

119TH CONGRESS
2D SESSION

S. 4407

To require the creation of family accounts for children to be able to use artificial intelligence chatbots, to require verifiable parental consent for teens using artificial intelligence chatbots, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2026

Mr. CRUZ (for himself, Mr. SCHATZ, Mr. CURTIS, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the creation of family accounts for children to be able to use artificial intelligence chatbots, to require verifiable parental consent for teens using artificial intelligence chatbots, 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 “Children’s Health, Ad-
5 vancement, Trust, Boundaries, and Oversight in Tech-
6 nology Act” or the “CHATBOT Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-
 2 tificial intelligence” has the meaning given such
 3 term in section 5002 of the National Artificial Intel-
 4 ligence Initiative Act of 2020 (15 U.S.C. 9401).

5 (2) ARTIFICIAL INTELLIGENCE CHATBOT.—The
 6 term “artificial intelligence chatbot” means artificial
 7 intelligence that, in an open-ended natural-language
 8 or multimodal manner—

9 (A) accepts user input;

10 (B) engages in interactive conversations
 11 with a user; and

12 (C) provides outputs that are not—

13 (i) pre-determined or scripted;

14 (ii) limited to contextualized replies or
 15 to a narrow, specified purpose, such as—

16 (I) customer service;

17 (II) any operational purpose of a
 18 business;

19 (III) productivity and analysis re-
 20 lated to source information;

21 (IV) internal research; or

22 (V) technical assistance; or

23 (iii) limited to an educational product
 24 or service that primarily provides informa-
 25 tion, experience, training, or instruction for

1 the purpose of building any knowledge,
2 skill, or craft.

3 (3) CHILD.—The term “child” means an indi-
4 vidual who is under the age of 13.

5 (4) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (5) COVERED ENTITY.—The term “covered en-
8 tity” means any public-facing website, online service,
9 or software application that, as its primary function,
10 provides an artificial intelligence chatbot to users.

11 (6) KNOW.—The term “know” means to have
12 actual knowledge or knowledge fairly implied on the
13 basis of objective circumstances.

14 (7) PARENT.—With respect to a child or teen,
15 the term “parent” includes a legal guardian of the
16 child or teen.

17 (8) PERSONAL DATA.—The term “personal
18 data” has the meaning given the term “personal in-
19 formation” in section 1302 of the Children’s Online
20 Privacy Protection Act of 1998 (15 U.S.C. 6501).

21 (9) TARGETED ADVERTISING.—The term “tar-
22 geted advertising”—

23 (A) means advertising or any other effort
24 to market a product or service to a child or teen

1 user based on any personal data collected from
2 the child or teen; and

3 (B) does not include—

4 (i) advertising or marketing to a child
5 or teen user in response to the most recent
6 prompt input by the child or teen user;

7 (ii) contextual advertising, such as
8 when an advertisement is displayed to a
9 child based on the content of the website,
10 online service, or software application of a
11 covered entity in which the advertisement
12 appears and does not vary based on the
13 personal data of the child or teen user; or

14 (iii) processing personal data solely
15 for the purpose of measuring or reporting
16 advertising or content performance, reach,
17 or frequency, including independent meas-
18 urement.

19 (10) TEEN.—The term “teen” means an indi-
20 vidual who has attained 13 years of age but has not
21 attained 18 years of age.

22 (11) TRANSPARENCY LABEL.—The term
23 “transparency label” means a notice that—

24 (A) is clearly and conspicuously displayed
25 to a user;

- 1 (B) disappears only if the user—
 2 (i) exits the artificial intelligence
 3 chatbot; or
 4 (ii) affirmatively dismisses the notice;
 5 and
 6 (C) discloses that—
 7 (i) the artificial intelligence chatbot is
 8 artificial intelligence and not a natural per-
 9 son; and
 10 (ii) any output of the artificial intel-
 11 ligence chatbot is generated using artificial
 12 intelligence.

13 (12) USER.—The term “user” means, with re-
 14 spect to a covered entity, an individual who registers
 15 an account or creates a profile in order to access the
 16 artificial intelligence chatbot of the covered entity.

17 **SEC. 3. FAMILY ACCOUNT REQUIREMENT FOR CHILDREN;**
 18 **TERMINATION OF EXISTING USER ACCOUNTS**
 19 **AND PROFILES; DELETION OF PERSONAL**
 20 **DATA.**

21 (a) CREATION AND MAINTENANCE OF FAMILY AC-
 22 COUNTS.—A covered entity shall require an individual to
 23 create and maintain a family account that meets the re-
 24 quirements described in section 5 to access an artificial

1 intelligence chatbot of the covered entity if the covered en-
2 tity knows such individual is a child.

3 (b) TERMINATION OF EXISTING USER ACCOUNTS
4 AND PROFILES OF CHILD AND TEEN USERS.—A covered
5 entity shall terminate any user account or profile of an
6 artificial intelligence chatbot of the covered entity that ex-
7 ists as of the effective date of this Act if the covered entity
8 knows such user is—

9 (1) a child and such child has not created a
10 family account; or

11 (2) a teen and the parent of such teen has not
12 provided verifiable parental consent pursuant to sec-
13 tion 4(a)(1).

14 (c) DELETION OF PERSONAL DATA OF CHILDREN
15 AND TEENS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 upon termination of a user account or profile pursu-
18 ant to subsection (b), a covered entity shall imme-
19 diately delete all personal data collected from the
20 user or submitted by the user (including data of the
21 user collected from or submitted by the parent of
22 such user) to the artificial intelligence chatbot of
23 such entity.

24 (2) ACCESS OF CHILDREN AND TEENS TO PER-
25 SONAL DATA.—During the 90-day period beginning

1 on the date on which a covered entity terminates a
 2 user account or profile pursuant to subsection (b), to
 3 the extent technically feasible and not in violation of
 4 any licensing agreement, the covered entity shall
 5 make available to such user or parent of such user,
 6 upon request, a copy of the personal data collected
 7 from the user or submitted by the user to the artifi-
 8 cial chatbot of such entity in—

9 (A) a manner that is readable and able to
 10 be understood by a reasonable person; and

11 (B) a portable, structured, and machine-
 12 readable format.

13 (3) RULE OF CONSTRUCTION.—Nothing in this
 14 subsection shall be construed to prohibit a covered
 15 entity from retaining—

16 (A) a record of the termination of a user
 17 account or profile; and

18 (B) the minimum information necessary
 19 for ensuring compliance with this section.

20 **SEC. 4. VERIFIABLE PARENTAL CONSENT AND OPTION FOR**
 21 **FAMILY ACCOUNTS FOR TEENS.**

22 (a) IN GENERAL.—

23 (1) NOTICE AND VERIFIABLE PARENTAL CON-
 24 SENT.—Prior to an individual’s creation of a user
 25 account or profile with an artificial intelligence

1 chatbot of a covered entity, if the covered entity
 2 knows such individual is a teen, the covered entity
 3 shall—

4 (A) provide direct notice to a parent of the
 5 teen of the attempt by such teen to create such
 6 user account or profile; and

7 (B) obtain verifiable parental consent (as
 8 defined in section 1302(9) of the Children’s On-
 9 line Privacy Protection Act (15 U.S.C.
 10 6501(9))) from the parent of the teen in order
 11 for the teen to create such user account or pro-
 12 file.

13 (2) OPTION FOR FAMILY ACCOUNTS.—In ob-
 14 taining verifiable parental consent under paragraph
 15 (1), a covered entity shall provide a parent of a teen
 16 with the option to create a family account for the
 17 teen that meets the requirements described in sec-
 18 tion 5.

19 (3) DEFAULT FEATURES.—

20 (A) IN GENERAL.—Subject to subpara-
 21 graph (B), if the parent of a teen user does not
 22 create a family account for the teen as per-
 23 mitted in paragraph (2), a covered entity shall
 24 set and fix any feature or setting described in
 25 section (5)(a)(1) at the default setting required

1 by section 5(b)(1) for the user account or pro-
 2 file of such teen.

3 (B) LATER CREATION OF A FAMILY AC-
 4 COUNT.—If a parent of a teen user creates a
 5 family account for the teen user after such teen
 6 user first creates a user account or profile, the
 7 covered entity shall permit such parent to ad-
 8 just any default setting set and fixed under
 9 subparagraph (A).

10 (4) REASONABLE EFFORTS.—A covered entity
 11 shall be deemed compliant with the requirements of
 12 this subsection if the covered entity is in compliance
 13 with the requirements of the Children’s Online Pri-
 14 vacy Protection Act of 1998 (15 U.S.C. 6501 et
 15 seq.) to use reasonable efforts (taking into consider-
 16 ation available technology) to provide a parent with
 17 direct notice and to obtain verifiable parental con-
 18 sent.

19 (b) REVOCATION OF CONSENT.—

20 (1) IN GENERAL.—With respect to a parent of
 21 a teen who has provided verifiable parental consent
 22 under subsection (a)(1), a covered entity shall pro-
 23 vide such parent with the ability to revoke such con-
 24 sent.

1 (2) EFFECT OF VERIFIABLE PARENTAL CON-
 2 SENT.—If a covered entity receives a revocation of
 3 verifiable parental consent under paragraph (1), the
 4 covered entity shall suspend, delete, or otherwise dis-
 5 able the user account or profile of the teen on the
 6 artificial intelligence chatbot that is subject to such
 7 revocation.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion shall be construed to require a covered entity to re-
 10 quire a teen or the parent of such teen to provide govern-
 11 ment-issued identification for—

12 (1) relationship verification; or

13 (2) the provision of verifiable parental consent
 14 under subsection (a)(1).

15 **SEC. 5. PARENTAL CONTROLS AND SETTINGS FOR FAMILY**
 16 **ACCOUNTS.**

17 (a) PARENTAL CONTROLS AND SETTINGS.—Any
 18 family account provided by a covered entity to meet the
 19 requirements of section 3 or 4 shall permit the parent of
 20 a child or teen user, as applicable, to—

21 (1) determine the privacy and account settings
 22 for the user account or profile of such child or teen,
 23 including the ability to—

1 (A) limit the amount of time the child or
2 teen is able to spend using the artificial intel-
3 ligence chatbot of the covered entity;

4 (B) disable rewards or incentives, including
5 badges or other visual award symbols, based on
6 frequency, time spent, or the activity of the
7 child or teen using the artificial intelligence
8 chatbot;

9 (C) disable notifications and push alerts;

10 (D) disable any financial transaction made
11 available while using the artificial intelligence
12 chatbot;

13 (E) disable the generation of an output
14 from the artificial intelligence chatbot that is
15 not in response to the input of a user; and

16 (F) enable a requirement that the covered
17 entity display a transparency label and set the
18 intervals at which the transparency label should
19 be displayed;

20 (2) set the number of inputs that, or the period
21 of time during which, an artificial intelligence
22 chatbot may use the personal data of, or such inputs
23 provided by, a child or teen user to generate outputs
24 before such data and such inputs must be deleted

1 from any memory used by the artificial intelligence
2 chatbot to generate outputs;

3 (3) access—

4 (A) a full record of the conversations and
5 activity of the child or teen with such artificial
6 intelligence chatbot; and

7 (B) features that allow the parent to mon-
8 itor, analyze, and understand, at scale, the
9 record of such conversations and activity; and

10 (4) receive customized notifications or other
11 alerts when the child or teen attempts to bypass,
12 disable, or violate any parental control or setting de-
13 scribed in paragraph (1).

14 (b) DEFAULT SAFEGUARDS AND PARENTAL CON-
15 TROL OPTIONS.—

16 (1) DEFAULT SAFEGUARDS.—Each covered en-
17 tity shall ensure that the default setting of any pa-
18 rental control or setting described in subsection (a)
19 for a family account is the option, or pre-set option
20 (for purposes of paragraph (2)), that provides the
21 most protective level of control with respect to the
22 use of the artificial intelligence chatbot by a child or
23 teen user.

24 (2) PRE-SET OPTIONS FOR PARENTS.—Each
25 covered entity shall provide a parent of a child or

1 teen user with the option to select between several
 2 pre-set tiered options for governing the settings de-
 3 scribed in subsection (a)(2) that balance the trade-
 4 offs between the protectiveness to the child or teen
 5 user and the effectiveness of the artificial intel-
 6 ligence chatbot.

7 (c) DISCLOSURE AND TRANSPARENCY.—

8 (1) IN GENERAL.—Each covered entity shall en-
 9 sure that the default setting of any parental control
 10 or setting described in subsection (a) within a family
 11 account is accompanied by a clear and conspicuous
 12 disclosure that defines the scope of the setting in a
 13 manner that is understandable by an ordinary con-
 14 sumer.

15 (2) PROVISION OF INFORMATION.—Prior to the
 16 creation of a family account, a covered entity shall
 17 provide to the parent of a child or teen clear and
 18 conspicuous information, which may include a link
 19 to a web page of the covered entity, regarding—

20 (A) the policies and practices of the cov-
 21 ered entity with respect to each parental control
 22 or setting described in subsection (a), including
 23 an easy-to-understand explanation of the op-
 24 tions described in such subsection, the pre-set

1 options described in subsection (b)(2), and the
2 effect of each option or pre-set option; and

3 (B) how to access and manage the family
4 account for the child or teen user, including an
5 easy-to-understand explanation of how to view,
6 change, and determine each parental control or
7 setting described in subsection (a).

8 (d) REPORT.—A covered entity shall provide an easily
9 accessible means for a child or teen user or the parent
10 of such child or teen user to—

11 (1) report violations of the parental controls or
12 settings specified in subsection (a); and

13 (2) contact the covered entity with respect to
14 any matter related to child or teen use of the artifi-
15 cial intelligence chatbot of the covered entity.

16 **SEC. 6. PROHIBITION ON TARGETED ADVERTISING.**

17 (a) IN GENERAL.—A covered entity shall not use the
18 personal data of a user that the covered entity knows is
19 a child or teen for purposes of targeted advertising.

20 (b) RULE OF CONSTRUCTION.—Nothing in sub-
21 section (a) shall be construed to prohibit a covered entity
22 that knows the age of the child or teen from delivering
23 advertising or marketing that—

24 (1) complies with the prohibition described in
25 subsection (a); and

1 (2) is age-appropriate and intended for a child
2 or teen audience, so long as the covered entity does
3 not use any personal information other than the age
4 of the child or teen to display such advertisement.

5 **SEC. 7. DETERMINATION OF WHETHER A COVERED ENTITY**
6 **KNOWS THAT AN INDIVIDUAL IS A CHILD OR**
7 **TEEN.**

8 (a) RULE OF CONSTRUCTION.—For purposes of de-
9 termining whether a covered entity knows that an indi-
10 vidual is a child or teen, the Commission or attorney gen-
11 eral of a State shall rely on competent and reliable evi-
12 dence, taking into account the totality of circumstances,
13 including whether a reasonable and prudent person under
14 the circumstances would have known that the individual
15 is a child or teen.

16 (b) PROTECTIONS FOR PRIVACY.—Nothing in this
17 Act, including a determination described in subsection (a),
18 shall be construed to require a covered entity to—

19 (1) implement an age gating or age verification
20 functionality; or

21 (2) affirmatively collect any personal data with
22 respect to the age of any individual that the covered
23 entity is not already collecting in the normal course
24 of business.

1 (c) RESTRICTION ON USE AND RETENTION OF PER-
 2 SONAL DATA.—If a covered entity (or a third party acting
 3 on behalf of a covered entity) voluntarily collects personal
 4 data for the purpose of complying with this Act, the cov-
 5 ered entity (or third party) shall not—

6 (1) use any personal data collected for a pur-
 7 pose other than for sole compliance with the require-
 8 ments of this Act; or

9 (2) retain any personal data collected for longer
 10 than is necessary to comply with the requirements of
 11 this Act or than is minimally necessary to dem-
 12 onstrate such compliance.

13 **SEC. 8. ENFORCEMENT.**

14 (a) ENFORCEMENT BY THE COMMISSION.—

15 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
 16 TICES.—A violation of this Act shall be treated as
 17 a violation of a rule defining an unfair or deceptive
 18 act or practice prescribed under section 18(a)(1)(B)
 19 of the Federal Trade Commission Act (15 U.S.C.
 20 57a(a)(1)(B)).

21 (2) POWERS OF THE COMMISSION.—

22 (A) IN GENERAL.—The Commission shall
 23 enforce this Act in the same manner, by the
 24 same means, and with the same jurisdiction,
 25 powers, and duties as though all applicable

1 terms and provisions of the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.) were in-
3 corporated into and made a part of this Act.

4 (B) PRIVILEGES AND IMMUNITIES.—Any
5 person who violates this Act shall be subject to
6 the penalties and entitled to the privileges and
7 immunities provided in the Federal Trade Com-
8 mission Act (15 U.S.C. 41 et seq.).

9 (C) AUTHORITY PRESERVED.—Nothing in
10 this Act shall be construed to limit the author-
11 ity of the Commission under any other provi-
12 sion of law.

13 (b) ENFORCEMENT BY STATES.—

14 (1) AUTHORIZATION.—Subject to paragraph
15 (3), in any case in which the attorney general of a
16 State has reason to believe that an interest of the
17 residents of the State has been or is threatened or
18 adversely affected by the engagement of a covered
19 entity in a practice that violates section 3 or 4, the
20 attorney general of the State may, as *parens patriae*,
21 bring a civil action against the covered entity on be-
22 half of the residents of the State in an appropriate
23 district court of the United States to—

24 (A) enjoin such practice;

25 (B) enforce compliance with this Act;

1 (C) on behalf of residents of the State, ob-
 2 tain damages, restitution, or other compensa-
 3 tion, each of which shall be distributed in ac-
 4 cordance with State law; or

5 (D) obtain such other relief as the court
 6 may consider to be appropriate.

7 (2) RIGHTS OF THE COMMISSION.—

8 (A) NOTICE TO THE COMMISSION.—

9 (i) IN GENERAL.—Except as provided
 10 in clause (ii), before initiating a civil action
 11 under paragraph (1), the attorney general
 12 of a State shall provide to the Commission
 13 a written notice of such action and a copy
 14 of the complaint for such action.

15 (ii) EXCEPTION.—If the attorney gen-
 16 eral determines that it is not feasible to
 17 provide the notice described in clause (i)
 18 before initiating a civil action under para-
 19 graph (1), the attorney general shall pro-
 20 vide written notice of the action and a copy
 21 of the complaint to the Commission imme-
 22 diately upon initiating the civil action.

23 (B) INTERVENTION BY THE COMMIS-
 24 SION.—Upon receiving the notice required

1 under subparagraph (A), the Commission
2 may—

3 (i) intervene in the civil action that is
4 the subject of the notice; and

5 (ii) upon intervening—

6 (I) be heard with respect to any
7 matter that arises in such action; and

8 (II) file a petition for appeal for
9 any decision in such action.

10 (3) INVESTIGATORY POWERS.—Nothing in this
11 subsection may be construed to prevent the attorney
12 general of a State from exercising the powers con-
13 ferred on the attorney general by the laws of the
14 State to—

15 (A) conduct investigations;

16 (B) administer oaths or affirmations; or

17 (C) compel the attendance of witnesses or
18 the production of documentary or other evi-
19 dence.

20 (4) PREEMPTIVE ACTION BY THE COMMIS-
21 SION.—In any case in which an action is instituted
22 by or on behalf of the Commission for a violation of
23 this Act, no State may, during the pendency of that
24 action, institute a separate civil action under para-
25 graph (1) against any defendant named in the com-

1 plaint in the action instituted by or on behalf of the
2 Commission for that violation.

3 (5) VENUE; SERVICE OF PROCESS.—

4 (A) VENUE.—Any action brought under
5 paragraph (1) may be brought in—

6 (i) the district court of the United
7 States that meets applicable requirements
8 relating to venue under section 1391 of
9 title 28, United States Code; or

10 (ii) another court of competent juris-
11 diction.

12 (B) SERVICE OF PROCESS.—In an action
13 brought under paragraph (1), process may be
14 served in any district in which the defendant—

15 (i) is an inhabitant; or

16 (ii) may be found.

17 **SEC. 9. RELATIONSHIP TO OTHER LAWS.**

18 (a) IN GENERAL.—Subject to subsection (b), the pro-
19 visions of this Act shall preempt any related State law,
20 rule, or regulation only to the extent that such State law,
21 rule, or regulation conflicts with a provision of this Act.

22 (b) RULES OF CONSTRUCTION.—Nothing in this Act
23 shall be construed to—

1 (1) prohibit a State from enacting a law, rule,
 2 or regulation that provides greater protection to chil-
 3 dren than the protections provided in this Act; or

4 (2) affect the application of—

5 (A) section 444 of the General Education
 6 Provisions Act (20 U.S.C. 1232g, commonly
 7 known as the “Family Educational Rights and
 8 Privacy Act of 1974”) or other Federal or State
 9 laws governing student privacy; or

10 (B) the Children’s Online Privacy Protec-
 11 tion Act of 1998 (15 U.S.C. 6501 et seq.) or
 12 any rule or regulation promulgated under such
 13 Act.

14 **SEC. 10. STUDY ON THE IMPACT OF ARTIFICIAL INTEL-**
 15 **LIGENCE CHATBOTS ON CHILD AND TEEN**
 16 **HUMAN RELATIONSHIPS AND SOCIAL NEEDS.**

17 (a) IN GENERAL.—Not later than 2 years after the
 18 date of enactment of this Act, the Director of the National
 19 Science Foundation shall conduct or commission a study
 20 on the effects of artificial intelligence chatbots on human
 21 relationships and the social needs of children and teens.

22 (b) SCOPE.—The study required under subsection (a)
 23 shall examine, with respect to children and teens—

24 (1) the use of artificial intelligence chatbots by
 25 children and teens to meet companionship or social

1 needs and the resulting effects on the real-world so-
2 cial engagement and mental health of children and
3 teens;

4 (2) the prevalence and effects of sycophantic or
5 excessively affirming behavior by artificial intel-
6 ligence chatbots on children and teens; and

7 (3) the role of design features of artificial intel-
8 ligence chatbots in shaping the results of paragraphs
9 (1) and (2).

10 (c) METHODOLOGY.—The study required under sub-
11 section (a) shall draw on existing research, expert con-
12 sultation, and, where feasible, observational, experimental,
13 and survey-based data collection, consistent with applica-
14 ble ethical standards and requirements for research involv-
15 ing children and teens.

16 (d) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Director of the National
18 Science Foundation shall submit to the Committee on
19 Commerce, Science and Transportation of the Senate and
20 the Committee on Energy and Commerce and the Com-
21 mittee on Science, Space, and Technology of the House
22 of Representatives a report containing the findings of the
23 study conducted under subsection (a).

1 **SEC. 11. GAO REPORT ON RECOMMENDATIONS AND BEST**
2 **PRACTICES.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date described in section 12, the Comptroller General of
5 the United States (in this section referred to as the
6 “Comptroller General”) shall submit a report to the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate and the Committee on Energy and Commerce and
9 the Committee on Science, Space, and Technology of the
10 House of Representatives that examines—

11 (1) the effectiveness of this Act, including the
12 overall effectiveness of the family account require-
13 ments described in sections 3, 4, and 5;

14 (2) the adoption rate of family accounts by par-
15 ents of children and teens;

16 (3) the rate of compliance with the require-
17 ments of this Act by covered entities;

18 (4) the effectiveness of each parental control or
19 setting required within a family account, including
20 recommendations or best practices to provide the
21 most protective or ideal level of control for children
22 and teens, including analysis of the parental control
23 described in section 5(a)(2), including—

24 (A) using best available research or indus-
25 try data; and

1 (B) an analysis of model drift with specific
2 consideration of the number of inputs or the
3 duration of time that causes an artificial intel-
4 ligence chatbot to generate outputs not con-
5 sistent with its behavior parameters;

6 (5) recommendations for parents and covered
7 entities to provide the most protective level of con-
8 trol for children and teens with respect to the use
9 of the parental control described in section 5(a)(2),
10 including recommended settings for limiting the
11 number of inputs or the retention of personal data
12 within the memory of the artificial intelligence
13 chatbot, with reference to the data described in
14 paragraph (4);

15 (6) recommendations for parents, based on
16 available data, with respect to best practices for
17 maximizing the protection of a child or teen within
18 a family account while ensuring the effectiveness of
19 an artificial intelligence chatbot;

20 (7) recommendations to the Commission for im-
21 proving enforcement of this Act; and

22 (8) recommendations to Congress for potential
23 legislative improvement to this Act.

1 (b) CONSULTATION REQUIREMENT.—In carrying out
2 the report required under subsection (a), the Comptroller
3 General shall consult with each of the following:

4 (1) The National Institute of Standards and
5 Technology.

6 (2) The Commission.

7 (3) Representatives of covered entities.

8 (4) Parents of children or teen users of artifi-
9 cial intelligence chatbots.

10 (5) Individuals with experience advocating for
11 online child safety, consumer protection, or online
12 privacy.

13 (6) Individuals with experience in artificial in-
14 telligence, computer science, and software engineer-
15 ing.

16 (7) Academic experts with expertise in preven-
17 tion of online harms to children or teens.

18 (8) Other relevant Federal agencies with exper-
19 tise in child or teen online safety.

20 **SEC. 12. EFFECTIVE DATE.**

21 This Act shall take effect on the date that is 1 year
22 after the date of enactment of this Act.

○

119TH CONGRESS
2D SESSION

S. 4199

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2026

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, 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 “Youth AI Privacy
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Millions of teenagers are using artificial in-
9 telligence (referred to in this section as “AI”)
10 chatbots for personal, sensitive conversations, dis-

1 closing intimate details about their lives, relying on
2 AI chatbots for advice, and developing deep emo-
3 tional bonds with AI chatbots.

4 (2) In 2025, approximately $\frac{2}{3}$ of teenagers re-
5 ported using AI chatbots, and roughly $\frac{1}{4}$ reported
6 using them daily. $\frac{1}{3}$ of teens have chosen to speak
7 with AI chatbot “companions” over a real human
8 for a serious conversation. In a couple tragic cases,
9 a teenager died by suicide after encouragement or
10 advice from an AI chatbot.

11 (3) Although compulsive use of AI chatbots
12 may pose risks for all users, users who are minors,
13 whose cognitive, emotional, and social capabilities
14 are still developing, are especially likely to misunder-
15 stand that an AI chatbot is not a real human and
16 disclose sensitive personal information to the AI
17 chatbot or turn to the AI chatbot for social compan-
18 ionship. Minors are also more susceptible to addict-
19 ive design features, anthropomorphized systems, and
20 potentially harmful outputs generated by AI sys-
21 tems.

22 (4) AI chatbot companies are employing ma-
23 nipulative engagement features to keep users en-
24 gaged on their platforms, including high-frequency
25 push notifications, unprompted AI chatbot re-

1 sponses, typing bubble indicators, and more. These
2 features create serious risks of emotional dependency
3 and compulsive use among minors.

4 (5) AI chatbots mimic human-like conversations
5 by employing profiling tactics to personalize outputs
6 for users. AI chatbots are also often designed to re-
7 semble direct messaging user interfaces. These per-
8 sonalization strategies and anthropomorphic design
9 features can easily confuse users, especially minors,
10 who may believe they are interacting with a real per-
11 son rather than AI.

12 (6) Advertisements delivered through AI
13 chatbots may be woven directly into responses or
14 may subtly steer users toward certain products
15 based on how the model was trained. This adver-
16 tising would be far more covert and harder to recog-
17 nize than traditional digital advertising, especially
18 for minors. As highlighted by the Commission, many
19 young users lack the skills or cognitive defenses
20 needed to identify such covert or “blurred” adver-
21 tising.

22 (7) Extended, multiturn conversations with AI
23 chatbots degrade safeguards against harmful con-
24 versational patterns, increasing the likelihood of mi-

1 nors receiving harmful outputs generated by AI sys-
2 tems.

3 (8) AI chatbots introduce new privacy risks, as
4 they often retain user inputs and personal data to
5 personalize responses and to train the underlying
6 large language models. This practice creates the po-
7 tential for serious privacy violations, particularly
8 when companies retain and process highly sensitive
9 information from minors.

10 (9) Congress has a responsibility to address the
11 novel risks posed by AI chatbots and protect minors
12 from potential harm related to anthropomorphism,
13 prolonged engagement, deceptive advertising, and
14 invasive privacy practices.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AI CHATBOT.—The term “AI chatbot”
18 means a natural language interface that uses a cov-
19 ered algorithm to provide adaptive responses to user
20 inputs via text, audio, image, video, or any other
21 mode of communication, simulating interpersonal
22 interaction with a user.

23 (2) COLLECT.—The term “collect” means, with
24 respect to personal data, to buy, rent, gather, ob-

1 tain, receive, access, or otherwise acquire the per-
2 sonal data by any means.

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

5 (4) COVERED ALGORITHM.—The term “covered
6 algorithm” means a computational process derived
7 from machine learning, natural language processing,
8 neural networks, or other technology of similar or
9 greater complexity.

10 (5) DEPLOYER.—

11 (A) IN GENERAL.—The term “deployer”
12 means any person that owns, operates, or other-
13 wise makes available to users an AI chatbot in
14 or affecting interstate commerce.

15 (B) RULE OF CONSTRUCTION.—The terms
16 “deployer” and “developer” shall not be inter-
17 preted to be mutually exclusive.

18 (6) DERIVED DATA.—The term “derived data”
19 means data that is created by the derivation of in-
20 formation, other data, assumptions, correlations, in-
21 ferences, predictions, or conclusions from facts, evi-
22 dence, or another source of information.

23 (7) DEVELOPER.—

24 (A) IN GENERAL.—The term “developer”
25 means any person that designs, codes, produces,

1 or substantially modifies a covered algorithm
2 for use in an AI chatbot.

3 (B) RULE OF CONSTRUCTION.—The terms
4 “developer” and “deployer” shall not be inter-
5 preted to be mutually exclusive.

6 (8) INPUT DATA.—The term “input data”
7 means, with respect to an AI chatbot, all informa-
8 tion, including text, photos, audio, video, or files,
9 provided to the AI chatbot by a user of such AI
10 chatbot.

11 (9) KNOWLEDGE.—The term “knowledge”
12 means actual knowledge or knowledge fairly implied
13 on the basis of objective circumstances.

14 (10) MINOR.—The term “minor” means an in-
15 dividual who is under the age of 18.

16 (11) OUTPUT.—The term “output” means, with
17 respect to an AI chatbot, any information, including
18 any text, photo, audio recording, video, or file, pro-
19 vided by such AI chatbot to a user.

20 (12) PERSONAL DATA.—The term “personal
21 data”—

22 (A) means information, including input
23 data, derived data, inferences, or unique identi-
24 fiers, that identifies or is linked, or reasonably
25 linkable, alone or in combination with other in-

1 formation, to an individual or a device that
2 identifies or is linked, or reasonably linkable, to
3 1 or more individuals; and

4 (B) does not include publicly available in-
5 formation.

6 (13) PROFILING.—The term “profiling” means
7 processing data for the purpose of detecting and
8 classifying or designating personality and behavioral
9 characteristics of a user of an AI chatbot.

10 (14) PROCESS.—The term “process” means,
11 with respect to personal data, any operation or set
12 of operations performed on the personal data, in-
13 cluding analyzing, organizing, structuring, using,
14 modifying, or otherwise handling such data.

15 (15) PUBLICLY AVAILABLE INFORMATION.—

16 (A) IN GENERAL.—The term “publicly
17 available information”—

18 (i) means any information that a
19 deployer has a reasonable basis to believe
20 has been made available to the general
21 public by—

22 (I) Federal, State, or local gov-
23 ernment records;

24 (II) widely distributed media;

1 (III) a website or online service
2 made available to any member of the
3 public, for free or for a fee, including
4 a website or online service that any
5 member of the public can log into; or

6 (IV) a disclosure to the general
7 public that is required under Federal,
8 State, or local law; and

9 (ii) does not include—

10 (I) any obscene visual depiction
11 (as such term is used in section 1460
12 of title 18, United States Code);

13 (II) biometric information;

14 (III) genetic information, unless
15 made publicly available by the indi-
16 vidual to whom the information per-
17 tains by a means described in sub-
18 clause (II) or (III) of clause (i);

19 (IV) personal data that is created
20 through the combination of personal
21 data with publicly available informa-
22 tion;

23 (V) intimate images that are au-
24 thentic or computer-generated, known
25 to be nonconsensual; or

1 (VI) personal data made avail-
2 able by a data broker.

3 (B) CLARIFICATION.—For purposes of this
4 paragraph, information from a website or online
5 service is not available to any member of the
6 public if the individual to whom the information
7 pertains has restricted the information to a spe-
8 cific audience or maintained a default setting
9 that restricts the information to a specific audi-
10 ence.

11 (16) TRANSFER.—The term “transfer” means,
12 with respect to personal data, to disclose, release,
13 share disseminate, make available, sell, rent, or li-
14 cense the personal data (orally, in writing, electroni-
15 cally, or by any other means).

16 (17) WIDELY DISTRIBUTED MEDIA.—The term
17 “widely distributed media”—

18 (A) means information that is available to
19 the general public, including information from a
20 telephone book or online directory, a television,
21 internet, or radio program, the news media, or
22 an internet site, that is available to the general
23 public on an unrestricted basis; and

1 (B) does not include an obscene visual de-
2 picture (as such term is used in section 1460 of
3 title 18, United States Code).

4 **SEC. 4. SAFE DESIGN FEATURES.**

5 (a) REQUIRED DISCLOSURES.—

6 (1) IN GENERAL.—A deployer with knowledge
7 that a user of an AI chatbot is a minor shall disclose
8 that—

9 (A) the user is not interacting with a
10 human; and

11 (B) any content provided by the AI
12 chatbot is generated by artificial intelligence.

13 (2) CONTENT AND DURATION OF DISCLO-
14 SURE.—A disclosure made by a deployer pursuant to
15 paragraph (1) shall—

16 (A) be stated in clear, plain, and easy-to-
17 understand language suited to the age of mi-
18 nors likely to access the AI chatbot;

19 (B) occur at the beginning of every session
20 (as defined by the Commission);

21 (C) reoccur not less than once every 30
22 minutes during a session (as so defined); and

23 (D) be appropriate for the medium of the
24 content, as determined by the Commission.

1 (b) LIMITATION ON THE PROCESSING OF PERSONAL
2 DATA TO PROVIDE OUTPUTS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Commission
5 shall promulgate regulations to prohibit a deployer
6 with knowledge that a user of an AI chatbot is a
7 minor from processing any personal data of the user
8 to generate, personalize, or otherwise affect an out-
9 put provided to such user, unless the personal data
10 was collected during the current session (as defined
11 by the Commission) more recently than the max-
12 imum permitted period of use established by the
13 Commission under paragraph (2).

14 (2) MAXIMUM PERMITTED PERIOD OF USE.—In
15 promulgating the regulations described in paragraph
16 (1), the Commission shall determine a maximum
17 permitted period of use during which a deployer with
18 knowledge that a user of an AI chatbot is a minor
19 may collect personal data from such a user and
20 process such data to generate, personalize, or other-
21 wise affect an output (as defined by the Commis-
22 sion) provided to such user during a current session
23 (as defined by the Commission).

24 (c) EXCLUSION OF FEATURES THAT ENCOURAGE
25 COMPULSIVE USE.—Not later than 1 year after the date

1 of enactment of this Act, the Commission shall promulgate
2 regulations to prohibit a deployer or developer with knowl-
3 edge that a user of an AI chatbot is a minor from config-
4 uring such AI chatbot to include, with respect to such
5 user, the following features:

6 (1) Any reward or incentive based on the fre-
7 quency of use, time spent, or activity using the AI
8 chatbot.

9 (2) Notifications and push alerts, other than a
10 disclosure required by subsection (a).

11 (3) Any badge or other visual award symbol
12 based on the frequency of use, time spent, or activity
13 using the AI chatbot.

14 (4) Generation of an output absent a user-initi-
15 ated input or any form of solicitation of engagement
16 from a user.

17 (5) Usage traces that mimic social interactions
18 with a human, such as typing bubbles or indicators
19 showing that the AI chatbot is available or online.

20 **SEC. 5. DATA PRIVACY PROTECTIONS.**

21 (a) PROHIBITION ON ADVERTISING AND PRO-
22 MOTION.—A deployer or developer with knowledge that a
23 user of an AI chatbot is a minor shall not configure or
24 modify an AI chatbot to—

25 (1) advertise to such user; or

1 (2) generate an output that promotes, markets,
 2 recommends, or endorses a product or service to
 3 such user if the weight or credibility of such pro-
 4 motion, marketing, recommendation, or endorsement
 5 is materially affected by a financial connection be-
 6 tween the deployer or developer and the seller of
 7 such product or service.

8 (b) PROHIBITION ON PROCESSING OF PERSONAL
 9 DATA FOR PROFILING.—A deployer with knowledge that
 10 a user of an AI chatbot is a minor shall not process any
 11 personal data of the user to engage in any profiling of
 12 such user.

13 (c) PROHIBITION ON THE PROCESSING OR TRANS-
 14 FERRING OF PERSONAL DATA TO TRAIN A COVERED AL-
 15 GORITHM.—

16 (1) IN GENERAL.—Except as provided in para-
 17 graph (2), a deployer with knowledge that a user of
 18 an AI chatbot is a minor shall not—

19 (A) process the personal data of such
 20 minor for the purpose of training a covered al-
 21 gorithm; or

22 (B) transfer the personal data of such
 23 minor to a third party for the purpose of train-
 24 ing a covered algorithm.

1 (2) EXCEPTIONS.—A deployer with knowledge
2 that a user of an AI chatbot is a minor may process
3 personal data of such minor for the express purpose
4 of—

5 (A) testing and identifying risks of harm
6 to users; or

7 (B) addressing identified risks of harm to
8 users.

9 (d) PROHIBITION ON PROCESSING OF INPUT
10 DATA.—Beginning on the date that is 30 days after the
11 Commission promulgates regulations under section
12 4(b)(1), a deployer with knowledge that a user of an AI
13 chatbot is a minor shall not process any input data pro-
14 vided to such AI chatbot by such user for any purpose,
15 other than for the express purpose of—

16 (1) generating, personalizing, or affecting an
17 output provided to such user when the input data
18 was collected during the current session (as defined
19 by the Commission) more recently than the max-
20 imum permitted period of use established by the
21 Commission under section 4(b)(2);

22 (2) testing and identifying risks of harm to
23 users; or

24 (3) addressing identified risks of harm to users.

1 **SEC. 6. WHISTLEBLOWER PROTECTIONS.**

2 A deployer or developer may not, directly or indi-
 3 rectly, discharge, demote, suspend, threaten, harass, or
 4 otherwise discriminate or retaliate against an individual
 5 for raising a concern regarding a violation of this Act, re-
 6 porting or attempting to report a violation of this Act, or
 7 cooperating in any investigation or enforcement pro-
 8 ceeding pursuant to this Act.

9 **SEC. 7. RESEARCH ON THE HEALTH AND DEVELOPMENTAL**
 10 **EFFECTS OF AI CHATBOTS ON MINORS.**

11 Section 1432 of the Restoring Hope for Mental
 12 Health and Well-Being Act of 2022 (42 U.S.C. 285g–11)
 13 is amended—

14 (1) in subsection (a), by inserting, “AI
 15 chatbots,” after “augmented reality,”; and

16 (2) by adding at the end the following:

17 “(e) **AUTHORIZATION OF APPROPRIATIONS.**—To
 18 carry out this section, there are authorized to be appro-
 19 priated \$50,000,000 for each of fiscal years 2027 through
 20 2030.”.

21 **SEC. 8. SURVEY INCLUSION REQUIREMENT.**

22 The Secretary of Health and Human Services, acting
 23 through the Director of the Centers for Disease Control
 24 and Prevention and in coordination with the Director of
 25 the National Institutes of Health, shall incorporate ques-
 26 tions related to the use, by youth and by adults, of AI

1 chatbots into national health and behavioral surveys con-
 2 ducted by the Department of Health and Human Services,
 3 including the Household Pulse Survey and the Youth Risk
 4 Behavior Surveillance System of the Centers for Disease
 5 Control and Prevention, including questions designed to
 6 capture the following:

7 (1) Frequency and duration of AI chatbot uses.

8 (2) Types of AI chatbots accessed, such as AI
 9 chatbots designed for mental health, educational, or
 10 entertainment purposes or general purpose AI
 11 chatbots that are engaged for such purposes.

12 (3) Age of first use of, and primary contexts of
 13 engagement with, AI chatbots.

14 (4) Emotional, psychological, or behavioral im-
 15 pacts perceived by users of AI chatbots.

16 (5) Exposure to content that the user perceives
 17 to be harmful or inappropriate.

18 **SEC. 9. ENFORCEMENT.**

19 (a) ENFORCEMENT BY THE COMMISSION.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
 21 TICES.—A violation of section 4, 5, or 6, or a regu-
 22 lation promulgated thereunder, shall be treated as a
 23 violation of a rule defining an unfair or deceptive act
 24 or practice prescribed under section 18(a)(1)(B) of

1 the Federal Trade Commission Act (15 U.S.C.
2 57a(a)(1)(B)).

3 (2) POWERS OF THE COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce sections 4, 5, and 6 and any regulation
6 promulgated thereunder in the same manner,
7 by the same means, and with the same jurisdic-
8 tion, powers, and duties as though all applicable
9 terms and provisions of the Federal Trade
10 Commission Act (15 U.S.C. 41 et seq.) were in-
11 corporated into and made a part of this Act.

12 (B) PRIVILEGES AND IMMUNITIES.—Any
13 deployer or developer that violates section 4, 5,
14 or 6, or a regulation promulgated thereunder,
15 shall be subject to the penalties, and entitled to
16 the privileges and immunities, provided in the
17 Federal Trade Commission Act (15 U.S.C. 41
18 et seq.).

19 (C) AUTHORITY PRESERVED.—Nothing in
20 this Act shall be construed to limit the author-
21 ity of the Commission under any other provi-
22 sion of law.

23 (D) RULEMAKING.—In addition to the spe-
24 cific rulemaking requirements described in sec-
25 tion 4, the Commission shall promulgate in ac-

cordance with section 553 of title 5, United States Code, such rules as may be necessary to carry out this Act.

(b) ENFORCEMENT BY STATES.—

(1) AUTHORIZATION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any deployer or developer in an act or practice that violates section 4, 5, or 6, or a regulation promulgated thereunder, the attorney general of the State may, as *parens patriae*, bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin such act or practice;

(B) enforce compliance with section 4, 5 or 6, or a regulation promulgated thereunder;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) RIGHTS OF THE COMMISSION.—

(A) NOTICE TO THE COMMISSION.—

1 (i) IN GENERAL.—Except as provided
 2 in clause (iii), before initiating a civil ac-
 3 tion under paragraph (1), the attorney
 4 general of a State shall notify the Commis-
 5 sion in writing that the attorney general
 6 intends to bring such civil action.

7 (ii) CONTENTS.—The notification re-
 8 quired to be filed by clause (i) shall include
 9 a copy of the complaint to be filed to ini-
 10 tiate the civil action.

11 (iii) EXCEPTION.—If it is not feasible
 12 for the attorney general of a State to pro-
 13 vide the notification required by clause (i)
 14 before initiating a civil action under para-
 15 graph (1), the attorney general shall notify
 16 the Commission immediately upon insti-
 17 tuting the civil action.

18 (B) INTERVENTION BY THE COMMIS-
 19 SION.—Upon receiving the notice required by
 20 subparagraph (A), the Commission may inter-
 21 vene in the civil action and, upon intervening—

22 (i) be heard on all matters arising in
 23 the civil action; and

24 (ii) file petitions for appeal of a deci-
 25 sion in the civil action.

1 (C) PREEMPTIVE ACTION BY THE COMMIS-
2 SION.—If the Commission has instituted a civil
3 action for a violation of subsection (a), no State
4 officer may bring an action under paragraph
5 (1) during the pendency of that action against
6 any defendant named in the complaint of the
7 Commission for any violation of subsection (a)
8 alleged in the complaint.

9 (3) INVESTIGATORY POWERS.—Nothing in this
10 subsection may be construed to prevent the attorney
11 general of a State from exercising the powers con-
12 ferred on the attorney general by the laws of the
13 State to conduct investigations, to administer oaths
14 or affirmations, or to compel the attendance of wit-
15 nesses or the production of documentary or other
16 evidence.

17 (4) VENUE; SERVICE OF PROCESS.—

18 (A) VENUE.—Any action brought under
19 paragraph (1) may be brought in the district
20 court of the United States that meets applicable
21 requirements relating to venue under section
22 1391 of title 28, United States Code.

23 (B) SERVICE OF PROCESS.—In an action
24 brought under paragraph (1), process may be
25 served in any district in which the defendant—

1 (i) is an inhabitant; or

2 (ii) may be found.

3 (c) PRIVATE RIGHT OF ACTION.—

4 (1) IN GENERAL.—Any parent or legal guard-
5 ian of a minor may bring a civil action in any court
6 of competent jurisdiction against a deployer or devel-
7 oper for a violation of section 4 or 5, or a regulation
8 promulgated thereunder, by the deployer or devel-
9 oper.

10 (2) RELIEF.—In a civil action brought under
11 paragraph (1) in which the plaintiff prevails, the
12 court may award—

13 (A) actual damages;

14 (B) punitive damages;

15 (C) reasonable attorney’s fees and litiga-
16 tion costs;

17 (D) injunctive relief or declaratory relief;

18 or

19 (E) any other relief that the court deter-
20 mines appropriate.

21 (d) RELATIONSHIP TO STATE LAW.—The provisions
22 of this Act shall preempt any State law, rule, or regulation
23 only to the extent that such State law, rule, or regulation
24 conflicts with a provision of this Act. Nothing in this Act
25 shall be construed to prohibit any State from enacting a

1 law, rule, or regulation that provides greater protection
2 to minors than the provisions of this Act.

3 (e) SEVERABILITY.—If any provision of this Act, or
4 the application thereof to any person or circumstance, is
5 held invalid, the remainder of this Act, and the application
6 of such provision to other persons not similarly situated
7 or to other circumstances, shall not be affected by the in-
8 validation.

9 **SEC. 10. DETERMINATION OF WHETHER AN AI CHATBOT**
10 **DEPLOYER HAS KNOWLEDGE FAIRLY IM-**
11 **PLIED ON THE BASIS OF OBJECTIVE CIR-**
12 **CUMSTANCES THAT AN INDIVIDUAL IS A**
13 **MINOR.**

14 (a) RULES OF CONSTRUCTION.—For purposes of en-
15 forcing this Act or a regulation promulgated thereunder,
16 in making a determination as to whether a deployer has
17 knowledge fairly implied on the basis of objective cir-
18 cumstances that a specific user is a child or teen, the Com-
19 mission or the attorney general of a State, as applicable,
20 shall rely on competent and reliable evidence, taking into
21 account the totality of the circumstances, including wheth-
22 er a reasonable and prudent person under the cir-
23 cumstances would have known that the user is a child or
24 teen. Nothing in this Act, including a determination de-

1 scribed in the preceding sentence, shall be construed to
2 require a deployer to—

3 (1) affirmatively collect any personal informa-
4 tion with respect to the age of a child or teen that
5 an operator is not already collecting in the normal
6 course of business; or

7 (2) implement an age gating or age verification
8 functionality.

9 (b) COMMISSION GUIDANCE.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Commis-
12 sion shall issue guidance to provide information for
13 deployers to understand the Commission’s deter-
14 mination of whether a deployer has knowledge fairly
15 implied on the basis of objective circumstances that
16 a user is a child or teen, including best practices and
17 examples.

18 (2) LIMITATION.—No guidance issued by the
19 Commission with respect to this Act shall confer any
20 rights on any person, State, or locality, nor shall op-
21 erate to bind the Commission or any person to the
22 approach recommended in such guidance. In any en-
23 forcement action brought pursuant to this Act, the
24 Commission or the attorney general of a State, as
25 applicable, shall allege a specific violation of a provi-

1 sion of this Act. The Commission or the attorney
2 general of a State, as applicable, may not base an
3 enforcement action on, or execute a consent order
4 based on, practices that are alleged to be incon-
5 sistent with any such guidance, unless the practices
6 allegedly violate this Act. For purposes of enforcing
7 this Act or a regulation promulgated thereunder, the
8 attorney general of a State shall take into account
9 any guidance issued by the Commission under para-
10 graph (1).

○