



**Common Sense Media Supports the
Michigan Kids Over Click legislative package
(Senate Bills 757-760)**

Common Sense Media supports the Michigan Kids Over Click legislative package (Senate Bills 757-760). This legislative package of bills would protect the mental health and well-being of Michigan's children and teens, including improving their sleep, by limiting social media companies' use of addictive feeds and disruptive notifications. It would also make Michigan's kids safer by limiting the data that digital platforms can collect on kids and teens, making that data private by default, and by providing more control for parents over their children's online accounts. Finally, it would ensure that unsafe AI chatbots are inaccessible to children.

Common Sense Media is the leading nonprofit organization dedicated to improving the lives of kids and families by providing the research-backed information, education, and independent voice they need to thrive in the age of apps, algorithms, and AI. We rate, educate, and advocate for policies to protect and prepare kids online. Our ratings, research, and resources reach more than 150 million users globally, over 1.4 million educators, and more than 100,000 schools worldwide every year. In Michigan alone, more than 18,000 teachers have registered to teach Common Sense's digital citizenship and literacy materials to their students in over 2,700 schools in the state.

Risks Abound for Kids Online

Kids' internet usage is at an all-time high. According to the U.S. Surgeon General's 2023 advisory, Social Media and Youth Mental Health, up to 95% of youth ages 13-17 report using social media, with more than a third saying they use social media "almost constantly." Our research has shown teens spend an average of 4.5 hours per day on their phones, with about a quarter of them spending as much as 5 to 8 hours in front of their screens every day. Our report also revealed that kids and teens struggle to set their own boundaries when managing notifications from apps on their smartphones. Teens connect through social media platforms at higher rates than any other group. They also report that these platforms form a larger part of their social life than any other age group. Once they start using these technologies, they have find it more difficult to stop. Younger children, such as those aged 11-12, may spend less time online unsupervised, but they too face the same age-inappropriate exposure risks on social media platforms as older children—exposures that can have a significant impact on them.

Common Sense Media's research on girls and social media use reveals that, despite many girls' positive perceptions of social media's overall impact on their lives, a significant proportion of girls report challenges in regulating their use. This research also shows that numerous social media

design features, such as algorithmic video recommendations, endless scrolling, constant notifications, and autoplay, can make these platforms difficult to stop using. Additionally, throughout this research, it is clear that although social media can play a critical role in girls' mental health, this role is not always a good one. According to the girls we studied, social media can provide access to "information and resources, social connection, self-expression, and identity affirmation." But, at the same time, these girls also identified many risks of social media use, including "exposure to harmful content, bullying and drama, unwanted contact by strangers, negative social comparisons, and interference with sleep."

Social media companies intentionally use manipulative design features to increase kids' online engagement in order to generate more revenue from advertising. These companies process enormous amounts of data about users' behavior, using millions of user data points to filter information through sophisticated algorithms to create social media feeds personalized to each user. Personalized and addictive social media feeds, dark patterns, and other addictive design features like autoplay and infinite scrolling keep kids glued to their devices. Repeat notifications (or 'nudging') pull youth back into apps and extend their attention and time online. Indeed, our research shows that popular social media apps, like TikTok, provide low-friction access to infinite, personalized content, which short-circuits kids' and teens' attention and drives compulsive engagement. Research has found that nighttime social media use can negatively impact sleep and be particularly harmful to children's health. Pursuit of higher company profits is to blame. Platforms create these features to promote user engagement and increase ad revenue, regardless of the negative consequences.

Furthermore, AI chatbots and other AI products are quickly being integrated into products and services essential to day to day lives of children. Common Sense Media's research found that, as of last year, 72% of teens had used AI companions, with 30% of teens being regular users and the same amount preferring to engage with AI companions as much or more than with humans. At the same time, roughly one-third of users report negative experiences, including discomfort with chatbot behavior. The use of these products is occurring without protections for children. Based on Common Sense Media's AI Assessments, these bots easily produce harmful sexual content, stereotypes, and dangerous 'advice' that can have a life-threatening impact on kids. Already, this technology has resulted in real-world harm to kids throughout the nation.

Generative AI chatbots are designed to maximize user engagement, even when it comes at the expense of their own guardrails. While company disclosures can show near-perfect scores in internal single-turn testing, guardrails are known to break down in real-life, multi-turn conversations. Voluntary industry guardrails have failed. Mental health "redirects" alone can't reliably protect users driven to crisis. Disclosure that a chatbot isn't human doesn't prevent the exploitation of human psychology to create attachment and dependency.

These harms aren't inevitable, but they're the predictable result when companies choose to use low-quality data to develop models, rush safety testing, and fail to adequately design their products to prevent harm.

While AI presents novel risks, there are parallels to social media; business models built around maximizing users' time spent online enable harm to many of our kids and teens. The public, as well as teenagers, are increasingly aware of these harmful social media practices. Research released by Common Sense Media earlier this year revealed widespread distrust of major technology companies among teens. Over half of teens surveyed report that they do not trust tech companies to make ethical and responsible design decisions (53%) or to prioritize user safety over profits (62%). Polling also shows that parents of all political backgrounds support establishing guardrails to protect kids online - guardrails that do not exist today for Michigan's kids and teens. But it is also clear that kids, teens, and their parents are outmatched when it comes to fighting back against powerful, addictive, and manipulative design features.

Common Sense Media Supports the Michigan Stop Addictive Feeds Exploitation (SAFE) for Kids Act (Senate Bill 757)

The Michigan SAFE for Kids Act is a critical step toward strengthening online safety for Michigan's children and families. The Act protects kids and teens from the harms associated with addictive features on social media platforms, while preserving their ability to use the internet to learn, explore, and build community.

At its core, the Act limits social media companies' ability to deploy addictive, algorithmically driven feeds that undermine user autonomy and keep young people glued to their devices. It also protects children from disruptive late-night notifications that interfere with sleep and school.

First, the Act addresses addictive feeds. It requires operators of addictive social media platforms to prohibit addictive feeds to a covered user unless and until the operator has determined that the user is not a minor. This language is intentional and critical: it establishes a default rule. Platforms must provide a non-addictive feed experience to all users unless they have actual knowledge that the user is not a minor.

The Act defines "actual knowledge" broadly and realistically. It includes all information and inferences known to the operator about a user's age, including self-identified age and any age the operator has attributed to the user for purposes such as marketing, advertising, or product development. If a platform's internal age classification for advertising or marketing conflicts with a user's self-identified age, the platform must disregard the self-reported age. In other words, companies cannot rely on inconsistent age data when it suits them.

Unless a platform meets this actual knowledge standard, it must presume the user is a minor. As a result, all users will receive a less addictive version of the platform by default—one that presents

content the user actively seeks, rather than content pushed at them by engagement-driven algorithms—until the platform determines the user is not a minor.

Second, the Act limits disruptive notifications. It prohibits platforms from sending notifications to covered users between 10 p.m. and 6 a.m., and on school days between 8 a.m. and 4 p.m., unless the platform has determined the user is not a minor. Again, this operates as a default rule: no push notifications during these protected hours unless the platform meets the actual knowledge standard.

These restricted hours are when young people should be sleeping or focused on school. By making notification limits the default, the Act ensures meaningful protections limiting notifications for all — by benefiting all users until a platform can affirmatively determine that a user is not a minor.

This Act is to be enforced through a civil action brought by the attorney general with civil fines, actual damages, injunctive or declaratory relief, destruction of information obtained in violation of the act, and any other relief the court considers appropriate as available remedies, with a website maintained by the Attorney General available to Michiganders to file complaints, information or referrals regarding violations.

Importantly, industry claims that the Act would block access to content are incorrect. The Act does not require blocking content. It expressly permits content that a user “expressly and unambiguously requested.” The legislation does not eliminate content; it curbs algorithmically pushed material designed to maximize engagement rather than serve user intent.

Industry has also argued that the Act could prevent platforms from delivering age-appropriate feeds to teens, suggesting that purely chronological feeds would elevate spam or harmful content. That claim is misleading. Nothing in the Act prevents platforms from using algorithms to filter out spam, hate speech, or other harmful material. The Act targets engagement-optimizing algorithms that amplify content to increase time spent on the platform—not safety-based filtering tools.

Today’s social media feeds are saturated with targeted advertising and algorithmically selected content that users did not choose. These systems are engineered to maximize engagement and profit. The Michigan SAFE for Kids Act rebalances that model by prioritizing user intent and well-being over platform-driven addiction—giving young people a healthier online experience without restricting their access to information.

Common Sense Media Supports the Michigan Kids Code Act (Senate Bills 758-759)

The Michigan Kids Code Act is a comprehensive effort to strengthen online safety for Michigan’s children and families. The bill is designed to protect minors from the harmful and addictive features of social media platforms while preserving their ability to use the internet to learn, explore, and connect with others.

SB 758 requires online service providers to configure all default privacy settings for minors to the highest level of protection. This includes limiting what information strangers can see about a minor and restricting the visibility of a minor's profile content. The bill further limits the ability of adult strangers, when known to the provider, to like, comment on, or otherwise interact with a minor's content. It also prohibits direct messaging between minors and adult strangers, prevents the display of a minor's location, restricts access to minors' friends' lists, and bans the use of dark patterns that manipulate or undermine user choice.

To ensure these safeguards are meaningful, the bill prohibits providers from soliciting minors to disable default safety protections or making it easy for them to turn off those protections. These provisions are critical to the bill's effectiveness in keeping Michigan's children safe online.

The legislation also incorporates strong data minimization requirements for covered minors and prohibits cross-contextual behavioral advertising, ensuring that minors' personal data is not exploited for targeted advertising or marketing purposes. Although we do feel that the bill could be strengthened by restricting targeted advertising within a service provider's platform.

SB 758 further requires platforms to provide accessible tools for minors to report harms experienced on the platform. For children under 13, parents are granted robust controls, including the ability to manage privacy and safety settings, monitor time spent online, and set reasonable limits. Parents of all minors may also restrict purchases and financial transactions made by their children.

Finally, the Act mandates transparency reporting, requiring platforms to disclose how many minors use their services, how those minors are being protected, and data regarding harms experienced by minors.

Importantly, this Act is enforced by the attorney general enforcement of the Michigan Consumer Protection Act by amending the Michigan Consumer Protection Act (through SB 759) to include a violation of the Kids Code Act as an unfair, unconscionable, or deceptive method, act or practice.

Common Sense Media Supports the Michigan Leading Ethical Development (LEAD) for Kids Act (Senate Bill 760)

The LEAD for Kids Act restricts minors' access to companion chatbots that lack safety guardrails, holds operators accountable for non-compliance, and provides redress to victims for resulting harms. It protects against the known risks of dangerous AI chatbots by addressing the growing concerns about safety and the psychological impacts of AI on children while allowing industry to innovate, ensuring kids have the ability to engage with technology safely.

The Act prohibits operators of companion chatbots from making the product available to children under 18 unless the chatbot is not foreseeably capable of encouraging self-harm, disordered eating, or illegal behavior; offering unsupervised mental health therapy or discouraging minors

from seeking help from a professional or parent; engaging in sexual interactions; or prioritizing continued engagement over user well-being.

Notably, the Act defines operator knowledge broadly, preventing companies from hiding behind inconsistent user age inferences drawn from marketing and advertising data. The bill also carves out customer service bots, research tools, and internal business tools to avoid overbroad application. When harms occur or companies fail to comply, the bill provides multiple avenues for redress, including civil penalties of \$25,000 per violation pursued by the attorney general, and private legal action by minors or their parents and guardians, to hold companies accountable.

Ultimately, the Kids Over Clicks legislative package would strengthen protections for Michigan's children and teens by prioritizing their mental health and well-being over platform profits. The package limits social media companies' use of addictive feeds and disruptive notifications, enhances privacy protections, and ensures that dangerous AI companions are not accessible to children.

If enacted, Michigan would join a growing number of states taking meaningful action to protect young people online. New York and California passed SAFE for Kids laws in 2024, and Massachusetts is advancing similar legislation. Versions of the Kids Code have already been enacted in multiple states, and lawmakers across the country are considering common-sense guardrails for the rapidly expanding AI companion industry.

In the absence of comprehensive federal action to safeguard children online, states must lead. It is critical that Michigan join its peers in adopting strong, forward-looking protections that reflect the realities of today's digital world and ensure Michigan kids can grow up safer online.

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