

118TH CONGRESS
1ST SESSION

H. R. 821

To require providers of social media platforms to prohibit children under the age of 16 from accessing such social media platforms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

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

A BILL

To require providers of social media platforms to prohibit children under the age of 16 from accessing such social media platforms, 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 “Social Media Child
5 Protection Act”.

6 **SEC. 2. REQUIREMENTS FOR SOCIAL MEDIA PLATFORMS.**

7 (a) IN GENERAL.—A provider of a social media plat-
8 form—

1 (1) may not permit a child to access such social
2 media platform;

3 (2) may not permit any individual to access
4 such social media platform unless such provider has
5 verified the age of such individual by—

6 (A) requiring such individual to provide a
7 valid identity document issued by the Federal
8 Government or a State or local government,
9 such as a birth certificate, driver's license, or
10 passport; or

11 (B) using another reasonable method of
12 verification (taking into consideration available
13 technology); and

14 (3) shall establish and maintain reasonable pro-
15 cedures to protect the confidentiality, security, and
16 integrity of the personal information of users and
17 prospective users of such social media platform,
18 which shall be consistent with the procedures re-
19 quired under section 1303(b)(1)(D) of the Children's
20 Online Privacy Protection Act of 1998 (15 U.S.C.
21 6502(b)(1)(D)).

22 (b) ENFORCEMENT.—

23 (1) ENFORCEMENT BY FEDERAL TRADE COM-
24 MISSION.—

1 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
2 TICES.—A violation of this section shall be
3 treated as a violation of a regulation under sec-
4 tion 18(a)(1)(B) of the Federal Trade Commis-
5 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
6 unfair or deceptive acts or practices.

7 (B) POWERS OF COMMISSION.—The Com-
8 mission shall enforce this section in the same
9 manner, by the same means, and with the same
10 jurisdiction, powers, and duties as though all
11 applicable terms and provisions of the Federal
12 Trade Commission Act (15 U.S.C. 41 et seq.)
13 were incorporated into and made a part of this
14 section. Any person who violates this section
15 shall be subject to the penalties and entitled to
16 the privileges and immunities provided in the
17 Federal Trade Commission Act.

18 (2) ACTIONS BY STATES.—

19 (A) IN GENERAL.—

20 (i) CIVIL ACTIONS.—In any case in
21 which the attorney general of a State has
22 reason to believe that an interest of the
23 residents of such State has been or is
24 threatened or adversely affected by the en-
25 gagement of a provider of a social media

1 platform in an act or practice that violates
2 this section, the State, as *parens patriae*,
3 may bring a civil action on behalf of the
4 residents of the State in a district court of
5 the United States of appropriate jurisdic-
6 tion to—

7 (I) enjoin such act or practice;

8 (II) enforce compliance with this
9 section;

10 (III) obtain damages, restitution,
11 or other compensation on behalf of
12 residents of the State; or

13 (IV) obtain such other relief as
14 the court may consider to be appro-
15 priate.

16 (ii) NOTICE.—

17 (I) IN GENERAL.—Before filing
18 an action under clause (i), the attor-
19 ney general of the State involved shall
20 provide to the Commission—

21 (aa) written notice of such
22 action; and

23 (bb) a copy of the complaint
24 for such action.

25 (II) EXEMPTION.—

1 (aa) IN GENERAL.—Sub-
2 clause (I) shall not apply with re-
3 spect to the filing of an action by
4 an attorney general of a State
5 under this subparagraph, if the
6 attorney general determines that
7 it is not feasible to provide the
8 notice described in such sub-
9 clause before the filing of such
10 action.

11 (bb) NOTIFICATION.—In an
12 action described in item (aa), the
13 attorney general of a State shall
14 provide notice and a copy of the
15 complaint to the Commission at
16 the same time as the attorney
17 general files such action.

18 (B) INTERVENTION.—

19 (i) IN GENERAL.—On receiving notice
20 under subparagraph (A)(ii), the Commis-
21 sion shall have the right to intervene in the
22 action that is the subject of such notice.

23 (ii) EFFECT OF INTERVENTION.—If
24 the Commission intervenes in an action

1 under subparagraph (A), it shall have the
2 right—

3 (I) to be heard with respect to
4 any matter that arises in such action;
5 and

6 (II) to file a petition for appeal.

7 (C) CONSTRUCTION.—For purposes of
8 bringing any civil action under subparagraph
9 (A), nothing in this section shall be construed
10 to prevent an attorney general of a State from
11 exercising the powers conferred on the attorney
12 general by the laws of that State to—

13 (i) conduct investigations;

14 (ii) administer oaths or affirmations;

15 or

16 (iii) compel the attendance of wit-
17 nesses or the production of documentary
18 and other evidence.

19 (3) PRIVATE RIGHT OF ACTION.—A parent of a
20 child injured by a violation of this section by a pro-
21 vider of a social media platform may bring in a dis-
22 trict court of the United States of appropriate juris-
23 diction a civil action to—

24 (A) enjoin the violation;

1 (B) obtain compensatory damages and pu-
2 nitive damages; or

3 (C) obtain such other relief as the court
4 may consider to be appropriate.

5 (c) REVIEW AND REPORT TO CONGRESS.—Not later
6 than 18 months after the date of the enactment of this
7 Act, the Commission shall—

8 (1) review the implementation of this section,
9 including the effects of the implementation of this
10 section on providers of social media platforms, the
11 efforts of the Commission to ensure such providers
12 comply with this section and the successfulness of
13 such efforts, any violations of this section by such
14 providers, and the actions taken by such providers to
15 verify the age and identity of users and prospective
16 users of the social media platforms of such pro-
17 viders; and

18 (2) submit to Congress a report on the results
19 of the review described in paragraph (1).

20 (d) DEFINITIONS.—In this section:

21 (1) ACCESS.—The term “access” means, with
22 respect to a social media platform—

23 (A) to establish an account on such social
24 media platform;

1 (B) to create a profile on such social media
2 platform; or

3 (C) to create, share, or view user-generated
4 content through such account or profile.

5 (2) CHILD.—The term “child” means an indi-
6 vidual under the age of 16.

7 (3) COMMISSION.—The term “Commission”
8 means the Federal Trade Commission.

9 (4) PARENT.—The term “parent” has the
10 meaning given such term in section 1302 of the
11 Children’s Online Privacy Protection Act of 1998
12 (15 U.S.C. 6501).

13 (5) PERSONAL INFORMATION.—The term “per-
14 sonal information” means individually identifiable
15 information about an individual collected online, in-
16 cluding—

17 (A) a first and last name;

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

20 (C) an email address;

21 (D) a telephone number;

22 (E) a Social Security number; or

23 (F) any other information the Commission
24 determines permits the physical or online con-
25 tacting of a specific individual.

1 (6) SOCIAL MEDIA PLATFORM.—

2 (A) IN GENERAL.—The term “social media
3 platform” means a website or other internet
4 medium that does the following:

5 (i) Permits a person to establish an
6 account or create a profile for the purpose
7 of allowing users to create, share, and view
8 user-generated content through such ac-
9 count or profile.

10 (ii) Enables 1 or more users to gen-
11 erate content that can be viewed by other
12 users of such medium.

13 (iii) Primarily serves as a medium for
14 users to interact with content generated by
15 other users of such medium.

16 (B) INCLUSION.—The term “social media
17 platform” includes Facebook, Twitter,
18 Instagram, Snapchat, and TikTok.

19 (7) STATE.—The term “State” means each
20 State of the United States, the District of Columbia,
21 each commonwealth, territory, or possession of the
22 United States, and each federally recognized Indian
23 Tribe.

1 (e) EFFECTIVE DATE.—This section shall take effect
2 on the date that is 90 days after the date of the enactment
3 of this Act.

