

Bill Summary: KOSA requires companies to design their platforms to prioritize children's and teens' health and well-being over engagement and profits.

This bill is needed because: Our youth are facing a mental health crisis, and evidence shows that social media platforms contribute to it. But the U.S. has no guardrails to protect kids from tech, leaving the burden on parents alone. We need Congress to force companies to change design features that maximize engagement, often at the cost of children's well-being. KOSA shifts the responsibility to platforms while also giving minors and parents more meaningful controls and continued access to the internet.

The House bill requires:

- A 'duty of care' for "high impact online companies."¹ These companies are required to exercise reasonable care in the creation and implementation of any design feature to prevent or mitigate harms to minors that are posed by the platform.
- All covered platforms² to offer parents and minors safeguards and tools, like the most protective level of control on the safety settings by default, limiting the amount of time spent on the platform, limiting strangers from contacting minors online, and being able to opt-out of algorithmic recommendation systems³.
- All covered platforms to be more transparent about how their platforms operate. Covered platforms would be required to conduct annual and independent audits that identify the risks of harm to minors.
- All covered platforms must also have a readily accessible reporting mechanism for parents to report harms to minors and the platforms must have a process to timely and reasonable responses to these reports⁴.

What online harms does KOSA require social media platforms to mitigate?

- Suicide, eating disorders, substance use disorders, and sexual exploitation and abuse
- Patterns of use that indicate or encourage compulsive usage by minors
- Physical violence, cyberbullying, or discriminatory harassment of a minor
- Promotion and marketing of narcotic drugs, tobacco products, gambling, or alcohol

¹ Online platforms or video games with 150M or more global active users or with annual revenue of \$2.5B or more, that are primarily used to primarily share or access user-generated content.

² An online platform, online video game, messaging application, or video streaming service that connects to the internet and that is used, or is reasonably likely to be used, by a minor. Exclusions include broadband service providers, teleconferencing providers, SMS services, non-profits, libraries and schools.

³ Parents can control these specific account settings for their children under age 13, and view the settings - but not the content - for teens 13 to 16.

⁴ The timeliness of these responses is based on the size of the platform under 103(c)(2).

What does KOSA NOT do? KOSA does NOT require companies to take down or block specific content, and nothing in the act prevents young people from searching for content they are interested in. KOSA does NOT prevent young people from communicating with friends. KOSA does NOT allow state Attorneys General to enforce prevention of or define harms to minors.

Bill Status: The Senate Commerce Committee unanimously approved the Senate version of KOSA ([S 1409](#)) last July, and changes to the Senate bill were announced in February of 2024. The revised Senate bill has the support of 69 Senators. The House bill is very similar to the Senate bill and we are hopeful that Congress can reach an agreement on KOSA that will put children first.

Common Sense Media Recommends Changes to the House Version of KOSA

- **Consistency across all covered platforms with the definition of “Know; Knows”** by reverting to “actual knowledge or knowledge fairly implied on the basis of objective circumstances.” This is the knowledge standard laid out in the Senate version of KOSA and in COPPA 2.0.
- **Expanding the scope of the duty of care** (under Section 102) to include all covered platforms rather than only a “high impact online company.” As currently drafted, “high impact online company,” would include only the largest platforms.⁵ This means that smaller platforms, many of which don’t even have trust and safety teams will be excluded from this duty of care.
- **Reverting to the list of harms to minors identified in the Senate version of KOSA in Section 102(a)** to include:
 - (2): “Patterns of use that indicate or encourage addiction-like behaviors.” In the House version of KOSA, harms to minors are identified in Section 102(a)(2) as “Patterns of use that indicate or encourage compulsive usage by minors.” If this language remains, the definition of “compulsive use” should be amended to capture the wide range of problematic behaviors related to overuse.⁶
 - (6): “Predatory, unfair, or deceptive marketing practices, or other financial harms” in the list of harms under the duty of care.
- **Reverting to the list of safeguards for minors identified in the Senate version of KOSA in Section 103(a)(1)** specifically to include:
 - (E) “restrict the sharing of the geolocation of the minor and provide notice regarding the tracking of the minor’s geolocation.”

⁵ The following platforms are “High Impact Companies” in that they host user-generated content and have over 150M global active users: Google (including YouTube), Meta (including Facebook, Facebook Messenger, WhatsApp, and Instagram), TikTok, WeChat, Snapchat, Twitter/X, LinkedIn, Amazon, Pinterest, Netflix, Disney+, Reddit, Quora, Twitch, and Discord. All of the previously listed companies also have revenue over \$2.5B.

⁶ Along with our coalition partners, we urge the Committee to define “compulsive usage” as “problematic behaviors such as tolerance, withdrawal, craving, and excessive use that are reasonably likely to lead to functional impairment, such as the ability to engage in familial, social, or educational roles.” It is critical to capture these behaviors in order to incentivize platforms to mitigate some of the most concerning impacts of online harms on children and teens. It is much harder for young people to extricate themselves from platforms where they are being harmed or threatened if they feel addicted to them.