

EPIC's Model Age-Appropriate Design Code

EPIC's Model AADC protects kids online by prohibiting addictive design features for minors, giving them control over their privacy, and preventing companies from designing to promote compulsive use.

The Problem is Platform Design

Kids today spend a lot of time online—often more time than they or their parents would like.¹ This is by design. The more time a user spends on certain online products, the more money the companies can make through intrusive data collection and targeted advertising. As a result, many consumer-facing tech companies, from social media to video games, chatbots, dating apps, and more, engineer their products to be “addictive.”²

Kids also often have bad experiences online. Many of these bad experiences can be traced to their lack of control over key aspects of their online experiences, like who can contact them and what content they see in their feeds. This lack of control undermines their autonomy and increases the risk of secondary harms like cyberbullying, sexual exploitation, bodily injury, and mental health harms.³

Tech companies' harmful design choices are:

- **Contributing to the youth mental health crisis** by driving kids to overuse technologies at the expense of sleep, schoolwork, and healthy socializing;⁴
- **Putting kids in danger online**, due to the lack of visibility, location, notification, and content controls on certain platforms⁵

¹ Emily A. Vogels, Risa Gelles-Watnick, & Navid Massarat, *Teens, Social Media and Technology 2022*, PEW RSCH. CTR. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

² As Facebook's first president, Sean Parker, has explained, “The thought process that went into building these applications... was all about: ‘How do we consume as much of your time and conscious attention as possible?’” Mike Allen, *Sean Parker Unloads on Facebook: ‘God Only Knows What It’s Doing to Our Children’s Brains’*, *Axios* (Nov. 9, 2017), <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

³ 5Rights Foundation, *Disrupted Childhood: The Cost of Persuasive Design* 39-49 (Apr. 2023), https://5rightsfoundation.com/wp-content/uploads/2024/08/5rights_DisruptedChildhood_G.pdf

⁴ Kids Online Health and Safety Task Force, *Online Health and Safety for Children and Youth: Best Practices for Families and Guidance for Industry* 12-16 (July 22, 2024), <https://www.ntia.gov/sites/default/files/reports/kids-online-health-safety/2024-koht-report.pdf>

⁵ *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory*, HHS at 8-9 (May 23, 2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>

Parents cannot solve this problem on their own. In a recent Pew poll, a significant majority of parents said tech companies and lawmakers should be doing more to help.⁶

EPIC's Age-Appropriate Design Code Provides the Answer

The right approach to solving this problem is not to force parents to mediate their kids' access to online products or to ban the products altogether (violating kids' own First Amendment rights and often burdening adults' access too).

Instead, we need to require companies to change the way they design their platforms so that they integrate privacy and safety by design. Making platforms less addictive will allow kids to make better choices about how much time they spend online. Giving kids tools to control their online experiences will make the time they spend online more positive. And such an approach will uplift, and not subvert, kids' autonomy online.

The Bill at a Glance

The bill builds off of Vermont's Age-Appropriate Design Code, enacted last year, which is the strongest kids' online safety law enacted to date. The bill also integrates lessons learned from new research into the harms of addictive design and recent litigation. It:

- **Prohibits specific design practices that have already been shown to carry significant risk of harmful**, like surveillance-based algorithmic feeds and geolocation tracking. These must be turned off by default for all users, but adults can still request them if they prefer.
- **Requires large companies to evaluate design features for risk of compulsive use** before implementing them for users.
- **Gives kids agency over their online experiences** by creating a "privacy by default" system along with other tools that allow kids to control the content they see in algorithmic feeds and to block unwanted contacts.
- **Gives researchers, policymakers, and users transparency into companies' design practices**, while avoiding disclosures that might trigger First Amendment protection.
- **Does not require age assurance**, but companies that do use age assurance must abide by strict privacy rules.

⁶ Colleen McClain, et al., *How Parents Manage Screen Time For Kids*, Pew Research Center (Oct. 8, 2025), <https://www.pewresearch.org/internet/2025/10/08/how-parents-approach-their-kids-screen-time/>.

The Bill is Designed to Withstand a Litigation Challenge

The bill has been carefully designed to avoid concerns raised in litigation over kids' online safety laws. The bill is designed to:

- **Survive First Amendment scrutiny** by carefully protecting online speech.
- **Comply with Section 230** of the Communications Decency Act by making clear companies can only be held liable for their own harmful design choices.
- **Not break the internet** by ensuring design changes made in response to the bill will make products better for consumers.
- **Protect small businesses** by exempting them from provisions that might burden them.

Enacting EPIC's Model Age-Appropriate Design Code will make your state the national model for protecting children from harmful technology. We urge your support.

Contact Caitriona Fitzgerald, EPIC Deputy Director with questions. fitzgerald@epic.org