

118TH CONGRESS
1ST SESSION

H. R. 413

To establish requirements for the labeling and user agreements of internet-connected toys for children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

Mr. EDWARDS introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To establish requirements for the labeling and user agreements of internet-connected toys for children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency Over
5 Toys Spying Act” or the “TOTS Act”.

6 **SEC. 2. LABELING AND USER AGREEMENT REQUIREMENTS**
7 **FOR INTERNET-CONNECTED TOYS.**

8 (a) REGULATIONS.—Not later than 1 year after the
9 date of the enactment of this Act, the Commission shall
10 promulgate under section 553 of title 5, United States

1 Code, regulations that require a manufacturer introducing
2 into interstate commerce an internet-connected toy to in-
3 clude—

4 (1) on the packaging associated with the toy, a
5 label that clearly indicates—

6 (A) that the toy has the ability to—

7 (i) connect to the internet; and

8 (ii) collect and transmit the personal
9 information of a user of the toy; and

10 (B) whether personal information collected
11 by the toy is retained—

12 (i) in the toy; or

13 (ii) by the manufacturer or another
14 entity; and

15 (2) in any user agreement or privacy policy as-
16 sociated with the toy, highlighted information that is
17 easy to read, is the first text presented by the agree-
18 ment or policy, and describes—

19 (A) how personal information may be col-
20 lected by the toy and what personal information
21 may be collected;

22 (B) what personal information may be re-
23 tained in the toy;

1 (C) what personal information may be
2 transmitted from the toy and to whom the per-
3 sonal information may be transmitted;

4 (D) how transmitted personal information
5 may be provided to, retained, and used by the
6 manufacturer or another entity;

7 (E) any actions taken by the manufacturer
8 to minimize the collection, retention, or trans-
9 mission of personal information;

10 (F) the protections available to the user
11 with respect to collected, retained, or trans-
12 mitted personal information, including protec-
13 tions under Federal law; and

14 (G) whether the toy can be used in a man-
15 ner that prevents the collection, retention, or
16 transmission of personal information, including
17 without connection to the internet or another
18 internet-connected device.

19 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
20 SION.—

21 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
22 TICES.—A violation of a regulation promulgated
23 under subsection (a) shall be treated as a violation
24 of a regulation under section 18(a)(1)(B) of the
25 Federal Trade Commission Act (15 U.S.C.

1 57a(a)(1)(B)) regarding unfair or deceptive acts or
2 practices.

3 (2) POWERS OF COMMISSION.—The Commis-
4 sion shall enforce the regulations promulgated under
5 subsection (a) in the same manner, by the same
6 means, and with the same jurisdiction, powers, and
7 duties as though all applicable terms and provisions
8 of the Federal Trade Commission Act (15 U.S.C. 41
9 et seq.) were incorporated into and made a part of
10 this Act. Any person who violates such a regulation
11 shall be subject to the penalties and entitled to the
12 privileges and immunities provided in the Federal
13 Trade Commission Act.

14 (c) DEFINITIONS.—In this section:

15 (1) INTERNET-CONNECTED TOY.—The term
16 “internet-connected toy” means a device—

17 (A) introduced into interstate commerce
18 and targeted to a child or likely to be operated
19 by a child;

20 (B) the purpose of which is entertainment
21 or amusement;

22 (C) that is able to be connected to the
23 internet, directly or through another internet-
24 connected device; and

1 (D) through which the personal informa-
2 tion of a child may be collected and transmitted
3 to a person other than the child or the parent
4 of the child.

5 (2) PERSONAL INFORMATION.—The term “per-
6 sonal information” means individually identifiable
7 information about an individual, including—

8 (A) a first and last name;

9 (B) a home or other physical address, in-
10 cluding street name and name of a city or town;

11 (C) an e-mail address;

12 (D) a telephone number;

13 (E) a Social Security number;

14 (F) a photo, video, or audio recording;

15 (G) any other identifier that the Commis-
16 sion determines permits the physical or online
17 contacting of a specific individual; or

18 (H) information concerning a child or the
19 parents of that child collected from the child
20 and combined with an identifier described in
21 this paragraph.

22 (3) TERMS DEFINED IN CHILDREN’S ONLINE
23 PRIVACY PROTECTION ACT OF 1998.—The terms
24 “child”, “Commission”, “parent”, and “person”
25 have the meanings given each of those terms respec-

- 1 tively in section 1302 of the Children's Online Pri-
- 2 vacy Protection Act of 1998 (15 U.S.C. 6501).

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