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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To prohibit market or product-focused research on children and minors,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. MILLER-MEEKS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit market or product-focused research on children  
and 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 “Stop Profiling Youth  
5       and Kids Act” or the “SPY Kids Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

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

1           (2) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

3           (3) COVERED PLATFORM.—The term “covered  
4 platform” means a platform that is a website, soft-  
5 ware, application, or electronic service connected to  
6 the internet that—

7                   (A) is publicly available for use by con-  
8 sumers;

9                   (B) enables the creation of a username or  
10 user identifier—

11                       (i) that is searchable on the platform;

12                       and

13                       (ii) that can be followed by or is oth-  
14 erwise accessible to other users of the plat-  
15 form;

16                   (C) as the predominant purpose of the  
17 platform, facilitates the creation and access to  
18 user-generated content through text, images,  
19 video, audio, or any other interactive medium;

20                   (D) uses a design feature to promote  
21 user engagement on the platform; and

22                   (E) uses the personal information of the  
23 user to advertise, market, or make content rec-  
24 ommendations.

1 (4) DESIGN FEATURE.—The term “design fea-  
2 ture”—

3 (A) means any feature or component of a  
4 covered platform that encourages or increases  
5 the frequency, time spent, or activity of a minor  
6 on the covered platform; and

7 (B) includes any of the following:

8 (i) Infinite scrolling or auto play.

9 (ii) Rewards or incentives based on  
10 the frequency, time spent, or activity of a  
11 minor on the covered platform.

12 (iii) Notifications and push alerts.

13 (iv) Badges or other visual award  
14 symbols based on the frequency, time  
15 spent, or activity of a minor on the covered  
16 platform.

17 (v) Appearance altering filters.

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

21 (6) PARENT.—The term “parent” means the  
22 legal guardian of a minor.

23 (7) PERSONAL INFORMATION.—The term “per-  
24 sonal information” has the meaning given that term

1 in section 1302 of the Children’s Online Privacy  
2 Protection Act of 1998 (15 U.S.C. 6501).

3 (8) STATE.—The term “State” means each  
4 State of the United States, the District of Columbia,  
5 each commonwealth, territory, or possession of the  
6 United States, and each federally recognized Indian  
7 Tribe.

8 (9) TEEN.—The term “teen” means an indi-  
9 vidual who is over the age of 13 and under the age  
10 of 17.

11 (10) USER.—The term “user” means, with re-  
12 spect to a covered platform, an individual who reg-  
13 isters an account or creates a profile on the covered  
14 platform.

15 (11) VERIFIABLE PARENTAL CONSENT.—The  
16 term “verifiable parental consent” has the meaning  
17 given that term in section 1302 of the Children’s  
18 Online Privacy Protection Act of 1998 (15 U.S.C.  
19 6501)).

20 **SEC. 3. MARKET RESEARCH.**

21 (a) PROHIBITION OF RESEARCH ON CHILDREN.—A  
22 covered platform may not, in the case of a user or visitor  
23 that the covered platform knows is a child, conduct market  
24 or product-focused research on such child.

1 (b) LIMITATION ON RESEARCH ON TEENS.—A cov-  
2 ered platform may not, in the case of a user or visitor  
3 that the online platform knows is a teen, conduct market  
4 or product-focused research on such teen, unless the cov-  
5 ered platform obtains verifiable parental consent before  
6 conducting such research on such teen.

7 (c) RULE OF CONSTRUCTION.—Nothing in this Act  
8 may be construed to limit the processing of personal infor-  
9 mation solely for measuring or reporting advertising or  
10 content performance, reach, or frequency, including  
11 through an independent measurement.

12 **SEC. 4. ENFORCEMENT.**

13 (a) ENFORCEMENT BY COMMISSION.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
15 TICES.—A violation of this Act shall be treated as  
16 a violation of a regulation under section 18(a)(1)(B)  
17 of the Federal Trade Commission Act (15 U.S.C.  
18 57a(a)(1)(B)) regarding unfair or deceptive acts or  
19 practices.

20 (2) POWERS OF COMMISSION.—The Commis-  
21 sion shall enforce this Act in the same manner, by  
22 the same means, and with the same jurisdiction,  
23 powers, and duties as though all applicable terms  
24 and provisions of the Federal Trade Commission Act  
25 (15 U.S.C. 41 et seq.) were incorporated into and

1       made a part of this Act. Any person who violates  
2       this Act shall be subject to the penalties and entitled  
3       to the privileges and immunities provided in the  
4       Federal Trade Commission Act.

5       (b) ACTIONS BY STATES.—

6           (1) IN GENERAL.—In any case in which the at-  
7       torney general of a State, or an official or agency of  
8       a State, has reason to believe that an interest of the  
9       residents of such State has been or is threatened or  
10      adversely affected by an act or practice in violation  
11      of this Act, the State, as *parens patriae*, may bring  
12      a civil action on behalf of the residents of the State  
13      in an appropriate State court or an appropriate dis-  
14      trict court of the United States to—

15           (A) enjoin such act or practice;

16           (B) enforce compliance with this Act;

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

20           (D) obtain such other legal and equitable  
21      relief as the court may consider to be appro-  
22      priate.

23      (2) NOTICE.—Before filing an action under this  
24      subsection, the attorney general, official, or agency  
25      of the State involved shall provide to the Commis-

1 sion a written notice of such action and a copy of  
2 the complaint for such action. If the attorney gen-  
3 eral, official, or agency determines that it is not fea-  
4 sible to provide the notice described in this para-  
5 graph before the filing of the action, the attorney  
6 general, official, or agency shall provide written no-  
7 tice of the action and a copy of the complaint to the  
8 Commission immediately upon the filing of the ac-  
9 tion.

10 (3) AUTHORITY OF COMMISSION.—

11 (A) IN GENERAL.—On receiving notice  
12 under paragraph (2) of an action under this  
13 subsection, the Commission shall have the  
14 right—

15 (i) to intervene in the action;

16 (ii) upon so intervening, to be heard  
17 on all matters arising therein; and

18 (iii) to file petitions for appeal.

19 (B) LIMITATION ON STATE ACTION WHILE  
20 FEDERAL ACTION IS PENDING.—If the Commis-  
21 sion or the Attorney General of the United  
22 States has instituted a civil action for violation  
23 of this Act (referred to in this subparagraph as  
24 the “Federal action”), no State attorney gen-  
25 eral, official, or agency may bring an action

1           under this subsection during the pendency of  
2           the Federal action against any defendant  
3           named in the complaint in the Federal action  
4           for any violation of this Act alleged in such  
5           complaint.

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

15 **SEC. 5. RULES OF CONSTRUCTION.**

16          Nothing in this Act may be construed to—

17               (1) limit or impair the Children’s Online Pri-  
18          vacy Protection Act of 1998 (15 U.S.C. 6501 et  
19          seq.) or any rule or regulation promulgated under  
20          such Act; or

21               (2) authorize any action in conflict with section  
22          18(h) of the Federal Trade Commission Act (15  
23          U.S.C. 57a(h)).

1   **SEC. 6. RELATIONSHIP TO STATE LAWS.**

2           No State or political subdivision of a State may pre-  
3   scribe, maintain, or enforce any law, rule, regulation, re-  
4   quirement, standard, or other provision having the force  
5   and effect of law, if such law, rule, regulation, require-  
6   ment, standard, or other provision relates to the provisions  
7   of this Act.

8   **SEC. 7. EFFECTIVE DATE.**

9           Except as otherwise provided in this Act, this Act  
10   shall take effect on the date that is 90 days after the date  
11   of the enactment of this Act.