

119TH CONGRESS
2D SESSION

S. 4741

To require certain commercial entities to implement age verification methods.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2026

Mr. BANKS (for himself and Mr. MORENO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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:

1 (1) COMMERCIAL AGE VERIFICATION SYSTEM.—

2 The term “commercial age verification system”
3 means a system that—

4 (A) verifies the age of an individual by
5 using—

6 (i) government-issued identification;

7 (ii) a reasonable method that relies on
8 public or private transactional data; or

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

13 (B) can be used to prevent a minor from
14 accessing the sexual material harmful to minors
15 of a covered commercial entity.

16 (2) COMMERCIAL ENTITY.—The term “commer-
17 cial entity”—

18 (A) means a corporation, limited liability
19 company, partnership, limited partnership, sole
20 proprietorship, or other legally recognized busi-
21 ness entity;

22 (B) includes a social media platform; and

23 (C) does not include a news-gathering or-
24 ganization that as its primary business pub-

1 lishes bona fide news or public interest broad-
2 casts, website videos, reports, or events.

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

5 (4) COVERED COMMERCIAL ENTITY.—The term
6 “covered commercial entity”—

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

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

18 (5) DIGITAL IDENTIFICATION.—The term “dig-
19 ital identification” means information stored on a
20 digital network that—

21 (A) may be accessed by a covered commer-
22 cial entity; and

23 (B) serves as a reasonable indication of the
24 age of an individual.

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

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

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

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

12 (A) the average individual applying con-
 13 temporary community standards would find,
 14 taking the material as a whole and with respect
 15 to minors, is designed to appeal to or pander to
 16 the prurient interest;

17 (B) in a manner patently offensive with re-
 18 spect to minors, exploits, is devoted to, or prin-
 19 cipally consists of descriptions of, actual, simu-
 20 lated, or animated displays or depictions of sex-
 21 ual acts or sexual contact as defined in section
 22 2246 of title 18, United States Code; and

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

1 (10) TRANSACTIONAL DATA.—The term “trans-
 2 actional data” means a sequence of information that
 3 documents an exchange, agreement, or transfer be-
 4 tween an individual, commercial entity, or third
 5 party.

6 **SEC. 3. AGE VERIFICATION REQUIREMENTS.**

7 (a) IN GENERAL.—

8 (1) PREVENTING MINORS FROM ACCESSING
 9 SEXUAL MATERIAL HARMFUL TO MINORS.—Using
 10 the information provided in paragraph (2), a covered
 11 commercial entity shall prevent any minor from ac-
 12 cessing sexual material harmful to minors.

13 (2) AGE VERIFICATION.—In order to verify that
 14 an individual attempting to access sexual material
 15 harmful to minors published or distributed by a cov-
 16 ered commercial entity is not a minor, such covered
 17 commercial entity shall require such individual to—

18 (A) provide digital identification; or

19 (B) verify their age through a commercial
 20 age verification system.

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

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

4 **SEC. 4. APPLICABILITY.**

5 An internet service provider, a search engine pro-
 6 vider, a cloud service provider, or an affiliate or subsidiary
 7 of such a provider may not be held to have violated this
 8 Act solely for providing access or connection to a covered
 9 commercial entity.

10 **SEC. 5. ENFORCEMENT.**

11 (a) ENFORCEMENT BY THE COMMISSION.—

12 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
 13 TICES.—A violation of this Act shall be treated as
 14 a violation of a rule defining an unfair or deceptive
 15 act or practice prescribed under section 18(a)(1)(B)
 16 of the Federal Trade Commission Act (15 U.S.C.
 17 57a(a)(1)(B)).

18 (2) POWERS OF COMMISSION.—

19 (A) IN GENERAL.—Except as provided in
 20 subparagraph (C), the Commission shall enforce
 21 this Act and any regulation promulgated there-
 22 under in the same manner, by the same means,
 23 and with the same jurisdiction, powers, and du-
 24 ties as though all applicable terms and provi-
 25 sions of the Federal Trade Commission Act (15

1 U.S.C. 41 et seq.) were incorporated into and
2 made a part of this Act.

3 (B) PRIVILEGES AND IMMUNITIES.—Ex-
4 cept as provided in subparagraph (C), any cov-
5 ered commercial entity that violates this Act or
6 a regulation promulgated thereunder shall be
7 subject to the penalties and entitled to the
8 privileges and immunities provided in the Fed-
9 eral Trade Commission Act.

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

21 (D) AUTHORITY PRESERVED.—Nothing in
22 this Act shall be construed to limit the author-
23 ity of the Commission under any other provi-
24 sion of law.

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

5 (b) ENFORCEMENT BY THE DEPARTMENT OF JUSTICE.—
6

7 (1) CRIMINAL ENFORCEMENT.—The Attorney
8 General may initiate a criminal investigation of a
9 covered commercial entity that the Attorney General
10 has reason to believe, and may initiate a prosecution
11 of a covered commercial entity that the Attorney
12 General determines, is knowingly violating, or has
13 knowingly violated, this Act.

14 (2) CRIMINAL PENALTIES.—Any covered commercial entity that knowingly violates this Act—
15

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

19 (B) shall be fined not more than \$750,000,
20 if an individual, or \$1,500,000, if an organization,
21 imprisoned for not more than 5 years, or
22 both, if—

23 (i) the violation resulted in access to
24 sexual material harmful to minors by not
25 less than 100,000 minors;

(ii) the covered commercial entity had profits of more than \$1,000,000 during any year that were attributable to the violation; or

(iii) the covered commercial entity engaged in efforts to deceive the Attorney General or the Commission or obstruct an investigation of an alleged violation of this Act.

(3) COORDINATION WITH THE FTC.—The Attorney General shall consult with the Commission to assess evidence of knowing violations of this Act and coordinate parallel civil and criminal enforcement actions, where appropriate.

(c) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Any individual, including the parent or legal guardian of a minor, may bring a civil action against a covered commercial entity in violation of this Act in a court of competent jurisdiction.

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

(A) declaratory or equitable relief;

(B) compensatory damages;

1 (C) punitive damages; and

2 (D) reasonable attorney's fees and litigation costs.

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

5 Not later than 1 year after the date of enactment
6 of this Act, and every 3 years thereafter, the Commission,
7 in coordination with the Attorney General, shall submit
8 to Congress a report that describes—

9 (1) the number of investigations regarding violations of this Act that began during the reporting
10 period;

12 (2) the number of actions brought under subsections (a) and (b) of section 5, the amount of civil
13 penalties and criminal fines assessed, and the periods of imprisonment imposed in such actions; and

16 (3) any trends or challenges regarding compliance with this Act and the enforcement thereof.

17 ○