

119TH CONGRESS
2D SESSION

S. _____

To require certain commercial entities to implement age verification methods.

IN THE SENATE OF THE UNITED STATES

Mr. BANKS introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To require certain commercial entities to implement age
verification methods.

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 “Safety and Age Fil-
5 tering Enforcement for Kids Act of 2026” or the “SAFE
6 for Kids Act of 2026”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **COMMERCIAL AGE VERIFICATION SYSTEM.**—

10 The term “commercial age verification system”
11 means a system that—

1 (A) verifies the age of an individual by
2 using—

3 (i) government-issued identification;

4 (ii) a reasonable method that relies on
5 public or private transactional data; or

6 (iii) any other method or document
7 that reliably and accurately indicates if a
8 user of a covered commercial entity is a
9 minor; and

10 (B) can be used to prevent a minor from
11 accessing the sexual material harmful to minors
12 of a covered commercial entity.

13 (2) COMMERCIAL ENTITY.—The term “commer-
14 cial entity”—

15 (A) means a corporation, limited liability
16 company, partnership, limited partnership, sole
17 proprietorship, or other legally recognized busi-
18 ness entity;

19 (B) includes a social media platform; and

20 (C) does not include a news-gathering or-
21 ganization that as its primary business pub-
22 lishes bona fide news or public interest broad-
23 casts, website videos, reports, or events.

24 (3) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

1 (4) COVERED COMMERCIAL ENTITY.—The term
2 “covered commercial entity”—

3 (A) means a commercial entity that know-
4 ingly and intentionally publishes or distributes
5 on an internet website material, of which great-
6 er than $\frac{1}{3}$ of which is sexual material harmful
7 to minors , as determined by the Commission;
8 and

9 (B) includes any officer, director, or em-
10 ployee of a commercial entity described in sub-
11 paragraph (A) while engaged in the perform-
12 ance of the duties of the individual as an offi-
13 cer, director, or employee.

14 (5) DIGITAL IDENTIFICATION.—The term “dig-
15 ital identification” means information stored on a
16 digital network that—

17 (A) may be accessed by a covered commer-
18 cial entity; and

19 (B) serves as a reasonable indication of the
20 age of an individual.

21 (6) DISTRIBUTE.—The term “distribute”
22 means to issue, sell, give, provide, deliver, transfer,
23 transmute, circulate, or disseminate by any means.

24 (7) MINOR.—The term “minor” means an indi-
25 vidual who is under 18 years of age.

1 (8) PUBLISH.—The term “publish” means to
2 communicate or make information available to an-
3 other person on a publicly available internet website.

4 (9) SEXUAL MATERIAL HARMFUL TO MINORS.—
5 The term “sexual material harmful to minors”
6 means any material that—

7 (A) the average individual applying con-
8 temporary community standards would find,
9 taking the material as a whole and with respect
10 to minors, is designed to appeal to or pander to
11 the prurient interest;

12 (B) in a manner patently offensive with re-
13 spect to minors, exploits, is devoted to, or prin-
14 cipally consists of descriptions of, actual, simu-
15 lated, or animated displays or depictions of sex-
16 ual acts or sexual contact as defined in section
17 2246 of title 18, United States Code; and

18 (C) taken as a whole, lacks serious literary,
19 artistic, political, or scientific value for minors.

20 (10) TRANSACTIONAL DATA.—The term “trans-
21 actional data” means a sequence of information that
22 documents an exchange, agreement, or transfer be-
23 tween an individual, commercial entity, or third
24 party.

1 **SEC. 3. AGE VERIFICATION REQUIREMENTS.**

2 (a) IN GENERAL.—

3 (1) PREVENTING MINORS FROM ACCESSING
4 SEXUAL MATERIAL HARMFUL TO MINORS.—Using
5 the information provided in paragraph (2), a covered
6 commercial entity shall prevent any minor from ac-
7 cessing sexual material harmful to minors.

8 (2) AGE VERIFICATION.—In order to verify that
9 an individual attempting to access sexual material
10 harmful to minors published or distributed by a cov-
11 ered commercial entity is not a minor, such covered
12 commercial entity shall require such individual to—

13 (A) provide digital identification; or

14 (B) verify their age through a commercial
15 age verification system.

16 (b) USE OF THIRD PARTIES.—A covered commercial
17 entity may contract with a third party to comply with the
18 requirements described in subsection (a).

19 (c) PRIVACY.—A covered commercial entity or third
20 party described in subsection (b) may not retain or sell
21 any information collected pursuant to subsection (a)(2).

22 **SEC. 4. APPLICABILITY.**

23 An internet service provider, a search engine pro-
24 vider, a cloud service provider, or an affiliate or subsidiary
25 of such a provider may not be held to have violated this

1 Act solely for providing access or connection to a covered
2 commercial entity.

3 **SEC. 5. ENFORCEMENT.**

4 (a) ENFORCEMENT BY THE COMMISSION.—

5 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
6 TICES.—A violation of this Act shall be treated as
7 a violation of a rule defining an unfair or deceptive
8 act or practice prescribed under section 18(a)(1)(B)
9 of the Federal Trade Commission Act (15 U.S.C.
10 57a(a)(1)(B)).

11 (2) POWERS OF COMMISSION.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (C), the Commission shall enforce
14 this Act and any regulation promulgated there-
15 under in the same manner, by the same means,
16 and with the same jurisdiction, powers, and du-
17 ties as though all applicable terms and provi-
18 sions of the Federal Trade Commission Act (15
19 U.S.C. 41 et seq.) were incorporated into and
20 made a part of this Act.

21 (B) PRIVILEGES AND IMMUNITIES.—Ex-
22 cept as provided in subparagraph (C), any cov-
23 ered commercial entity that violates this Act or
24 a regulation promulgated thereunder shall be
25 subject to the penalties and entitled to the

1 privileges and immunities provided in the Fed-
2 eral Trade Commission Act.

3 (C) COMMON CARRIERS.—Notwithstanding
4 section 4, 5(a)(2), or 6 of the Federal Trade
5 Commission Act (15 U.S.C. 44, 45(a)(2), 46)
6 or any jurisdictional limitation of the Commis-
7 sion, the Commission shall also enforce this Act
8 or a regulation promulgated thereunder, in the
9 same manner provided in subparagraphs (A)
10 and (B), with respect to common carriers sub-
11 ject to the Communications Act of 1934 (47
12 U.S.C. 151 et seq.) and all Acts amendatory
13 thereof and supplementary thereto.

14 (D) AUTHORITY PRESERVED.—Nothing in
15 this Act shall be construed to limit the author-
16 ity of the Commission under any other provi-
17 sion of law.

18 (E) RULEMAKING.—The Commission shall
19 promulgate in accordance with section 553 of
20 title 5, United States Code, such rules as may
21 be necessary to carry out this Act.

22 (b) ENFORCEMENT BY THE DEPARTMENT OF JUSTICE.—
23

24 (1) CRIMINAL ENFORCEMENT.—The Attorney
25 General may initiate a criminal investigation of a

1 covered commercial entity that the Attorney General
2 has reason to believe, and may initiate a prosecution
3 of a covered commercial entity that the Attorney
4 General determines, is knowingly violating, or has
5 knowingly violated, this Act.

6 (2) CRIMINAL PENALTIES.—Any covered com-
7 mercial entity that knowingly violates this Act—

8 (A) shall be fined under title 18, United
9 States Code, imprisoned for not more than 5
10 years, or both; or

11 (B) shall be fined not more than \$750,000,
12 if an individual, or \$1,500,000, if an organiza-
13 tion, imprisoned for not more than 5 years, or
14 both, if—

15 (i) the violation resulted in access to
16 sexual material harmful to minors by not
17 less than 100,000 minors;

18 (ii) the covered commercial entity had
19 profits of more than \$1,000,000 during
20 any year that were attributable to the vio-
21 lation; or

22 (iii) the covered commercial entity en-
23 gaged in efforts to deceive the Attorney
24 General or the Commission or obstruct an

1 investigation of an alleged violation of this
2 Act.

3 (3) COORDINATION WITH THE FTC.—The At-
4 torney General shall consult with the Commission to
5 assess evidence of knowing violations of this Act and
6 coordinate parallel civil and criminal enforcement ac-
7 tions, where appropriate.

8 (c) PRIVATE RIGHT OF ACTION.—

9 (1) IN GENERAL.—Any individual, including the
10 parent or legal guardian of a minor, may bring a
11 civil action against a covered commercial entity in
12 violation of this Act in a court of competent jurisdic-
13 tion.

14 (2) RELIEF.—In a civil action brought under
15 paragraph (1) in which the plaintiff prevails, the
16 court may award—

17 (A) declaratory or equitable relief;

18 (B) compensatory damages;

19 (C) punitive damages; and

20 (D) reasonable attorney’s fees and litiga-
21 tion costs.

22 **SEC. 6. JOINT REPORTING AND OVERSIGHT.**

23 Not later than 1 year after the date of enactment
24 of this Act, and every 3 years thereafter, the Commission,

1 in coordination with the Attorney General, shall submit
2 to Congress a report that describes—

3 (1) the number of investigations regarding vio-
4 lations of this Act that began during the reporting
5 period;

6 (2) the number of actions brought under sub-
7 sections (a) and (b) of section 5, the amount of civil
8 penalties and criminal fines assessed, and the peri-
9 ods of imprisonment imposed in such actions; and

10 (3) any trends or challenges regarding compli-
11 ance with this Act and the enforcement thereof.