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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To protect minors from harms associated with ephemeral messaging features and unsolicited direct contact on social media platforms by prohibiting certain ephemeral messaging features for minors and mandating the provision of parental direct messaging controls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To protect minors from harms associated with ephemeral messaging features and unsolicited direct contact on social media platforms by prohibiting certain ephemeral messaging features for minors and mandating the provision of parental direct messaging controls, 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 “Safe Messaging for
5 Kids Act of 2025” or the “SMK Act of 2025”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APP.—The term “app” means a software
4 application or an electronic service that may be run
5 or directed by a user on a computer, gaming device,
6 mobile device, or any other general purpose com-
7 puting device.

8 (2) APP STORE.—The term “app store” means
9 a publicly available website, software application, or
10 other electronic service that distributes and facili-
11 tates the download onto a mobile device of an app
12 from a third-party developer by a user of a com-
13 puter, gaming device, mobile device, or any other
14 general purpose computing device.

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

17 (4) COVERED USER.—The term “covered user”
18 means a user of a social media platform if the pro-
19 vider of such social media platform—

20 (A) has actual knowledge that the user is
21 a minor; or

22 (B) would know that the user is a minor
23 if not for willful disregard by the provider.

24 (5) DIRECT MESSAGING FEATURE.—

25 (A) IN GENERAL.—The term “direct mes-
26 saging feature” means a function of a social

1 media platform that enables a user to send a
2 message, image, video, audio, or other commu-
3 nication directly to another user or a group of
4 users of the social media platform.

5 (B) EXCLUSION.—The term “direct mes-
6 saging feature” does not include a function of
7 a social media platform that enables a user to
8 post content on the social media platform to—

- 9 (i) a public or semi-public profile; or
10 (ii) a feed accessible to a broader
11 group of users.

12 (6) EPHEMERAL MESSAGING FEATURE.—

13 (A) IN GENERAL.—The term “ephemeral
14 messaging feature” means a function of a social
15 media platform that permanently deletes or ren-
16 ders inaccessible a message, image, video,
17 audio, or other communication sent between
18 users of the social media platform (such that
19 neither the sender nor any recipient of such
20 communication may readily retrieve or review
21 the communication in the original form through
22 the social media platform)—

- 23 (i) after a predetermined period;
24 (ii) once viewed by such a recipient; or

1 (iii) upon exiting the specific chat or
2 messaging interface.

3 (B) EXCEPTIONS.—The term “ephemeral
4 messaging feature” does not include—

5 (i) a function of a social media plat-
6 form that allows a user of the social media
7 platform to manually delete a message,
8 image, video, audio, or other communica-
9 tion sent by such user after the trans-
10 mission of the communication (if such de-
11 letion does not automatically occur for
12 each recipient of the communication or by
13 the default design of such function); or

14 (ii) standard data volatility in transit
15 or temporary caching not designed to make
16 such a communication permanently inac-
17 cessible after viewing or a short, predeter-
18 mined time.

19 (7) MINOR.—The term “minor” means an indi-
20 vidual under the age of 17 years.

21 (8) PARENT.—The term “parent” means an in-
22 dividual who is an adult with the legal right to make
23 a decision on behalf of a minor, including any of the
24 following:

25 (A) A natural parent.

1 (B) An adoptive parent.

2 (C) A legal guardian.

3 (D) Another individual with legal custody
4 of the minor.

5 (9) PARENTAL DIRECT MESSAGING CON-
6 TROLS.—The term “parental direct messaging con-
7 trols” means a set of tools or settings that a pro-
8 vider of a social media platform provides to a parent
9 of a covered user of the social media platform that
10 allows the parent to manage the use of a direct mes-
11 saging feature by such covered user.

12 (10) SOCIAL MEDIA PLATFORM.—The term “so-
13 cial media platform” means a website or an app that
14 enables a user of the website or app to do any of
15 the following:

16 (A) Create and maintain a public or semi-
17 public profile that serves as a central represen-
18 tation of the identity and activity of such user.

19 (B) Connect with other users to form a
20 network or community based on personal rela-
21 tionships, shared interests, or direct reciprocal
22 interactions.

23 (C) Share and consume user-generated
24 content primarily within the context of such
25 network or community, where the direct social

1 interaction between the users in the network or
2 community is a core and defining aspect of the
3 dissemination of and engagement with such
4 user-generated content.

5 (D) Engage in persistent and private or
6 semi-public interpersonal communication and
7 interaction that is integral to the experience of
8 such user on such website or app (rather than
9 incidental to the consumption of content or the
10 retrieval of information).

11 (11) UNAPPROVED CONTACT.—The term “un-
12 approved contact”, with respect to a covered user for
13 whom parental direct messaging controls have been
14 activated, means a user of a social media platform
15 with respect to whom the covered user may not use
16 a direct messaging feature unless a parent of such
17 covered user has provided verifiable parental consent
18 under this Act.

19 (12) VERIFIABLE PARENTAL CONSENT.—The
20 term “verifiable parental consent”—

21 (A) has the meaning given that term in
22 section 1302 of the Children’s Online Privacy
23 Protection Act of 1998 (15 U.S.C. 6501); and

1 (B) includes ongoing mechanisms for par-
2 ents to activate and manage parental direct
3 messaging controls provided under this Act.

4 **SEC. 3. PROHIBITION ON EPHEMERAL MESSAGING FEA-**
5 **TURES FOR MINORS.**

6 A provider of a social media platform may not offer,
7 provide, or enable any ephemeral messaging feature of
8 such social media platform to any covered user of the so-
9 cial media platform.

10 **SEC. 4. PARENTAL CONTROLS FOR DIRECT MESSAGING OF**
11 **MINORS.**

12 (a) REQUIREMENT.—A provider of a social media
13 platform that offers, provides, or enables any direct mes-
14 saging feature of such social media platform to any cov-
15 ered user of the social media platform shall provide easily
16 accessible and usable parental direct messaging controls
17 to a parent of the covered user that the parent may acti-
18 vate and manage by providing verifiable parental consent.

19 (b) ACCESSIBILITY; USABILITY; AWARENESS.—The
20 parental direct messaging controls described in subsection
21 (a) shall meet the following requirements:

22 (1) Be clearly and conspicuously accessible to a
23 parent of a covered user through—

24 (A) the settings of a profile of the covered
25 user; and

1 (B) any parental portal or interface offered
2 by the social media platform.

3 (2) Be designed to be user-friendly with clear
4 explanations of the manner in which the parental di-
5 rect messaging controls operate.

6 (3) Be prominently displayed by the social
7 media platform to—

8 (A) a user who indicates that the user is
9 a parent; and

10 (B) a user who creates a profile for an in-
11 dividual who is likely to be a covered user.

12 (c) FUNCTIONALITY OF CONTROLS.—As a default
13 setting on a social media platform, the parental direct
14 messaging controls described in subsection (a) shall allow
15 a parent of a covered user of the social media platform
16 to do any of the following (unless the parent adjusts the
17 default setting with respect to any of the following by pro-
18 viding verifiable parental consent):

19 (1) Receive a timely notification that—

20 (A) alerts the parent about a request from
21 an unapproved contact who seeks to engage in
22 direct messaging with the covered user; and

23 (B) allows the parent to approve or deny
24 the request before the unapproved contact and

1 the covered user engage in any direct mes-
2 saging.

3 (2) View and manage a list of any contacts ap-
4 proved for engaging in direct messaging with the
5 covered user.

6 (3) Be informed if the covered user changes the
7 age listed on a profile of the covered user (if any
8 such change affects the applicability of such parental
9 direct messaging controls).

10 (4) Disable any direct messaging feature of a
11 profile of the covered user.

12 (d) DEFAULT SETTINGS FOR COVERED USERS
13 UNDER 13.—

14 (1) REQUIREMENT.—A provider of a social
15 media platform, as a default setting, shall disable
16 any direct messaging feature of a profile of a cov-
17 ered user under the age of 13.

18 (2) VERIFIABLE PARENTAL CONSENT.—A par-
19 ent may provide to a provider of a social media plat-
20 form verifiable parental consent to enable any direct
21 messaging feature of a profile of a covered user de-
22 scribed in paragraph (1).

23 (e) NO DEGRADATION OF OTHER FEATURES OR
24 SERVICES.—A provider of a social media platform may
25 not degrade the functionality or availability of any other

1 feature or service of the social media platform for a cov-
2 ered user of the social media platform based on the activa-
3 tion or management of parental direct messaging controls
4 by a parent of the covered user under this section (except
5 as necessary to implement the parental direct messaging
6 controls).

7 (f) NO CIRCUMVENTION.—A provider of a social
8 media platform shall take reasonable measures to prevent
9 a covered user of the social media platform from easily
10 circumventing parental direct messaging controls acti-
11 vated and managed by a parent of the covered user under
12 this section.

13 **SEC. 5. APP STORE WARNING FOR APPS WITH DIRECT MES-**
14 **SAGING FEATURES.**

15 A provider of an app store shall provide a clear and
16 conspicuous warning to a parent of a covered user when
17 the covered user attempts to download or purchase an app
18 with respect to a social media platform that includes a
19 direct messaging feature if the parent has required the
20 provision of verifiable parental consent from the parent
21 through a setting provided by such app store for any such
22 download or purchase by the covered user.

23 **SEC. 6. ENFORCEMENT.**

24 (a) ENFORCEMENT BY COMMISSION.—

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

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

17 (b) ACTIONS BY STATES.—

18 (1) IN GENERAL.—In any case in which the at-
19 torney general of a State, or an official or agency of
20 a State, has reason to believe that an interest of the
21 residents of such State has been or is threatened or
22 adversely affected by an act or practice in violation
23 of this Act, the State, as *parens patriae*, may bring
24 a civil action on behalf of the residents of the State

1 in an appropriate State court or an appropriate dis-
2 trict court of the United States to—

3 (A) enjoin such act or practice;

4 (B) enforce compliance with this Act;

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

8 (D) obtain such other legal and equitable
9 relief as the court may consider to be appro-
10 priate.

11 (2) NOTICE.—Before filing an action under this
12 subsection, the attorney general, official, or agency
13 of the State involved shall provide to the Commis-
14 sion a written notice of such action and a copy of
15 the complaint for such action. If the attorney gen-
16 eral, official, or agency determines that it is not fea-
17 sible to provide the notice described in this para-
18 graph before the filing of the action, the attorney
19 general, official, or agency shall provide written no-
20 tice of the action and a copy of the complaint to the
21 Commission immediately upon the filing of the ac-
22 tion.

23 (3) AUTHORITY OF COMMISSION.—

24 (A) IN GENERAL.—On receiving notice
25 under paragraph (2) of an action under this

1 subsection, the Commission shall have the
2 right—

3 (i) to intervene in the action;

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

6 (iii) to file petitions for appeal.

7 (B) LIMITATION ON STATE ACTION WHILE
8 FEDERAL ACTION IS PENDING.—If the Commis-
9 sion or the Attorney General of the United
10 States has instituted a civil action for violation
11 of this Act (referred to in this subparagraph as
12 the “Federal action”), no State attorney gen-
13 eral, official, or agency may bring an action
14 under this subsection during the pendency of
15 the Federal action against any defendant
16 named in the complaint in the Federal action
17 for any violation of this Act alleged in such
18 complaint.

19 (4) RULE OF CONSTRUCTION.—For purposes of
20 bringing a civil action under this subsection, nothing
21 in this Act shall be construed to prevent an attorney
22 general, official, or agency of a State from exercising
23 the powers conferred on the attorney general, offi-
24 cial, or agency by the laws of such State to conduct
25 investigations, administer oaths and affirmations, or

1 compel the attendance of witnesses or the production
2 of documentary and other evidence.

3 **SEC. 7. RULES OF CONSTRUCTION ON ENCRYPTION.**

4 (a) NO REQUIREMENT TO WEAKEN OR IMPAIR
5 ENCRYPTION.—Nothing in this Act may be construed to
6 require a provider of a social media platform or of any
7 other interactive computer service or electronic commu-
8 nication service to—

9 (1) decrypt or ensure an ability to decrypt an
10 encrypted communication of a user;

11 (2) preclude the use of any form of encryption,
12 including end-to-end encryption, for any communica-
13 tion of a user; or

14 (3) design, build, or implement any feature,
15 function, software, hardware, or other capability for
16 the purpose of weakening, undermining, circum-
17 venting, or overcoming any security control, includ-
18 ing encryption, that is used to protect the privacy or
19 security of any communication or data of a user.

20 (b) PRESERVATION OF PRIVACY AND SECURITY.—
21 This Act shall be implemented in a manner that—

22 (1) respects and protects the privacy of a user
23 and the security of any communication of a user;
24 and

1 (2) does not require or encourage the systemic
2 surveillance or monitoring of any encrypted commu-
3 nication of a user or the creation of any capability
4 that would allow for such systemic surveillance or
5 monitoring.

6 (c) IMPLEMENTATION OF ACT.—No requirement
7 under this Act to restrict any feature for a covered user
8 or to provide parental direct messaging controls for a di-
9 rect messaging feature of a social media platform may be
10 construed to override any protection for an encrypted com-
11 munication described in this section and a provider of a
12 social media platform shall adhere to any such require-
13 ment, to the maximum extent technically feasible, through
14 means that do not compromise the integrity of strong
15 encryption offered to any user of the social media plat-
16 form.

17 **SEC. 8. PREEMPTION.**

18 No State, or political subdivision of a State, may
19 maintain, enforce, prescribe, or continue in effect any law,
20 rule, regulation, requirement, standard, or other provision
21 having the force and effect of law that relates to the provi-
22 sions of this Act.

23 **SEC. 9. SEVERABILITY.**

24 If any provision of this Act or the application of this
25 Act to any person or circumstance is held to be unconstitu-

1 tional, the remaining provisions of this Act and the appli-
2 cation of this Act to other persons or circumstances shall
3 not be affected.

4 **SEC. 10. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), this Act shall take effect on the date that is 180 days
7 after the date of the enactment of this Act.

8 (b) COMPLIANCE DEADLINES.—Notwithstanding
9 subsection (a)—

10 (1) a provider of a social media platform shall
11 have 1 year after the date of the enactment of this
12 Act to comply with the provisions of section 4; and

13 (2) a provider of a social media platform shall
14 have 18 months after the date of the enactment of
15 this Act to comply with the provisions of section 5.