

118TH CONGRESS
1ST SESSION

S. 564

To permit parents to bring a civil action against social media companies that fail to provide parental access and data control rights with respect to the social media accounts of minor children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2023

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To permit parents to bring a civil action against social media companies that fail to provide parental access and data control rights with respect to the social media accounts of minor children, 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 “Parental Data Rights
5 Act”.

6 **SEC. 2. PARENTAL SOCIAL MEDIA ACCOUNT ACCESS.**

7 (a) DEFINITIONS.—In this section:

1 (1) CONTACT INFORMATION.—The term “con-
2 tact information”, with respect to an individual,
3 means—

4 (A) the full legal name of the individual;
5 and
6 (B) the email address of the individual.

7 (2) COVERED INTERACTIVE COMPUTER SERV-
8 ICE.—The term “covered interactive computer serv-
9 ice” means an interactive computer service—

10 (A) that is provided through a website, on-
11 line application, or mobile application (including
12 a single interactive computer service that is pro-
13 vided through more than 1 such website or ap-
14 plication);

15 (B) through which information provided by
16 another information content provider is distrib-
17 uted; and

18 (C) that enables an individual user to cre-
19 ate an account for the purpose of viewing, gen-
20 erating, or modifying content that can be
21 viewed, shared, or otherwise interacted with by
22 other third-party users of the interactive com-
23 puter service.

24 (3) INFORMATION CONTENT PROVIDER; INTER-
25 ACTIVE COMPUTER SERVICE.—The terms “informa-

tion content provider” and “interactive computer service” have the meanings given those terms in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(4) MINOR CHILD.—The term “minor child” means an individual who is younger than 18 years of age.

(5) SOCIAL MEDIA COMPANY.—The term “social media company”—

(A) means an entity that provides, in or affecting interstate or foreign commerce, a covered interactive computer service; and

(B) does not include an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(b) PARENTAL NOTIFICATION.—A social media company that permits a minor child to create an account with the social media company shall—

(1) at the time the minor child creates the account, require the collection of the contact information of a parent or guardian of that minor child; and

(2) notify the parent or guardian, the contact information of whom is collected under paragraph

1 (1), regarding the creation of the account described
2 in that paragraph.

3 (c) LIABILITY.—A social media company shall be lia-
4 ble in accordance with this section to—

5 (1) any individual who requests, and is denied
6 access to, all data regarding the use, by a minor
7 child in the custody of the individual, of the covered
8 interactive computer service provided by the social
9 media company; and

10 (2) any individual who requests and is denied
11 the ability to delete—

12 (A) an account maintained with the social
13 media company by a minor child in the custody
14 of the individual; and

15 (B) all data associated with the account
16 described in subparagraph (A).

17 (d) PRIVATE RIGHT OF ACTION.—

18 (1) IN GENERAL.—An individual who makes a
19 request under subsection (c) (and who is entitled to
20 have the applicable social media company take ac-
21 tion under that subsection in response to that re-
22 quest), may, if that request is denied by the social
23 media company, bring a civil action against the so-
24 cial media company in an appropriate district court

of the United States, or in a State court of competent jurisdiction, for—

(A) injunctive relief;

(B) punitive damages, with treble damages available if, because of the negligence or inaction of that social media company, the individual did not receive from that social media company a notification to which the individual was entitled under subsection (b)(2); and

(C) attorney's fees and costs.

(2) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an action brought against a social media company under paragraph (1) that the social media company, at all relevant times—

(A) took reasonable, affirmative steps to ascertain the age of each user of the covered interactive computer service provided by the social media company; and

(B) did not know, and had no reason to know, that the user that is the subject of the action was a minor child when the user used the covered interactive computer service provided by the social media company.

(e) EFFECTIVE DATE; APPLICABILITY.—This Act—

1 (1) shall take effect on the date that is 180
2 days after the date of enactment of this Act; and

3 (2) shall not apply to any use of a covered
4 interactive computer service that occurred before the
5 effective date described in paragraph (1).

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