| **Requirements** | **Kids Online Safety Act of 2023** | **Protecting Kids on Social Media Act** |
| --- | --- | --- |
| **Duty of Care/Limit Exposure to Harmful Content** | Covered platforms shall act in the best interest of a user that the platform knows, or reasonably should know is a minor by taking reasonable measures in its design and operation of products and services to prevent and mitigate:   * Anxiety * Depression * Eating Disorders * Substance Use Disorders * Encouragement of addiction-like behaviors * Encouragement of physical violence   Requires covered platforms to take reasonable measures to prevent and mitigate the promotion of **suicidal behaviors** and prevent and mitigate:   * Suicide * Eating Disorders * Substance Abuse * Sexual Exploitation * Unlawful Products for Minors * Illegal Drug Sales   ***Limitation: covered platforms are not required to prevent or preclude any minor from deliberately or independently searching for, or specifically requesting content or:***  ***providing resources for the prevention of harms listed above, including evidence-informed information and clinical resources*** | **None** |
| **Age Covered by Legislation** | Minor defined as 16 years old or under | No children under age 13 allowed to have social media accounts; no algorithmic recommendation systems allowed for users under age 18 without parental consent. |
| **Age Verification** | Age verification **study** by the National Institute of Standards and Technology to be submitted one (1) year after the act is passed to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the house of Representatives. (Section 9) | Section 3. “A social media platform shall take “reasonable steps beyond merely requiring attestation, taking into account existing age verification technologies, to verify the age of individuals who are account holders on the platform. Information collected can only be used for age verification process; cannot retain information for age verification; cannot require the use of government issued identification for age verification; no age verification for accounts that have existed for 90 days or more until 2 years after the date of enactment of the Act; delete accounts that have not been verified 2 years after the enactment of this legislation. |
| **Algorithmic Transparency** | Allows minor users to control personalized recommendation systems including the right to:   * Opt out of such personalized recommendation systems * Limit types or categories of recommendations * Restrict the sharing of geolocation of the minor and provide notice regarding the tracking of the minor’s geolocation.   Section 4, Safeguards for Minors. | None. No algorithmic recommendation systems for users under the age of 18. However, Section 6 (b) Rule of Construction states “The prohibition in subsection (a) **shall not be construed to prevent** the suggestion of information or **provision of advertising to an individual** based on context where the information or advertising is provided. |
| **Parental Consent** | Disclosure of Registration of User Account   * Covered platforms must take reasonable efforts to notify parents of the intent of their minor children to create an account.   Section 5-Disclosure | See Age Verification above. Additionally, Section 5, Parental Consent. 5 (c)Consent may be revoked. 5(d) if revoked the social media platform shall (c) suspend, delete otherwise disable the account of the minor user for whom consent was revoked. Safe Harbor for participating in pilot program. |
| **Parental Tools** | Covered platforms must provide parents with tools to manage their children’s use of the platform to include:   * Safety settings * Ability to limit screen time * Limit purchases * Address harmful usage   Parental tools must be enabled by default and these tools use must be communicated to the minor user. | **None** |
| **Dedicated Online Harms Reporting System for Minor Users** | Requires covered platforms to provide a dedicated reporting channel to alert the platform to harms to minors, and requires them to substantively respond in a reasonable and timely manner, taking into account the size of the platform and the urgency of the request.  Section 4, Safeguards for Minors. | **None** |
| **Safeguards for Minors/Default Safeguards** | Requires covered platforms to provide minors and their parents with controls to protect against stalking, exploitation, addiction, and obsessive accession of harmful content. These controls must include:   * Ability to limit screen time * Restrict features that encourage compulsive use * Control Personalization system * Limit access to personal profiles   Section 4, Safeguards for Minors | **None** |
| **Dark Patterns Prohibition** | It shall be unlawful for any covered platform to design, modify, or manipulate a user interface of a covered platform with the purpose or substantial effect of subverting or impairing user autonomy, decision-making, or choice in order to weaken or disable safeguards or parental controls required under this section. Section 4, Safeguards for Minors, (e) Application (2) Dark patterns prohibition. | **None** |
| **Public Interest Research** | Section 7, Independent Research. Applies to covered platforms with more than 10 million monthly active users in the United States and considered to be social media, social networking services, or another type of online forum for user generated content. Requires the National Telecommunication & Information Administration (NTIA) to 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 the harms to minors covered under Section 3 of the act, Duty of Care. | **None** |
| **Transparency/Annual Audits** | Requires a covered platform to annually issue a public report identifying the risks of harms to minors, based on an independent, third-party audit conducted through reasonable inspection of the covered platform, and describing the prevention and mitigation measures taken by the platform. | **None** |
| **Enforcement** | Section 11. Unfair and Deceptive Practices-Federal Trade Commission; States Attorneys General may bring civil actions | Section 8. Enforcement of Unfair or Deceptive Acts or Practices – Federal Trade Commission, may enforce regulations on not-for-profit organizations and common carriers. (b) Enforcement by States-Attorneys General may bring civil actions |
| **Kids Online Safety Council** | Section 12. Recommends best practices and clear, consensus-based technical standards for transparency reports and audits. | **None** |
| **Secure Digital Identification Credential Pilot Program** | **None** | Not later than 2 years after the date of enactment of this Act, the Secretary of Commerce..shall establish a pilot program for providing a secure digital identification credentials to individuals who are citizens and lawful residents of the U.S. at no cost to the individual. |