

S.4199 Markey Substitute (as modified again)



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**S. 4199**

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MARKEY

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Youth AI Privacy

5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Millions of teenagers are using artificial in-

9 telligence (referred to in this section as “AI”)

10 chatbots for personal, sensitive conversations, dis-

11 closing intimate details about their lives, relying on

1 AI chatbots for advice, and developing deep emo-
2 tional bonds with AI chatbots.

3 (2) In 2025, approximately $\frac{2}{3}$ of teenagers re-
4 ported using AI chatbots, and roughly $\frac{1}{4}$ reported
5 using them daily. $\frac{1}{3}$ of teens have chosen to speak
6 with AI chatbot “companions” over a real human
7 for a serious conversation. In a couple tragic cases,
8 a teenager died by suicide after encouragement or
9 advice from an AI chatbot.

10 (3) Although compulsive use of AI chatbots
11 may pose risks for all users, users who are minors,
12 whose cognitive, emotional, and social capabilities
13 are still developing, are especially likely to misunder-
14 stand that an AI chatbot is not a real human and
15 disclose sensitive personal information to the AI
16 chatbot or turn to the AI chatbot for social compan-
17 ionship. Minors are also more susceptible to addict-
18 ive design features, anthropomorphized systems, and
19 potentially harmful outputs generated by AI sys-
20 tems.

21 (4) AI chatbot companies are employing ma-
22 nipulative engagement features to keep users en-
23 gaged on their platforms, including high-frequency
24 push notifications, unprompted AI chatbot re-
25 sponses, typing bubble indicators, and more. These

1 features create serious risks of emotional dependency
2 and compulsive use among minors.

3 (5) AI chatbots mimic human-like conversations
4 by employing profiling tactics to personalize outputs
5 for users. AI chatbots are also often designed to re-
6 semble direct messaging user interfaces. These per-
7 sonalization strategies and anthropomorphic design
8 features can easily confuse users, especially minors,
9 who may believe they are interacting with a real per-
10 son rather than AI.

11 (6) Advertisements delivered through AI
12 chatbots may be woven directly into responses or
13 may subtly steer users toward certain products
14 based on how the model was trained. This adver-
15 tising would be far more covert and harder to recog-
16 nize than traditional digital advertising, especially
17 for minors. As highlighted by the Commission, many
18 young users lack the skills or cognitive defenses
19 needed to identify such covert or “blurred” adver-
20 tising.

21 (7) Extended, multiturn conversations with AI
22 chatbots degrade safeguards against harmful con-
23 versational patterns, increasing the likelihood of mi-
24 nors receiving harmful outputs generated by AI sys-
25 tems.

1 (8) AI chatbots introduce new privacy risks, as
2 they often retain user inputs and personal data to
3 personalize responses and to train the underlying
4 large language models. This practice creates the po-
5 tential for serious privacy violations, particularly
6 when companies retain and process highly sensitive
7 information from minors.

8 (9) Congress has a responsibility to address the
9 novel risks posed by AI chatbots and protect minors
10 from potential harm related to anthropomorphism,
11 prolonged engagement, deceptive advertising, and
12 invasive privacy practices.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) AI CHATBOT.—The term “AI chatbot”
16 means a natural language interface that uses a cov-
17 ered algorithm to provide adaptive responses to user
18 inputs via text, audio, image, video, or any other
19 mode of communication, simulating interpersonal
20 interaction with a user.

21 (2) COLLECT.—The term “collect” means, with
22 respect to personal data, to buy, rent, gather, ob-
23 tain, receive, or otherwise acquire the personal data
24 by any means.

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

3 (4) COVERED ALGORITHM.—The term “covered
4 algorithm” means a computational process derived
5 from machine learning, natural language processing,
6 neural networks, or other technology of similar or
7 greater complexity.

8 (5) DEPLOYER.—

9 (A) IN GENERAL.—The term “deployer”
10 means any person that owns, operates, or other-
11 wise makes available to users an AI chatbot in
12 interstate commerce or foreign commerce.

13 (B) RULE OF CONSTRUCTION.—The terms
14 “deployer” and “developer” shall not be inter-
15 preted to be mutually exclusive.

16 (6) DERIVED DATA.—The term “derived data”
17 means data that is created by the derivation of in-
18 formation, other data, assumptions, correlations, in-
19 ferences, predictions, or conclusions from facts, evi-
20 dence, or another source of information.

21 (7) DEVELOPER.—

22 (A) IN GENERAL.—The term “developer”
23 means any person that designs, codes, produces,
24 or substantially modifies a covered algorithm
25 for use in an AI chatbot.

1 (B) RULE OF CONSTRUCTION.—The terms
2 “developer” and “deployer” shall not be inter-
3 preted to be mutually exclusive.

4 (8) INPUT DATA.—The term “input data”
5 means, with respect to an AI chatbot, all informa-
6 tion, including text, photos, audio, video, or files,
7 provided to the AI chatbot by a user of such AI
8 chatbot.

9 (9) KNOWLEDGE.—The term “knowledge”
10 means actual knowledge or knowledge fairly implied
11 on the basis of objective circumstances.

12 (10) MINOR.—The term “minor” means an in-
13 dividual who is under the age of 18.

14 (11) OUTPUT.—The term “output” means, with
15 respect to an AI chatbot, any information, including
16 any text, photo, audio recording, video, or file, pro-
17 vided by such AI chatbot to a user.

18 (12) PERSONAL DATA.—The term “personal
19 data”—

20 (A) means information, including input
21 data, derived data, inferences, or unique identi-
22 fiers, that identifies or is linked, or reasonably
23 linkable, alone or in combination with other in-
24 formation, to an individual or a device that

1 identifies or is linked, or reasonably linkable, to
2 1 or more individuals; and

3 (B) does not include publicly available in-
4 formation, unless such information is—

5 (i) biometric information;

6 (ii) genetic information that is not
7 made publicly available by the individual to
8 whom the information pertains; or

9 (iii) intimate images that are authen-
10 tic or computer-generated, known to be
11 nonconsensual.

12 (13) PROFILING.—The term “profiling” means
13 processing data for the purpose of detecting and
14 classifying or designating personality and behavioral
15 characteristics of a user of an AI chatbot.

16 (14) PROCESS.—The term “process” means,
17 with respect to personal data, any operation or set
18 of operations performed on the personal data, in-
19 cluding analyzing, organizing, structuring, using,
20 modifying, or otherwise handling such data.

21 (15) PUBLICLY AVAILABLE INFORMATION.—

22 (A) IN GENERAL.—The term “publicly
23 available information” means any information
24 that a deployer has a reasonable basis to believe

1 has been made available to the general public
2 by—

3 (i) Federal, State, or local government
4 records;

5 (ii) widely distributed media;

6 (iii) a website or online service made
7 available to any member of the public, for
8 free or for a fee, including a website or on-
9 line service that any member of the public
10 can log into; or

11 (iv) a disclosure to the general public
12 that is required under Federal, State, or
13 local law.

14 (B) CLARIFICATION.—For purposes of this
15 paragraph, information from a website or online
16 service is not available to any member of the
17 public if the individual to whom the information
18 pertains has restricted the information to a spe-
19 cific audience or maintained a default setting
20 that restricts the information to a specific audi-
21 ence.

22 (16) TRANSFER.—The term “transfer” means,
23 with respect to personal data, to disclose, release,
24 share disseminate, make available, sell, rent, or li-

1 cense the personal data (orally, in writing, electroni-
2 cally, or by any other means).

3 (17) WIDELY DISTRIBUTED MEDIA.—The term
4 “widely distributed media”—

5 (A) means information that is available to
6 the general public, including information from a
7 telephone book or online directory, a television,
8 internet, or radio program, the news media, or
9 an internet site, that is available to the general
10 public on an unrestricted basis; and

11 (B) does not include an obscene visual de-
12 piction (as such term is used in section 1460 of
13 title 18, United States Code).

14 **SEC. 4. SAFE DESIGN FEATURES.**

15 (a) REQUIRED DISCLOSURES.—

16 (1) IN GENERAL.—A deployer with knowledge
17 that a user of an AI chatbot is a minor shall disclose
18 that—

19 (A) the user is not interacting with a
20 human; and

21 (B) any content provided by the AI
22 chatbot is generated by artificial intelligence.

23 (2) CONTENT AND DURATION OF DISCLO-
24 SURE.—A disclosure made by a deployer pursuant to
25 paragraph (1) shall—

1 (A) be stated in clear, plain, and easy-to-
2 understand language suited to the age of mi-
3 nors likely to access the AI chatbot;

4 (B) occur—

5 (i) at the beginning of each conversa-
6 tion between a user and an AI chatbot;
7 and

8 (ii) each time the user resumes an ex-
9 isting conversation after a period of 24
10 consecutive hours during which the user
11 did not interact with the AI chatbot
12 through such conversation; and

13 (C) be appropriate for the medium of the
14 content.

15 (b) LIMITATION ON THE PROCESSING OF PERSONAL
16 DATA TO PROVIDE OUTPUTS.—

17 (1) IN GENERAL.—A deployer with knowledge
18 that a user of an AI chatbot is a minor shall not
19 process, directly or indirectly, any personal data of
20 the user to generate, personalize, or otherwise affect
21 an output provided to such user unless the personal
22 data—

23 (A) is within the context window to gen-
24 erate the output; and

1 (B) was collected during the current ses-
2 sion.

3 (2) DEFAULT SESSION.—

4 (A) COMMENCEMENT.—A session shall
5 begin when a minor provides the first user-initi-
6 ated input following the expiration of a previous
7 session.

8 (B) EXPIRATION.—Subject to paragraph
9 (3), a session shall end at the earliest of—

10 (i) 12 hours after the minor's most
11 recent user-initiated input; or

12 (ii) 3 days after the session began.

13 (C) CHATBOT ACTIVITY.—An output, noti-
14 fication, or other activity initiated by an AI
15 chatbot shall not begin, extend, or restart a ses-
16 sion or reset the 12-hour period described in
17 subparagraph (B)(i).

18 (3) LESS RESTRICTIVE SESSION.—

19 (A) IN GENERAL.—After obtaining from
20 the parent of a minor verifiable parental con-
21 sent (as defined in section 1302(9) of the Chil-
22 dren's Online Privacy Protection Act of 1998
23 (15 U.S.C. 6501(9))) specifically authorizing a
24 selection under this subparagraph, a deployer

1 may permit such parent to affirmatively se-

2 lect—

(i) an inactivity period longer than the period established under paragraph (2)(B)(i); or

(ii) an overall period longer than the period established under paragraph (2)(B)(ii), but not to exceed 30 days.

9 (B) REQUIREMENTS.—A selection under
10 subparagraph (A) shall—

(i) require an affirmative action separate from acceptance of general terms of service, a privacy policy, broad terms of use, or a similar document that contains descriptions of personal data processing along with other unrelated information;

17 (ii) not be preselected or enabled by
18 default;

19 (iii) be preceded by a clear and con-
20 spicuous disclosure explaining—

(I) that the selection will permit the AI chatbot to use personal data collected during a session for a longer period of time or across a greater

1 number of user-initiated inputs than
2 permitted under the default session;

3 (II) that such use may increase
4 privacy and safety risks to the minor,
5 including risks arising from the con-
6 tinued retention and use of personal
7 data and the risk that safeguards may
8 become less effective during extended
9 or highly personalized interactions;

10 (III) the limits selected; and

11 (IV) how the selection may be re-
12 voked;

13 (iv) not be obtained through a user
14 interface that has the purpose or substan-
15 tial effect of obscuring, subverting, or im-
16 pairing user autonomy, decision-making, or
17 choice;

18 (v) not be required as a condition of
19 using the AI chatbot;

20 (vi) remain capable of being revoked
21 or made more protective at any time
22 through a control that—

23 (I) is at least as prominent and
24 easy to use as the control through
25 which the selection was made; and

1 (II) does not require more steps
2 to use compared to the number of
3 steps required to use the control
4 through which the selection was made;
5 (vii) be made in a manner reasonably
6 accessible to and usable by individuals liv-
7 ing with disabilities; and
8 (viii) be made through a control that
9 offers a range of options for the inactivity
10 period and overall period, as applicable,
11 rather than only a single option that re-
12 moves the default session limits established
13 under paragraph (2).

14 (4) DEFINITIONS.—In this subsection:

15 (A) CONTEXT WINDOW.—The term “con-
16 text window” means the amount of information
17 or user inputs that a deployer can process at 1
18 time during a task.

19 (B) PARENT.—The term “parent” includes
20 a legal guardian of a minor.

21 (c) EXCLUSION OF FEATURES THAT ENCOURAGE
22 COMPULSIVE USE.—A deployer or developer with knowl-
23 edge that a user of an AI chatbot is a minor shall not
24 configure or modify such AI chatbot to include, with re-
25 spect to such user, the following features:

1 (1) Any reward or incentive based on the fre-
2 quency of use, time spent, or activity using the AI
3 chatbot.

4 (2) Notifications and push alerts, other than a
5 disclosure required by subsection (a).

6 (3) Any badge or other visual award symbol
7 based on the frequency of use, time spent, or activity
8 using the AI chatbot.

9 (4) Generation of an output absent a user-initi-
10 ated input or any form of solicitation of engagement
11 from a user.

12 (5) Usage traces that mimic social interactions
13 with a human, such as typing bubbles or indicators
14 showing that the AI chatbot is available or online.

15 **SEC. 5. DATA PRIVACY PROTECTIONS.**

16 (a) PROHIBITION ON ADVERTISING AND PRO-
17 MOTION.—A deployer or developer with knowledge that a
18 user of an AI chatbot is a minor shall not configure or
19 modify an AI chatbot to—

20 (1) advertise to such user; or

21 (2) generate an output that promotes, markets,
22 recommends, or endorses a product or service to
23 such user if the weight or credibility of such pro-
24 motion, marketing, recommendation, or endorsement
25 is materially affected by a financial connection be-

1 tween the deployer or developer and the seller of
2 such product or service.

3 (b) PROHIBITION ON PROCESSING OF PERSONAL
4 DATA FOR PROFILING.—A deployer with knowledge that
5 a user of an AI chatbot is a minor shall not process any
6 personal data of the user to engage in any profiling of
7 such user.

8 (c) PROHIBITION ON THE PROCESSING OR TRANS-
9 FERRING OF PERSONAL DATA TO TRAIN A COVERED AL-
10 GORITHM.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), a deployer with knowledge that a user of
13 an AI chatbot is a minor shall not—

14 (A) process the personal data of such
15 minor for the purpose of training a covered al-
16 gorithm; or

17 (B) transfer the personal data of such
18 minor to a third party for the purpose of train-
19 ing a covered algorithm.

20 (2) EXCEPTIONS.—A deployer with knowledge
21 that a user of an AI chatbot is a minor may process
22 personal data of such minor for the express purpose
23 of—

24 (A) testing and identifying risks of harm
25 to users; or

1 (B) addressing identified risks of harm to
2 users.

3 (d) PROHIBITION ON PROCESSING OF INPUT
4 DATA.—A deployer with knowledge that a user of an AI
5 chatbot is a minor shall not process any input data pro-
6 vided to such AI chatbot by such user for any purpose,
7 other than for the express purpose of—

8 (1) generating, personalizing, or affecting an
9 output provided to such user in accordance with sec-
10 tion 4(b);

11 (2) testing and identifying risks of harm to
12 users; or

13 (3) addressing identified risks of harm to users.

14 **SEC. 6. WHISTLEBLOWER PROTECTIONS.**

15 A deployer or developer may not discharge, demote,
16 suspend, threaten, harass, or otherwise discriminate or re-
17 taliate against an individual reporting or attempting to re-
18 port a violation of this Act or cooperating in any investiga-
19 tion or enforcement proceeding pursuant to this Act.

20 **SEC. 7. RESEARCH ON THE HEALTH AND DEVELOPMENTAL**
21 **EFFECTS OF AI CHATBOTS ON MINORS.**

22 Section 1432 of the Restoring Hope for Mental
23 Health and Well-Being Act of 2022 (42 U.S.C. 285g–11)
24 is amended—

1 (1) in subsection (a), by inserting “AI
2 chatbots,” after “augmented reality,”; and

3 (2) by adding at the end the following:

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
5 carry out this section, there are authorized to be appro-
6 priated \$50,000,000 for each of fiscal years 2027 through
7 2030.”.

8 **SEC. 8. SURVEY INCLUSION REQUIREMENT.**

9 The Secretary of Health and Human Services, acting
10 through the Director of the Centers for Disease Control
11 and Prevention and in coordination with the Director of
12 the National Institutes of Health, shall incorporate ques-
13 tions related to the use, by youth and by adults, of AI
14 chatbots into national health and behavioral surveys con-
15 ducted by the Department of Health and Human Services,
16 including the Household Pulse Survey and the Youth Risk
17 Behavior Surveillance System of the Centers for Disease
18 Control and Prevention, including questions designed to
19 capture the following:

20 (1) Frequency and duration of AI chatbot uses.

21 (2) Types of AI chatbots accessed, such as AI
22 chatbots designed for mental health, educational, or
23 entertainment purposes or general purpose AI
24 chatbots that are engaged for such purposes.

1 (3) Age of first use of, and primary contexts of
2 engagement with, AI chatbots.

3 (4) Emotional, psychological, or behavioral im-
4 pacts perceived by users of AI chatbots.

5 (5) Exposure to content that the user perceives
6 to be harmful or inappropriate.

7 **SEC. 9. ENFORCEMENT.**

8 (a) ENFORCEMENT BY THE COMMISSION.—

9 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
10 TICES.—A violation of section 4, 5, or 6 shall be
11 treated as a violation of a rule defining an unfair or
12 deceptive act or practice prescribed under section
13 18(a)(1)(B) of the Federal Trade Commission Act
14 (15 U.S.C. 57a(a)(1)(B)).

15 (2) POWERS OF THE COMMISSION.—

16 (A) IN GENERAL.—The Commission shall
17 enforce sections 4, 5, and 6 in the same man-
18 ner, by the same means, and with the same ju-
19 risdiction, powers, and duties as though all ap-
20 plicable terms and provisions of the Federal
21 Trade Commission Act (15 U.S.C. 41 et seq.)
22 were incorporated into and made a part of this
23 Act.

24 (B) PRIVILEGES AND IMMUNITIES.—Any
25 deployer or developer that violates section 4, 5,

1 or 6 shall be subject to the penalties, and enti-
2 tled to the privileges and immunities, provided
3 in the Federal Trade Commission Act (15
4 U.S.C. 41 et seq.).

5 (C) AUTHORITY PRESERVED.—Nothing in
6 this Act shall be construed to limit the author-
7 ity of the Commission under any other provi-
8 sion of law.

9 (b) ENFORCEMENT BY STATES.—

10 (1) AUTHORIZATION.—In any case in which the
11 attorney general of a State has reason to believe
12 that an interest of the residents of the State has
13 been or is threatened or adversely affected by the
14 engagement of any deployer or developer in an act
15 or practice that violates section 4, 5, or 6, the attor-
16 ney general of the State may, as *parens patriae*,
17 bring a civil action on behalf of the residents of the
18 State in a district court of the United States of ap-
19 propriate jurisdiction to—

20 (A) enjoin such act or practice;

21 (B) enforce compliance with section 4, 5,
22 or 6;

23 (C) obtain damages, restitution, or other
24 compensation on behalf of residents of the
25 State; or

1 (D) obtain such other relief as the court
2 may consider to be appropriate.

3 (2) RIGHTS OF THE COMMISSION.—

4 (A) NOTICE TO THE COMMISSION.—

5 (i) IN GENERAL.—Except as provided
6 in clause (iii), before initiating a civil ac-
7 tion under paragraph (1), the attorney
8 general of a State shall notify the Commis-
9 sion in writing that the attorney general
10 intends to bring such civil action.

11 (ii) CONTENTS.—The notification re-
12 quired to be filed by clause (i) shall include
13 a copy of the complaint to be filed to ini-
14 tiate the civil action.

15 (iii) EXCEPTION.—If it is not feasible
16 for the attorney general of a State to pro-
17 vide the notification required by clause (i)
18 before initiating a civil action under para-
19 graph (1), the attorney general shall notify
20 the Commission immediately upon insti-
21 tuting the civil action.

22 (B) INTERVENTION BY THE COMMISS-
23 SION.—Upon receiving the notice required by
24 subparagraph (A), the Commission may inter-
25 vene in the civil action and, upon intervening—

1 (i) be heard on all matters arising in
2 the civil action; and

3 (ii) file petitions for appeal of a deci-
4 sion in the civil action.

5 (C) PREEMPTIVE ACTION BY THE COMMIS-
6 SION.—If the Commission has instituted a civil
7 action for a violation of subsection (a), no State
8 officer may bring an action under paragraph
9 (1) during the pendency of that action against
10 any defendant named in the complaint of the
11 Commission for any violation of subsection (a)
12 alleged in the complaint.

13 (3) INVESTIGATORY POWERS.—Nothing in this
14 subsection may be construed to prevent the attorney
15 general of a State from exercising the powers con-
16 ferred on the attorney general by the laws of the
17 State to conduct investigations, to administer oaths
18 or affirmations, or to compel the attendance of wit-
19 nesses or the production of documentary or other
20 evidence.

21 (4) VENUE; SERVICE OF PROCESS.—

22 (A) VENUE.—Any action brought under
23 paragraph (1) may be brought in the district
24 court of the United States that meets applicable

1 requirements relating to venue under section
2 1391 of title 28, United States Code.

3 (B) SERVICE OF PROCESS.—In an action
4 brought under paragraph (1), process may be
5 served in any district in which the defendant—

6 (i) is an inhabitant; or

7 (ii) may be found.

8 (c) PRIVATE RIGHT OF ACTION.—

9 (1) IN GENERAL.—Any parent or legal guard-
10 ian of a minor may bring a civil action in any court
11 of competent jurisdiction against a deployer or devel-
12 oper for a violation of section 4 or 5 by the deployer
13 or developer.

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

17 (A) actual damages;

18 (B) punitive damages;

19 (C) reasonable attorney's fees and litiga-
20 tion costs;

21 (D) injunctive relief or declaratory relief;

22 or

23 (E) any other relief that the court deter-
24 mines appropriate.

1 (d) RELATIONSHIP TO STATE LAW.—Nothing in this
2 Act, or an enforcement action brought thereunder, shall
3 be construed to prohibit or otherwise affect the enactment
4 or enforcement of any State law, requirement, or regula-
5 tion that is at least as protective of users of AI chatbots
6 as this Act and any enforcement action brought there-
7 under.

8 (e) SEVERABILITY.—If any provision of this Act, or
9 the application thereof to any person or circumstance, is
10 held invalid, the remainder of this Act, and the application
11 of such provision to other persons not similarly situated
12 or to other circumstances, shall not be affected by the in-
13 validation.

14 **SEC. 10. DETERMINATION OF WHETHER AN AI CHATBOT**
15 **DEPLOYER HAS KNOWLEDGE FAIRLY IM-**
16 **PLIED ON THE BASIS OF OBJECTIVE CIR-**
17 **CUMSTANCES THAT AN INDIVIDUAL IS A**
18 **MINOR.**

19 For purposes of enforcing this Act, in making a de-
20 termination as to whether a deployer has knowledge fairly
21 implied on the basis of objective circumstances that a spe-
22 cific user is a minor, the Commission or the attorney gen-
23 eral of a State, as applicable, shall rely on competent and
24 reliable evidence, taking into account the totality of the
25 circumstances, including whether a reasonable and pru-

1 dent person under the circumstances would have known
2 that the user is a minor. Nothing in this Act, including
3 a determination described in the preceding sentence, shall
4 be construed to require a deployer to—

5 (1) affirmatively collect any personal informa-
6 tion with respect to the age of a minor that an oper-
7 ator is not already collecting in the normal course of
8 business; or

9 (2) implement an age gating or age verification
10 functionality.