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IN FOCUS

Kids Online Safety Act

Updated August 24, 2026

Beginning in the 117th Congress, some Members of Congress introduced different versions of the Kids Online Safety Act (KOSA)—a bill seeking to address harms to minors online by creating requirements for certain online platforms, among other provisions. In the 119th Congress, different versions of KOSA have been introduced as stand-alone bills (H.R. 6484, S. 1748). Some provisions have been included in other bills, including H.R. 7757, under a section titled "Kids Online Safety."

On June 29, 2026, the House passed an amended version of the KIDS Act (H.R. 7757), which includes portions of different bills, including H.R. 6484 (see CRS Legal Sidebar LSB11465, *The House Passes the KIDS Act*). On August 5, 2026, the Senate Committee on Commerce, Science, and Transportation (CST) voted to advance an amended version of S. 1748 to the full Senate. The "Kids Online Safety" section of H.R. 7757 does not include a "duty of care" section, discussed below; S. 1748 includes such a section. This In Focus summarizes the "Kids Online Safety" section in H.R. 7757 passed by the House, compares it with S. 1748 as amended, and provides some considerations for Congress.

Summary of "Kids Online Safety" in H.R. 7757

The "Kids Online Safety" section in H.R. 7757 would create requirements related to minors for covered platforms. It defines *covered platform* as a website, software, application, or electronic service connected to the internet that (1) is publicly available; (2) enables the creation of a user identifier that is searchable by other users and can be followed by other users; (3) as its primary purpose, facilitates the sharing and access to user-generated content through text, images, video, or any other interactive medium; (4) promotes user engagement on the platform; and (5) uses personal information to advertise, market, or make content recommendations. The bill defines *teen* as an individual who has attained the age of 13 and is under the age of 17, *child* as an individual under the age of 13, and *know* or *knows* as "know or should have known."

The requirements for covered platforms would include

- **Addressing harms to minors.** Covered platforms would be required to "establish, implement, maintain, and enforce reasonable policies, practices, and procedures" appropriate to the size and complexity of the platform to address the following harms to minors: (1) threats of physical violence so severe, pervasive, or objectively offensive that they impact a major life activity; (2) sexual exploitation and abuse; (3) distribution, sale, or use of narcotic drugs, tobacco products, cannabis products, gambling, or alcohol; and (4) any financial harm caused by deceptive practices.
- **Safeguards for minors.** Covered platforms would be required to provide safeguards for a user whom they know is a minor that (1) limit the ability for others to communicate with the minor; (2) prevent the profile or personal information of the minor from being recommended or suggested to a user or visitor whom the platform knows is not a minor; (3) prevent other users or visitors from seeing the current online or offline status of the minor; (4) limit design features that encourage compulsive usage of the covered platform by the minor, (5) restrict the sharing of geolocation information of the minor to a third party that is not the processor and provide notice to the parent that geolocation information is collected; and (6) control any personalized recommendation system, including the ability to opt out of a personalized recommendation system and limit types or categories of recommendations.
- **Parental tools.** Covered platforms would be required to provide tools for parents of a user known by the platform to be a minor that allow the parent to (1) view the minor's privacy and account settings; (2) manage, change, and control the child's privacy and account settings; (3) restrict the minor's purchases and financial transactions; (4) view metrics of total time spent on the platform and restrict time spent on the platform by the minor; (5) receive a notification when the minor receives a request from another user seeking to initiate direct or ephemeral messaging for the first time; and (6) disable direct or ephemeral messaging for the child. The platforms would be required to (1) provide parents notice about the availability of these parental tools; (2) provide minors with notice of which parental tools have been applied; and (3) ensure that the default setting of any parental tool is the most protective for a child.
- **Messaging controls.** Covered platforms that allow direct or ephemeral messaging would be required to provide teens with controls to (1) receive a notification that alerts the user about a request from an unapproved contact, allowing the user to approve or deny the request; (2) view and manage a list of contacts approved for direct or ephemeral messaging; (3) disable any direct or ephemeral messaging feature; (4) prevent any specific user or group of users from initiating or continuing to engage in direct or ephemeral messaging; and (5) enable the user to set a profile as hidden.
- **Reporting mechanism.** Covered platforms would be required to provide (1) a means for users and visitors to submit reports about harms to minors; (2) an electronic point of contact specific to matters involving harms to minors; and (3) a response within 10 days or as promptly as needed if the report involves an imminent safety threat.
- **Disclosure.** Prior to registration or purchase, covered platforms would be required to provide notice for a user known by the platform to be a minor about the policies and practices regarding safeguards and how to access any safeguards, parental tools, and messaging controls.

- **Audit.** No later than 18 months after the enactment of this section, and annually thereafter, a covered platform would be required to undergo an independent, third-party audit. The audit would be required to include an assessment of the extent to which the platform is likely to be accessed by minors, a description of the safeguards and parental tools available to minors and their parents, and a description of how the platform handles reports received through the reporting mechanism, in addition to other information. The provider of a covered platform would be required to submit the results to the Federal Trade Commission (FTC) no later than 30 days after the audit is completed and provide some of the information in a public report no later than 45 days after the audit.

For users that the provider of a covered platform knows are minors, the section would also require the platform to provide labels and information on advertisements (ads) and prohibit the platform from facilitating ads of narcotic drugs, cannabis products, tobacco products, gambling, or alcohol.

The FTC and state attorneys general would be able to enforce H.R. 7757, including the "Kids Online Safety" section. The provisions in H.R. 7757 would preempt state laws and regulations to the extent that they conflict with the provisions; H.R. 7757 would not preempt any state law or regulation with respect to contract, tort, or product liability or prohibit a state from enacting or enforcing any law or regulation that provides greater protections to minors.

H.R. 7757 Versus S. 1748

Some differences between S. 1748 as amended and the "Kids Online Safety" section of H.R. 7757 include the following:

- S. 1748 includes a "duty of care" section rather than an "addressing harms to minors" section. The "duty of care" section would require covered platforms to "exercise reasonable care in the creation and implementation of any design feature to prevent and mitigate" certain harms to minors. The *harms to minors* include those listed under "addressing harms to minors" in H.R. 7757 and (1) eating disorders, substance use disorders, and suicidal behaviors; (2) depressive and anxiety disorders that have objectively verifiable and clinically diagnosable symptoms and are related to compulsive usage; and (3) patterns of use that indicate compulsive usage.
- The definition of *covered platform* in S. 1748 includes online video games, messaging applications, and video streaming services that are used by, or reasonably likely to be used by, a minor. Some of these platforms might not be included under the definition of *covered platform* in H.R. 7757. Some commentators have noted that both definitions might face First Amendment challenges based on litigation over definitions used in state laws.
- S. 1748 defines the term *know* or *knows* as "actual knowledge or knowledge fairly implied on the basis of objective circumstances." The "Kids Online Safety" section in H.R. 7757 defines the term as "know or should have known." S. 1748 would direct the FTC to issue guidance on the knowledge standard, including best practices and examples; H.R. 7757 would not.
- The "Kids Online Safety" section in H.R. 7757 would require covered platforms to provide parental tools related to direct and ephemeral messaging and messaging controls. S. 1748 does not explicitly mention requirements for direct and ephemeral messaging.
- S. 1748 would require a covered platform to respond to a report about harms to a minor within 21 days if the platform averaged fewer than 10 million monthly active users during the most recent calendar year. Covered platforms that averaged more active users would be required to respond within 10 days. All covered platforms in the "Kids Online Safety" section of H.R. 7757 would be required to respond within 10 days.

Considerations for Congress

Some platforms independently provide safeguards for minors similar to the requirements in S. 1748 and the "Kids Online Safety" section of H.R. 7757. For example, Instagram has implemented protections for teens under the age of 18, such as making the account private by default when signing up for the app and allowing parents to set daily limits on the amount of time a teen can spend on the app. TikTok and Snapchat offer safeguards for teens under the age of 18. No federal law requires these safeguards; some platforms might stop offering or never offer safeguards. A study found that some child safety features offered by some platforms do not function as described.

Senators Blackburn and Blumenthal criticized the removal of the duty of care provision in the "Kids Online Safety" section of H.R. 7757 passed by the House. Some civil liberties groups have argued that the duty of care provision might violate rights protected by the Free Speech Clause of the First Amendment; some commentators have stated that the KIDS Act might raise First Amendment concerns.

S. 1748 and the "Kids Online Safety" section of H.R. 7757 both include a provision stating that the respective bills should not be construed to require covered platforms to "implement an age gating or age verification functionality." Nevertheless, if either bill is enacted, some operators might use different age verification methods to identify minors on their platforms to ensure that they are complying with the law. Others might implement changes for all users. Some of the requirements, such as implementing a reporting mechanism and hiring a third-party auditor, might make it more costly to operate platforms. The requirements might also encourage platforms to include or exclude certain features. If the requirements reduce harms to minors, that benefit might outweigh the potential associated costs.

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