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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require online video game providers to provide certain safeguards for
minors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KEAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To require online video game providers to provide certain
safeguards for minors, 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 “Safer Guarding of Ado-
5 lescents from Malicious Interactions on Network Games
6 Act” or the “Safer GAMING Act”.

7 **SEC. 2. SAFEGUARD REQUIREMENTS FOR ONLINE VIDEO**
8 **GAME PROVIDERS.**

9 (a) **DEFINITIONS.**—In this section:

1 (1) ADULT USER.—The term “adult user”
2 means a user of an interactive online video game if
3 the provider of such game knows that such user is
4 not a minor.

5 (2) COVERED USER.—The term “covered user”
6 means a user of an interactive online video game if
7 the provider of such game knows that such user is
8 a minor.

9 (3) INTERACTIVE ONLINE VIDEO GAME.—The
10 term “interactive online video game” means a video
11 game that—

12 (A) connects to the internet; and

13 (B) allows a user of such video game to
14 communicate with other users of such video
15 game.

16 (4) KNOW; KNOWS.—The term “know” or
17 “knows” means to have actual knowledge or to have
18 acted in willful disregard.

19 (5) MINOR.—The term “minor” means an indi-
20 vidual under the age of 18 years.

21 (6) ONLINE VIDEO GAME PROVIDER.—The term
22 “online video game provider” means a person that
23 provides an interactive online video game directly to
24 a consumer for the use of the consumer, including

1 through a website, mobile application, or other on-
2 line means.

3 (7) PARENT.—The term “parent” means the
4 legal guardian of a minor.

5 (8) VIDEO GAME.—The term “video game”
6 means a device or software program that—

7 (A) receives and stores data or instructions
8 generated by the user of such object, device, or
9 software program; and

10 (B) processes such data or instructions to
11 create an interactive game for such user to play
12 or view on a computer, gaming system, console,
13 mobile device, or other technological means.

14 (b) SAFEGUARDS REQUIRED.—

15 (1) IN GENERAL.—An online video game pro-
16 vider shall provide safeguards to the parent of a cov-
17 ered user of an interactive online video game of such
18 provider that allow the parent to limit communica-
19 tion between such covered user and any other user
20 (including any adult user) of such online video game.

21 (2) FEATURES.—An online video game provider
22 required to provide safeguards under paragraph (1)
23 shall ensure the following:

24 (A) The safeguards—

25 (i) are accessible and easy-to use;

1 (ii) are enabled by default on the ac-
2 count of a covered user of the interactive
3 online video game of such provider; and

4 (iii) can be disabled only by the par-
5 ent of the covered user.

6 (B) The most protective level of control of-
7 fered to a user with respect to privacy and safe-
8 ty settings—

9 (i) includes such safeguards by de-
10 fault; and

11 (ii) with respect to a covered user, can
12 be disabled only by the parent of the cov-
13 ered user.

14 (3) RULE OF CONSTRUCTION.—Nothing in this
15 section may be construed to prohibit an online video
16 game provider from providing the parent of a cov-
17 ered user of an interactive online video game of such
18 provider with the ability to limit or allow commu-
19 nication between the covered user and multiple other
20 users.

21 (4) EFFECTIVE DATE.—This subsection shall
22 take effect on the date that is 1 year after the date
23 of the enactment of this Act.

24 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
25 SION.—

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

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

18 (3) AUTHORITY PRESERVED.—Nothing in this
19 section may be construed to limit the authority of
20 the Federal Trade Commission under any other pro-
21 vision of law.

22 (d) ACTIONS BY STATES.—

23 (1) IN GENERAL.—In any case in which the at-
24 torney general of a State, or an official or agency of
25 a State, has reason to believe that an interest of the

1 residents of such State has been or is threatened or
2 adversely affected by an act or practice in violation
3 of subsection (b), the State, as *parens patriae*, may
4 bring a civil action on behalf of the residents of the
5 State in an appropriate State court or an appro-
6 priate district court of the United States to—

7 (A) enjoin such act or practice;

8 (B) enforce compliance with such sub-
9 section;

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

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

16 (2) NOTICE.—Before filing an action under this
17 subsection, the attorney general, official, or agency
18 of the State involved shall provide to the Federal
19 Trade Commission a written notice of such action
20 and a copy of the complaint for such action. If the
21 attorney general, official, or agency determines that
22 it is not feasible to provide the notice described in
23 this paragraph before the filing of the action, the at-
24 torney general, official, or agency shall provide writ-
25 ten notice of the action and a copy of the complaint

1 to the Federal Trade Commission immediately upon
2 the filing of the action.

3 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
4 SION.—

5 (A) IN GENERAL.—On receiving notice
6 under paragraph (2) of an action under this
7 subsection, the Federal Trade Commission shall
8 have the right—

9 (i) to intervene in the action; and

10 (ii) upon so intervening—

11 (I) to be heard on all matters
12 arising therein; and

13 (II) to file petitions for appeal.

14 (B) LIMITATION ON STATE ACTION WHILE
15 FEDERAL ACTION IS PENDING.—If the Federal
16 Trade Commission or the Attorney General of
17 the United States has instituted a civil action
18 for violation of subsection (b) (referred to in
19 this subparagraph as the “Federal action”), no
20 State attorney general, official, or agency may
21 bring an action under this subsection during
22 the pendency of the Federal action against any
23 defendant named in the complaint in the Fed-
24 eral action for any violation of such subsection
25 alleged in such complaint.

1 (4) RULE OF CONSTRUCTION.—For purposes of
2 bringing a civil action under this subsection, nothing
3 in this Act shall be construed to prevent an attorney
4 general, official, or agency of a State from exercising
5 the powers conferred on the attorney general, offi-
6 cial, or agency by the laws of such State to conduct
7 investigations, administer oaths and affirmations, or
8 compel the attendance of witnesses or the production
9 of documentary and other evidence.

10 (e) PREEMPTION.—No State or political subdivision
11 of a State may prescribe, maintain, or enforce any law,
12 rule, regulation, requirement, standard, or other provision
13 having the force and effect of law, if such law, rule, regula-
14 tion, requirement, standard, or other provision relates to
15 the provisions of this Act.