

The Kids Online Safety Act of 2022

Section-by-Section Summary

The Kids Online Safety Act provides kids and parents with the safeguards, tools, and transparency they need to protect against threats to children’s health and well-being online. The legislation would require social media platforms to put the interests of children first, providing an environment that is safe by default. The Kids Online Safety Act also ensures that parents and policymakers know whether social media platforms are taking meaningful steps to address risks to kids by requiring independent audits and supporting access to important data for experts and academic researchers.

Section 1 – Short Title: the “Kids Online Safety Act”

Section 2 – Definitions [*excerpts of key definitions*]

- Covered platform – a commercial software application or electronic service that connects to the internet and that is used, or is reasonably likely to be used, by a minor.
- Minor – a person that is 16 years old or younger.

Section 3 – Duty of Care

- (a) Best Interests – Establishes that a covered platform has a duty to act in the best interests of minors that use that platform’s products or services.
- (b) Prevention of Harm to Minors – Outlines a set of harms posed to minors that covered platforms have a duty to prevent and mitigate, including promotion of self-harm, suicide, eating disorders, substance abuse, sexual exploitation, and unlawful products for minors (such as gambling and alcohol).

Section 4 – Safeguards for Minors

- (a) Safeguards for Minors – Requires covered platforms to provide minors and their parents with controls to protect against stalking, exploitation, addiction, and rabbit holes of dangerous material. Those controls should default to the strongest option and be accessible for young audiences.
- (b) Parental Tools – Requires covered platforms to provide parents with tools to supervise a minors’ use of a platform, including options to control safety settings, track their time, limit purchases, and address addictive usage. Those tools should be enabled by default.

- (c) Reporting Mechanism – Requires covered platforms to provide minors and parents a dedicated reporting channel to alert the platform about harms and requires them to respond in a reasonable and timely manner.
- (d) Illegal Content – Prohibits covered platforms from facilitating the advertising of products or services to minors that are illegal to sell to them.

Section 5 – Disclosure

- (a) Notice – Prior to registration or use by a minor, the platform shall provide clear, accessible, and easy-to-understand notice of the policies, practices, and safeguards available for minors and parents.
- (b) Algorithmic Recommendation System – A covered platform that uses an algorithmic recommendation system shall provide information about how a minor’s personal data is used in those systems and options to modify those recommendations.
- (c) Advertising and Marketing – A covered platform that facilitates advertising aimed at minors shall provide clear, accessible, and easy-to-understand labels for such advertisements, and information about how personal data is used in targeted ads.
- (d) Resources for Parents and Minors – A covered platform shall provide minors and parents clear and comprehensive information about the policies, practices, and safeguards available for minors and parents.

Section 6 – Transparency

- Audit of Systemic Risks to Minors – Requires a covered platform annually issue a public report identifying the risks of harm to minors based on an independent, third-party audit conducted through reasonable inspection of the covered platform that describes the prevention and mitigation measures taken.

Section 7 – Independent Research

- (a) Definitions – [*excerpts of key definitions*]
 - Public Interest Research – the scientific or historical analysis of information that is performed for the primary purpose of advancing a broadly recognized public interest.

- Eligible Researcher – an individual or group of individuals affiliated with or employed by institution of higher education or a nonprofit organization.
- (b) Access to Data on Harms to Minors – The Administrator of the National Telecommunications & Information Administration shall establish a program under which an eligible researcher may apply for, and a covered platform shall provide, access to data assets from the covered platform for the sole purpose of conducting public interest research regarding harms to the safety and well-being of minors.
- (c) Safe Harbor for Independent Collection – Provides protections for public interest researchers collecting data on harms to minors.
- (d) Rulemaking – Allows the Administrator to promulgate rules to implement this section.

Section 8 – Market Research

- Requires the Federal Trade Commission establish guidelines for covered platforms seeking to conduct market- and product-focused research on minors.

Section 9 – Age Verification Study and Report

- Requires the National Institute of Standards and Technology conduct a study evaluating the most technologically feasible options for developing systems to verify age at the device or operating system level.

Section 10 – Enforcement

- The FTC and state Attorneys General shall enforce this act.

Section 11 – Kids Online Safety Council

- The Secretary of Commerce shall establish and convene a Kids Online Safety Council for the purpose of providing advice on the implementation of this Act. The Council will be made up of parents, experts, representatives from tech, federal agencies, state Attorneys General, and youth voices.

Section 12 – Authorization of Appropriations: There are authorized to be appropriated to the Federal Trade Commission such sums as may be necessary to carry out this Act.

Section 13 – Effective Date: this Act shall take effect on the date that is 18 months after the date of enactment.

Section 14 – Severability: If any provision of this Act is held unconstitutional, the remaining provisions shall apply.