communicated. That's how they knew what things were going on, when lifting was, when practices were, what they were doing, and once again, the pressure was on us to allow him to have Snapchat; so, we allowed it. TikTok and Snapchat were his main sources of social media at this point, and we could see now how addicting that was for him. Dexton's very last practice ever was October 24 of 2022, four days before his big state game. And as a freshman, he was playing Varsity and was also told that he was going to start Varsity as a sophomore. The coaches were very proud of him, and he was so excited. That night, though, something happened. The morning of October 25th, my husband found Dexton in his room. He had taken his own life. How could this be all he was looking forward to, all he was planning? His life was gone. We had no answers, no signs, nothing. He would have been 16 this coming week, and I'll never get to see him drive or reach the big milestones that every parent looks forward to.

**KARL OBRAVAY:** After Dexton's death, we were lost. We didn't know why we lost our son. We knew he was dealing with depression, but we had no answers. We tried to find text messages which were non-existent because teens use Snapchat that deletes messages instantly. How is that in the best interest of our youth? We looked at Instagram, which had a lot of things that we had no idea he was viewing and were very hard to see and believe. I owned Verizon stores years ago, and we had taken all the precautions a parent could do. We made it so the teenagers could only have social media for an hour. Unfortunately, that didn't matter. That one hour was all they needed to addict my son. TikTok was much worse. We found the most evil things. They fed them through algorithms based off seconds we would spend on their phone or based off crumbs in text and other social media platforms, or even speaking out loud. This should never be used on

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
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March 08, 2024  
Transcript by TransPerfect

our youth. As we continued our search for answers, we watched the TikToks he had watched, and they were absolutely disgusting. Things like, you should kill yourself. No one would care. Or here is how to kill yourself by wrecking a motorcycle, so no one would ever know you killed yourself. Or just dark videos that could just, you could fill the darkness slowly telling him he was worthless and that he had no meaning in this life. I know that social media is just providing a platform for these people to post random things about suicide-based videos, but they targeted our son based off algorithms. He became addicted to them. The use of algorithms on our youth aren't designed for selling things, which, of course, they do, but it's more to groom them, to get them addicted to the platform for life. It's an investment for them. Snapchat, for example, they have things called a Snapstreak. I had no idea about this until a couple months ago when we went on a cruise with our family. Our kids, we weren't letting them have any Internet on the cruise so they could take a break and live life. And they were so concerned about their streak with another friend that they've had for years, and they have to keep these streaks going on and on. One was so concerned they gave a login to another friend so they could snap while they were gone. My son, my oldest, he said, "Oh, I'll just pay \$5 to restore my streak when I get back." It's all about addiction and becoming their puppet. Our time is up, so in ending, I just want to say thank you for doing what you're doing today. It's a start in the right direction. Much more needs to be done and these companies need to be held responsible for their damages. They have caused so much heartache for us, but many more and many more kids will be lost if we don't change it. Once again, thank you from the bottom of our hearts.

**REPRESENTATIVE JORDAN TEUSCHER:** Mr. Chair, I'd like to invite Dr. Michelle Hoffman, who's the Executive Medical Director of the State to share her understanding of social media and its impacts.

**DR. MICHELLE HOFFMAN:** Thank you, Representative Teuscher. I'm really honored to actually be here in favor of speaking of this Bill. I'm Michelle Hoffman. I'm the Executive Medical Director of the Department of Health and Human Services here in Utah. I'm also a pediatrician and a parent of an 18-year-old and a 20-year-old. As a pediatrician, I was trained in the harmful effects of excessive screen time on the developing brain. As a parent, I was not remotely prepared for what was in store in raising two teens through a digital revolution. Today, we have strong evidence, implicating smartphone and social media use in increasing levels of mental distress, self-injurious behavior or suicidality among youth. There appears to be a dose response relationship. Effects appear to be greatest among girls. A study at the University of Utah found that young adults who use social media are three times more likely to suffer from depression. All of this certainly rang true in my own family. As teens, my children took very different paths when it came to social media. My son used it fleetingly, but not our daughter. We tried to restrict her use, but she always found a way around the parental controls. It started with addiction in app game purchases and escalated from there. Chatrooms preying on her need for validation, cyberbullying, sexualized content, she knew she had a problem and sometimes she asked us to take her phone away for months at a time. But then she didn't have a good way to communicate with her peers. She became isolated and developed serious mental health concerns. According to the U.S. Surgeon General, 95% of youth aged 13 to 17 use social media with more than one-third saying they use social media almost constantly. Again, more than a-third of youths say they use social media almost constantly. The algorithms behind social media platforms create

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

a behavioral addiction and as is true in any addiction, when we binge on pleasurable things, our brains compensate by bringing us lower and lower. Eventually, we become dependent on the pleasurable thing just to keep functioning. The instant gratification of every swipe also means we're constantly living in the limbic system in our brains, which is where we process emotions, rather than in the prefrontal cortex, which deals with future planning and problem-solving. Excessive use of social media is interfering with critical developmental milestones for our youth. I'm grateful to Representative Teuscher for getting to some of the root causes in this Bill. It is a much more surgical approach to where the causes are lying. It has a reasonable carrot and stick. In their educational materials online health experts at the University of Utah recommend non-negotiable limits. Social media access should be turned off during the day at school. The accounts should be made private to keep our kids safe. Devices shouldn't be in bedrooms at night. 88% of Utah's parents say social media is having a detrimental impact on the mental health and well-being of their children. Setting clear limits on usage and empowering parents to help support their teens is critical to preserving the mental and physical health and development of our youth. Social media is here to stay, but we can teach our teens how to engage safely and smartly, and we can hold social media companies accountable to partnering with us on that. On behalf of my daughter and my family, I personally want to express my gratitude to the legislature for acknowledging the harms of social media and supporting these policy solutions to tackle these challenges. We're in a much better place two years after a true mental health crisis and part of that healing required, developing a much healthier relationship with social media. Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** Thank you, doctor. Mr. Chair, I'd like to invite Ben Horsley from Granite School District, who's Chief of Staff. Talk about how he's seen that in schools and the impact of social media.

**BEN HORSLEY:** Thank you. Ben Horsley, Granite School District. I appreciate the opportunity to speak with you today, and there's been some heavy testimony, and I'm afraid I don't have a much better highlighter feature with respect to this issue. Imagine yourself as a principal or an assistant principal, and every day you're hoping, you're dreaming and desires to have a positive impact on the lives of students, and you're spending the bulk of your time. We've done some informal survey results with our staff, and roughly 50-plus percent of an administrator's time is dealing with the impacts of social media. I just checked on our online account with SafeUT dashboard. I have 37 open tips and over two-thirds of them have something to do with social media, whether it's bullying. Obviously, the premier place to bully a student now is on social media. We have made efforts in many of our schools to eliminate cell phone use, but the impact of social media is constant and ever present. Just last week, I watched a video of a 12-year-old boy being beaten up by a group of students and then being shared on various social media platforms, and obviously there's now a nexus to the school and we need to investigate that and take appropriate steps which we have, but to see that the bullying given a platform is quite dangerous and has exacerbated the issue tremendously. When social media first came into existence back in the late 2009-2010, many of those companies were very collaborative in working with local governments when there were issues helping us set up accounts and address problems and concerns in those resources have faded away. We have reported multiple instances of their own violations, violations of their own policies, and instantaneously we have new counts that are placed up by anonymous users against students

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

again used to perpetuate bullying and other concerns. This is unsustainable. We cannot do this. We can't handle it anymore. I had a Principal say to me last week, I got into education to help kids, and this is not what I get to do with my time. I'm not an instructional leader. I'm not helping them learn and grow. I'm basically babysitting social media. And so, please help us by helping parents, by helping these organizations realize the negative impacts of their products and holding them to account so those products can be used safely without damaging the future generation. Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** Thanks, Ben. Mr. Chair, I'd also like to have Dr. Kelly Adams, who's a pediatrician.

**DR. KELLY ADAMS:** Good afternoon, I'm Kelly Adams. I am a Board-certified pediatrician. I also serve on the Board for the Utah PTA as one of their student leadership commissioner. Our children are uniquely vulnerable to the persuasive effects of social media. They have immature critical thinking skills and many have the inability to really understand the ramifications of countless hours of being on these devices. But in a multibillion-dollar industry algorithms have been curated and these feeds are targeted towards our children to help them stay engaged in that social media process so that it continues to curate those videos to them. So we know that girls who have a history of eating disorder or at risk for eating disorder, those that start to look at those videos, more and more videos will be curated towards them and lead to relapses in eating disorder or the development of a significant eating disorder. That's just one example of some of the impacts it can have on our kids. We know that kids that engage in hours of social media use, they not only have decrease in their amount of sleep that they have, they have poor eating habits, they have decreased physical activity, they spend their time connected to their phone and have a very difficult time disengaging, especially once those symptoms of being addicted to those devices show up, they're at increased risk for depression. And hand in hand with that, they are more likely to be dissatisfied with life. Research has shown that our adolescents have a very poor understanding or do not have the critical thinking skills available oftentimes to understand the privacy policies that surround social media and that once you post something and you delete it, it really isn't deleted, it is still there for someone else to potentially see. And as leaders and as those that care so much for our children, we need to hold these companies accountable, because we, at this point, while we're starting to see the research showing the detrimental effects to our kids, we really do not fully understand yet what the lifelong impact of these addictions to these devices will have on them. Thank you.

**REPRESENTATIVE JORDAN TEUSCHER:** Thank you, doctor. And lastly, Mr. Chair, I have a short three minute video that was recorded today from the US Surgeon General that he'd like us to share in this committee.

[VIDEO PLAYING]

**DR. VIVEK MURTHY:** Hello. I'm US Surgeon General Dr. Vivek Murthy. Last year I released a Surgeon General's Advisory on social media and youth mental health. Surgeon General Advisories are reserved for significant public health challenges that require the nation's immediate awareness and action and the issue of social media has become one of those public



February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

health challenges. Simply put, I am concerned that social media has now become one of the drivers of the youth mental health crisis. The time for half measures on this issue has passed. We need urgent, comprehensive action to protect our kids from the harms of social media. To my colleagues in Utah, I'm grateful you are taking up this critical issue today. And while as Surgeon General I cannot endorse any specific legislation, I'd like to share with you some key findings from my Advisory as you begin your hearings. First, as you are aware, social media usage among young people is near universal. Yet the answer to the question most often posed to me by parents across the nation is social media safe for my kids? Is no. There is not sufficient evidence for us to say that social media is safe for our children. While social media may offer benefits to some, including an opportunity to connect with friends and to find communities of shared interests and experience, there's a growing body of research associating social media use with potential harms. Youth who spend more than three hours a day on social media face double the risk of depression and anxiety symptoms. This is deeply worrisome, as on average, teenagers spend 3.5 hours a day on social media. Second, social media may contribute to harm through several mechanisms. Too often children on social media are exposed to extreme and inappropriate content that may be violent or sexual in nature. They are commonly exposed to bullying and harassment and to a hypercharged environment of social comparison, which affects how they feel about themselves. It's concerning to me that nearly half of adolescents say using social media has made them feel worse about their body image. Additionally, excessive social media use can disrupt activities that are critical for healthy development, including physical activity, sleep, and in person interactions. A third of adolescents stay up until midnight or later on weeknights on their devices, which is largely social media use. As I continue to speak with young people across the country, the three things they say to me most often about social media are, it makes them feel worse about themselves, it makes them feel worse about their relationships, but they can't get off it. It's important to remember that adolescents are at a unique phase of brain development where they are particularly susceptible to social comparison and social suggestion. Third, we have not done nearly enough to protect children over the nearly two decades that social media has been part of our lives. We can and must change that. My advisory outlines solutions policymakers can take, including developing age appropriate health and safety standards, requiring higher standards for data privacy and requiring social media companies to be transparent about the data they have regarding the health impact of their platforms on our children. Until now the entire burden of managing social media's harms has fallen on the shoulders of young people and parents. That is unacceptable. It is past time that public health leaders and policymakers have their backs. I thank you for your attention to this important issue.

[VIDEO ENDS]

**REPRESENTATIVE JORDAN TEUSCHER:** I really appreciate the time this committee has given to these presentations, and with that, I'd be happy to answer any questions on the Bill.

**CHAIRMAN JON HAWKINS:** Okay, we'll bring it back to the committee for discussion, clarifying questions. Seeing none. We'll open it to the public. Is there anyone from the public who would like to speak to this Bill? Okay, can I get a show of hands of who is in favor of the bill and who are speaking against the Bill? Okay, I'm going to give a minute to each person because we do have some other business that we need. I'll give a minute and 30 seconds. So

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
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Transcript by TransPerfect

come on up, we'll have you state your name, the organization that you're with and give your comments on the Bill.

**HOLLY RAWLINGS:** Thank you. My name is Holly Rawlings and I am the mother of teenage triplets. I have been a public educator for two decades, and now I work professionally as a Safe Tech advocate. I'm also a mom of a child who is suffering from adverse mental health outcomes caused by his addiction to YouTube. My husband and I were very conservative. He got a Gabb device at 13, and ironically, the profound harm to our son came right in our living room. And YouTube -- we thought it was a bunch of silly videos, but they identified his age and have snatched him from us using curated algorithms that keep him glued to the screen. Baffled, we watched this smart, creative, clever, hilarious boy withdraw and become unhappy, aggressive, depressed, with intrusive thoughts of suicide. Ultimately he came to us in tears, engulfed in shame and self-loathing as he discussed with us how one suggestive video led to more and more graphic content that has caused him profound harm and will have lasting consequences. Was that one minute?

**CHAIRMAN JON HAWKINS:** That means you're down to just 15 seconds. Go ahead and finish. You're fine.

**HOLLY RAWLINGS:** Okay. Unfortunately, we took it off our TV, but he has a school Chromebook and they watch it at school all day long. All day kids watch YouTube at school. At Gabb Wireless we did a research study where 130 kids traded in their smartphones for a lockdown device. Here's what they said. I feel free. I don't miss it. It's a relief. I had no friends, but without social media I went and made the best friends I've ever had. And when they had to get their iPhones back, they said, I'm stressed, I'm anxious. I don't want them. I have another job to do. They know they don't like it and they're looking to us to hold these entities accountable. And I look forward to the day where they have to explain to my child, to Dexton's parents, to Libby, that with want and disregard and all about profit over people. Thank you.

**CHAIRMAN JON HAWKINS:** Thank you.

**MARYANN MARTINDALE:** Maryann Martindale, CEO of Utah Academy of Family Physicians. I just want to reiterate the association support for this type of a Bill. There's virtually no medical association that has not come out with an affirmative statement that we need to do something drastic about this. It's a real problem. Family physicians, pediatricians, we're seeing the results of this. We're seeing the children that are coming in with depression, with suicidal ideation, whether it be passive or active. We're seeing this very real. And these are good parents. These are parents that are engaged. They're trying to do the right thing. But industry has put so many pathways into the system that allow them to bypass that that it's time that we do something more aggressive. So we urge you for support for this and we thank the sponsor. Thank you.

**CHAIRMAN JON HAWKINS:** Thank you.

**NICHOLEEN PECK:** I'm Nicholeen Peck. I'm President of the Worldwide Organization for Women. A lot of people know me for my work that I do with families, with children, where I

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

help parents navigate a lot of the hard things in life. But what a lot of people don't know is that years ago I was a counselor at a funeral home and so I would help people through really hard times that they would have. Back in those days there just wasn't a lot of teen suicide; that was so incredibly rare. Nowadays that looks way different in that landscape. And we have to ask ourselves why? What's going on? So I've seen things in my parenting practices and when I'm working with people in their homes, I have seen children so addicted, and their parents are locking up devices in safes, and then they're buying other devices from kids at school because of streaks and because of things like that, and they're in closets and they're under beds and they're texting. I've seen little children who are eight years old, who their parents are desperately trying to save their lives because on social media they saw Kermit the Frog kill himself, and that led to more and more and more, or they saw Slender Man, and then all of a sudden they're going into all of this darkness. And there are mixed views. There are some people that say, well, if you take your child's device away, they're going to kill themselves. But I think it's very obvious to see that this social media stuff is causing them to kill themselves. And so we have to do the right thing, which is not put the burden on the children. The burden to keep the children safe has to be on the parents. Please support.

**CHAIRMAN JON HAWKINS:** Thank you. If you come forward to testify, please make sure you write your name on the piece of paper.

**TINA SEASTRAND:** I already did that earlier.

**CHAIRMAN JON HAWKINS:** All right, perfect. Thank you.

**TINA SEASTRAND:** So thank you. So I am Tina Seastrand. I am with the Utah State PTA. I'm the Digital Wellness Specialist. I am also a mother of nine children and nine grandchildren. And the Utah PTA Organization, we have over 61,000 members, and we are in full support of this Bill. And as a parent of -- my oldest daughter is almost 39 and my youngest son is 20, and I've watched through this entire digital change that has taken place. So not just the PTA, but personally, I consider it to be a serious problem that we need to address and I appreciate you being willing to move forward this Bill and I appreciate the sponsor for it also. Thank you.

**CHAIRMAN JON HAWKINS:** Thank you.

**MARYANN CHRISTENSEN:** Hi. I'm Maryann Christensen, Executive Director of Utah Legislative Watch. I'm also here in support of the Bill. I want to tell you a tragic story that happened just recently. My nephew's wife has a little brother up in Wyoming. A really great kid, everything going for him, well adjusted. And that changed for him one day when he made a terrible mistake. I have no idea about the details of what he did, but classmates got that mistake on video and it blew up all over social media. And he thought he could just kind of weather the storm, but it didn't go away. It kept getting reposted and reposted and he committed suicide right before Christmas, this last Christmas. So this is a big problem. Social media companies are preying on our children and good parents are losing great kids because they can't have a handle on it without your help. So I appreciate your support of the Bill. Thank you.

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

**CHAIRMAN JON HAWKINS:** Thank you. Do we have anybody else in the room who would like to comment? I don't see any hands, so we'll go online. Daniel Cochrane, and Daniel, if you will turn on your -- well, we've got to bring you in as a panelist. As soon as we do that, turn on your video, unmute yourself and then state your name, and if you represent an organization, please state who you represent, and then also give us your city of residence.

**DANIEL COCHRANE:** Thank you Chairman Hawkins and members of the committee. If you can hear me, my name is Daniel Cochrane. I am a senior --

**CHAIRMAN JON HAWKINS:** Daniel, hold on. Will you enable your video please?

**DANIEL COCHRANE:** Yes, I'm trying to on my end and I'm getting -- let me see. It keeps saying it's unable to --

**CHAIRMAN JON HAWKINS:** All right, well, go ahead and proceed with your testimony.

**DANIEL COCHRANE:** My apologies Mr. Chairman.

**CHAIRMAN JON HAWKINS:** Go ahead.

**DANIEL COCHRANE:** My name is Daniel Cochrane. I am a Senior Research Associate with the Tech Policy Center at The Heritage Foundation. When Utah enacted the Social Media Regulation Act in 2023, your State became the national leader in kids' online safety. But sadly, aspects of HB464 would undermine that critical progress. Section 7 of this Bill weakens requirements for platforms to verify existing users and obtain parental consent. It guts the requirements that social media platforms provide parents with full access to their kids' posts and messages, and it allows platforms to defend themselves in litigation if they merely restrict continuous scroll and auto-play functions for minor accounts. This rolls back the Social Media Regulation Act's ban on addictive features, leaving a host of concerning practices largely unaddressed. Despite these compromises, the same groups who oppose the Social Media Regulation Act seem predisposed to oppose this legislation too. The leading plaintiffs in the case challenging the 2023 law admit this openly. Utah will gain nothing by making these concessions. Big tech lawyers will continue to fight the law in court and parents and kids will suffer from weakened protections. Rather than watering down the Social Media Regulation Act, legislation like this should build on that law's important groundbreaking protections for kids and parents. I respectfully urge you not to undermine Utah's leadership on protecting kids online. Our kids are worth the struggle and Utah is up to the challenge. Thank you.

**CHAIRMAN JON HAWKINS:** Thank you. Mr. Cochrane, before you leave, there is a legislator who would like to ask a question of you, if that's all right.

**DANIEL COCHRANE:** Yes sir.

**CHAIRMAN JON HAWKINS:** So representative Clancy.

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

**REPRESENTATIVE TYLER CLANCY:** Thank you Mr. Vice Chair. I just wanted to respond that Daniel, I totally agree with you on looking at it from that perspective. Can you speak to -- as I've spoken with the sponsor and as presented, that the challenge is, is if we don't make some tweaks to this law that we run the risk of it being completely overturned and then we get zero. Would you be able to address that concern?

**DANIEL COCHRANE:** Thank you representative, and yes, Mr. Chair, in response to that, the reality is the two cases most often used by the tech companies to oppose these kinds of laws are two cases; one from 1997, which is *Reno v. ACLU*, and one from 2004, which is *Ashcroft v. ACLU*. These cases essentially held at the time that efforts to prevent or require websites to block certain content for minors violated the First Amendment. But that was in a time very different from our own. And those cases, they don't adequately provide for the facts that we face today. The reality is the internet is completely different from what it was in 1997 and 2004. And so to answer your question directly, the problem with trying to predict what the courts are going to do, the reality is likely that the Supreme Court is going to have to revisit its precedent, recognizing that the factual context is so dramatically different. And so the argument is simply that it's premature to try to guess ahead of time what they may or may not do. And the reality is that Utah can take this action and get nothing in return. There's no guarantee and there's really no guidance from the court, again, because we're relying on case precedent that's decades old, there's no reliable principle that would tell us that watering down the legislation the way that this Bill would, would provide anything in return for what you're giving up. I just want to say one more thing in response as well, representative, which is that some of the witnesses spoke to the addictive features of the social media platforms. And one thing that the original Bill did was it said that platforms can't knowingly incorporate those features into their products. And one of the things that the Bill before you would do would essentially reduce that. First of all, there is no requirement that they not incorporate those features. And secondly, I just want to read from the definition. So again, if the company disables "engagement driven design elements", they get a rebuttable presumption. But the definition of engagement driven design elements are auto-play features and auto-scroll. But the reality is we know that addictive design features go far beyond those two things and the original Bill addressed that larger context and the larger scope. This Bill essentially puts those protections aside.

**CHAIRMAN JON HAWKINS:** Thank you Mr. Cochrane. Our next online commenter will be Carrie Butler.

**CARRIE BUTLER:** Hi. Thank you so much for this opportunity. My name is Carrie Butler. I am with the Utah Public Health Association and I am coming to you live from South Jordan, Utah. Just wanted to thank the sponsor for his efforts on this Bill and say that Utah Public Health Association supports any efforts to reduce the amount of time that our children are spending on their screens and increase any time that they're spending active and engaged and focused on learning and playing and growing and all of the things that we know lead to really healthy mental health and physical health. Thanks so much again for your time and I hope that you vote in favor of this Bill.

**CHAIRMAN JON HAWKINS:** Thank you. We will now go to Zach Lilly.

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

**ZACH LILLY:** Thank you Mr. Chairman. My name is Zach Lilly. I'm the Deputy Director of State and Federal Affairs at NetChoice. We are a tech trade association dedicated to free expression and free enterprise online. Ironically I hold technically the same position as the Heritage Foundation. Granted, they were referencing our organization in a fairly negative light and we oppose it for different reasons. Our concerns with HB464 are twofold. One, obviously greater steps to protect our children online are vital. I do not personally see a significant and open-ended private right of action across the digital infrastructure to be particularly in line with those goals. We've seen similar enforcement mechanisms in states like Illinois and they've been stretched well beyond by the trial bar, something that the authors of the Bill had ever intended, right? Something that's used to protect biometric data is now being used to sue burger restaurants, right? So I think there's a particular power in private right of actions and their ability to sort of bleed off beyond what their original intent was. The other concern is that this being a response to ongoing litigation could be seen as an attempt to financially punish companies for trying to protect themselves in court, vindicate their First Amendment rights and punish speech that the state does not like. So for those reasons we ask that you not support the Bill. Thank you very much.

**CHAIRMAN NELSON T. ABBOTT:** Thank you. That concludes public comment. We will now go to the committee for further action. Representative Watkins?

**REPRESENTATIVE CHRISTINE F. WATKINS:** Thank you Mr. Chair. I'd like to make a motion.

**CHAIRMAN NELSON T. ABBOTT:** You may. And I will remind you there is an amendment and I assume the sponsor wanted the amendment.

**REPRESENTATIVE CHRISTINE F. WATKINS:** Is it in your name?

**REPRESENTATIVE JORDAN TEUSCHER:** It is.

**REPRESENTATIVE CHRISTINE F. WATKINS:** Okay. I'd like to motion that we pass out Amendment #1 in Representative Teuscher's name.

**CHAIRMAN NELSON T. ABBOTT:** Okay, so the motion is to amend HB464, Social Media Regulation Act Amendments, with Amendment #1 in Representative Teuscher's name. Do you want to speak to that motion?

**REPRESENTATIVE CHRISTINE F. WATKINS:** I'll waive.

**CHAIRMAN NELSON T. ABBOTT:** Representative Teuscher.

**REPRESENTATIVE JORDAN TEUSCHER:** I'll waive as well.

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

**CHAIRMAN NELSON T. ABBOTT:** All right. And I do see Representative Acton, did you want to speak to that motion or to -- okay. So seeing no further lights on that motion, we will put it to vote. All in favor say -- oh, I guess I need to restate it, don't I? So the motion is to amend HB464 with Amendment 1 in Representative Teuscher's name. All in favor say aye?

**REPRESENTATIVE CHRISTINE F. WATKINS:** Aye.

**CHAIRMAN NELSON T. ABBOTT:** Any opposed? That motion passes unanimously. Representative Acton?

**REPRESENTATIVE CHERYL K. ACTON:** Okay. I'd like to make a motion that we pass out favorably Social Media Regulation Act Amendments HB464 as amended.

**CHAIRMAN JON HAWKINS:** All right, that motion is in order. Would you like to speak to that motion representative?

**REPRESENTATIVE CHERYL K. ACTON:** Yes. There were so many people who spoke who had just compelling testimony. I think there's a great need for intervention here because social media companies need to leave the kids out of their plans for domination or whatever is going on there, just leave the kids alone on that. Let them grow up and then they'll probably be prepared, hopefully emotionally, to manage their time and so forth. I just think it's a necessary change that needs to happen probably nationally, but we can help it happen here in the state for the children in Utah.

**CHAIRMAN JON HAWKINS:** Thank you Representative Acton. Further discussion to the motion, Representative Shipp?

**REPRESENTATIVE REX P. SHIPP:** Yeah, thank you Mr. Chair. These are certainly critical things to protect our kids, having seven of my own. Of course they're older now, but some of them had to go through some of this at one time. In an office building that I own and have office space in, the bottom floor is filled up with mental health therapists and they are so busy and I have to say that a lot of it has to do with social media that they're dealing with. But if I could ask a question, Mr. Chair, to the sponsor?

**CHAIRMAN JON HAWKINS:** Yeah.

**REPRESENTATIVE REX P. SHIPP:** Representative, Mr. Cochrane had mentioned some of the things that were repealed in this Bill and it talks about a repealer in Section 7. Can you speak to that?

**REPRESENTATIVE JORDAN TEUSCHER:** Yeah, I can. Thank you. As I mentioned at the beginning of my presentation, we've spent the last year really diving into this issue and looking at how the court has interpreted the laws that are in place, the case law that exists, and what has the best chance of holding up in court. And I've had conversations, or at least a conversation with Daniel prior to this to try to explain this. But the bottom line is the states that copied Utah

February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect

and did what you see in the repealer here, every single one of them, the court has granted a preliminary injunction and spoke strongly -- just even two days ago in Ohio, their law was struck down, spoke strongly in those cases to say that based on the way the Bill -- the legislation was drafted that it violates the Constitution, First Amendment, vagueness issues, that it's an overly blunt instrument, I think, is what the Ohio court just said. And what we've tried to do in Utah is learn from that and be able to move forward with a Bill that we feel really strongly the court will uphold. It's not a silver bullet. There's certainly more that can be done. And if at any point the Supreme Court comes back and overturns those decisions in Ohio or Arkansas, California, Texas, that are seeing similar things, then I'm sure I'll be the one leading the charge to put in more strict regulations to try to hold these social media companies accountable. But the bottom line is right now based on the way the case law is written, we can't take some of these actions that we tried to do. And so what you see is a new vehicle that hasn't been tested in any other court to allow for this private right of action that will give a stick and a carrot to try to get some substantive change that can help Utah minors now. And that's what I think is more important than trying to just fight things out in the court that maybe two, three, four, five years from now maybe the Supreme Court overturns.

**REPRESENTATIVE REX P. SHIPP:** Yeah. Thank you. Mr. Chair, just to comment on that, I think that was important to get on that testimony, to have a discussion about that as to why we are in a sense weakening the Bill, but certainly we don't want anything to be enjoined. We want it to be able to move forward. And so thank you Mr. Chair.

**CHAIRMAN JON HAWKINS:** Thank you Representative Shipp. Representative Clancy.

**REPRESENTATIVE TYLER CLANCY:** Thank you Mr. Chair. I just want to let the record reflect I agree with my colleague from southern Utah as well as the gentleman from the Heritage Foundation. However, it would be hypocritical to vote no on this Bill recognizing we have a national leader here on this front stepping up for children and that states are looking across. And so I feel, while I totally agree with those concerns that Representative Shipp and our friend from the Heritage Foundation addressed, I think those are critically important. I'm going to vote yes because I trust the sponsor and I appreciate what he said about if we can continue to move forward, that we'll continue to lead the charge.

**CHAIRMAN JON HAWKINS:** Thank you Representative Clancy. Representative King, further discussion to the motion?

**REPRESENTATIVE BRIAN KING:** Thank you Mr. Chair. I appreciate this presentation today. Thank you to the Bill sponsor and thank you to those who have come and testified. This has been a difficult thing for many of those who have testified. I also appreciated something, the contribution that you brought in the Bill presentation Representative from Vivek Murthy, our Surgeon General. One of the reasons I think that's important is that this is not a partisan issue. This is based on the best evidence and science and empirical data that we have. And that is showing right now that our social media companies have been and will continue to work to be highly effective at making money off of their activities and engaging with our youth and with our adults for that matter, says the guy who spends an awful lot of time on social media. I appreciate



**February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee.  
Davis Wright Tremaine LLP  
March 08, 2024  
Transcript by TransPerfect**

social media. It's fun. It's enjoyable. But I'm not 13 and I can more easily than our youth put in place guardrails on my time and my resources. And if I don't I'll deal with the consequences as an adult. What I think we are rightly targeting here in terms of trying to curb is the tendency that social media companies have shown to take advantage of vulnerable children in a way that is detrimental to their mental and emotional wellbeing. And I think we did the right thing in what we did last year and I appreciate the Bill sponsor's efforts to more effectively address the problem in a way that avoids both litigation and constitutional issues. One of the things that I just wanted to say is how important it is that I think we, in the way this Bill does employ the miracle of the market in terms of creating a private right of action. And for the members of the committee who don't understand that, that's something that myself and my good friend from Utah County, who is the co-chair, the vice chair of the committee, understand a little better, because we're both lawyers and we have our own law practices that involve using the legal system to hold wrongdoers accountable. And that's what this bill specifically, explicitly does in creating a private right of action is hold wrongdoers accountable. These social media companies, when they knowingly and intentionally take advantage of our vulnerable children by using algorithms that they know very well are addictive and are effective in reaching children who simply haven't developed the emotional and mental and physical capacity to address those algorithms and curb them, they don't have the self-discipline to do that. And when these social media companies knowingly and intentionally target them in a way that they know for a certain percentage of them is going to be extraordinarily detrimental to their mental and emotional wellbeing, they're wrongdoers who should be held accountable and we should employ the miracle of our market in the context of our judicial system to ensure that they are held accountable. The private right of action moves us decisively in that direction. We may need to tweak it in the future if we find that there are certain things that need to be amended, but for the time being I'm very grateful for it. I think it's going to move us in the right direction on this and it illustrates the role and the place that lawyers have in our system to in fact accomplish social good, protect the citizens of the State of Utah by holding wrongdoers accountable. So I appreciate the Bill. I'll be voting for it. I encourage the members of the committee to do the same.

**CHAIRMAN JON HAWKINS:** Thank you Representative King. I'm going to take the chair's prerogative and just add my own two cents. It may not be worth two cents, but I appreciate the work that you've done in this area. Having children of my own that have tendencies to be on social media, I know how addictive it can become and what these algorithms can do. I like watching comedy sketches, right? And so once you watch one, there's a lot more that come, right? And while comedy is harmless, there are other things out there that aren't harmless. And so I appreciate the work that you're doing in this area and just commend you for this Bill. I think it's a great Bill. So thank you. With that, we'll go ahead and place that motion to favorably recommend House Bill 464, Social Media Regulation Act Amendments as amended. All in favor say aye.

**REPRESENTATIVE CHRISTINE F. WATKINS:** Aye.

**CHAIRMAN JON HAWKINS:** Aye. Any opposed? Okay, we'll rule that motion passes. The Bill is favorably recommended. Thank you.



I, Daniel Boisson, hereby certify that the document “**February 14, 2024 Utah House Judiciary Committee HB464 Hearing - E110 - House Judiciary Committee**” is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

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