

118TH CONGRESS
1ST SESSION

H. R. 538

To require the disclosure of a camera or recording capability in certain internet-connected devices.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2023

Mr. CURTIS (for himself and Mr. MOULTON) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To require the disclosure of a camera or recording capability
in certain internet-connected devices.

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 “Informing Consumers
5 about Smart Devices Act”.

6 **SEC. 2. REQUIRED DISCLOSURE OF A CAMERA OR RECORD-**
7 **ING CAPABILITY IN CERTAIN INTERNET-CON-**
8 **NECTED DEVICES.**

9 Each manufacturer of a covered device shall disclose
10 whether the covered device manufactured by the manufac-

1 turer contains a camera or microphone as a component
2 of the covered device.

3 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
4 **SION.**

5 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
6 A violation of section 2 shall be treated as a violation of
7 a rule defining an unfair or deceptive act or practice pre-
8 scribed under section 18(a)(1)(B) of the Federal Trade
9 Commission Act (15 U.S.C. 57a(a)(1)(B)).

10 (b) ACTIONS BY THE COMMISSION.—

11 (1) IN GENERAL.—The Federal Trade Commis-
12 sion shall enforce this Act in the same manner, by
13 the same means, and with the same jurisdiction,
14 powers, and duties as though all applicable terms
15 and provisions of the Federal Trade Commission Act
16 (15 U.S.C. 41 et seq.) were incorporated into and
17 made a part of this Act.

18 (2) PENALTIES AND PRIVILEGES.—Any person
19 who violates this Act or a regulation promulgated
20 under this Act shall be subject to the penalties and
21 entitled to the privileges and immunities provided in
22 the Federal Trade Commission Act (15 U.S.C. 41 et
23 seq.).

24 (c) COMMISSION GUIDANCE.—Not later than 180
25 days after the date of enactment of this Act, the Commis-

1 sion, through outreach to relevant private entities, shall
2 issue guidance to assist manufacturers in complying with
3 the requirements of this Act, including guidance about
4 best practices for making the disclosure required by sec-
5 tion 2 as clear and conspicuous as practicable.

6 (d) **TAILORED GUIDANCE.**—A manufacturer of a cov-
7 ered device may petition the Commission, in a manner
8 consistent with the rules of the Commission, for tailored
9 guidance as to how to meet the requirements of section
10 2.

11 (e) **LIMITATION ON COMMISSION GUIDANCE.**—No
12 guidance issued by the Commission with respect to this
13 Act shall confer any rights on any person, State, or local-
14 ity, nor shall operate to bind the Commission or any per-
15 son to the approach recommended in such guidance. In
16 any enforcement action brought pursuant to this Act, the
17 Commission shall allege a specific violation of a provision
18 of this Act. The Commission may not base an enforcement
19 action on, or execute a consent order based on, practices
20 that are alleged to be inconsistent with any such guide-
21 lines, unless the Commission determines such practices ex-
22 pressly violate section 2.

23 **SEC. 4. DEFINITION OF COVERED DEVICE.**

24 As used in this Act, the term “covered device”—

1 (1) means a consumer product, as defined by
2 section 3(a) of the Consumer Product Safety Act
3 (15 U.S.C. 2052(a)) that is capable of connecting to
4 the internet, a component of which is a camera or
5 microphone; and

6 (2) does not include—

7 (A) a telephone (including a mobile phone),
8 a laptop, tablet, or any device that a consumer
9 would reasonably expect to have a microphone
10 or camera;

11 (B) any device that is specifically marketed
12 as a camera, telecommunications device, or
13 microphone; or

14 (C) any device or apparatus described in
15 sections 255, 716, and 718, and subsections
16 (aa) and (bb) of section 303 of the Communica-
17 tions Act of 1934 (47 U.S.C. 255; 617; 619;
18 and 303(aa) and (bb)), and any regulations
19 promulgated thereunder.

20 **SEC. 5. EFFECTIVE DATE.**

21 This Act shall apply to all covered devices manufac-
22 tured after the date that is 180 days after the date on
23 which guidance is issued by the Commission under section
24 3(c), and shall not apply to covered devices manufactured

- 1 or sold before such date, or otherwise introduced into
- 2 interstate commerce before such date.

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