

119TH CONGRESS
1ST SESSION

H. R. 859

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2025

Mr. FULCHER (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 clearly and conspicuously and prior to purchase, whether

1 the covered device manufactured by the manufacturer con-
2 tains a camera or microphone as a component of the cov-
3 ered device.

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

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

11 (b) ACTIONS BY THE COMMISSION.—

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

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

1 (3) SAVINGS CLAUSE.—Nothing in this Act
2 shall be construed to limit the authority of the Com-
3 mission under any other provision of law.

4 (c) COMMISSION GUIDANCE.—Not later than 180
5 days after the date of enactment of this Act, the Commis-
6 sion, through outreach to relevant private entities, shall
7 issue guidance to assist manufacturers in complying with
8 the requirements of this Act, including guidance about
9 best practices for making the disclosure required by sec-
10 tion 2 as clear and conspicuous and age appropriate as
11 practicable and about best practices for the use of a pic-
12 torial (as defined in section 2(a) of the Consumer Review
13 Fairness Act of 2016 (15 U.S.C. 45b(a))) visual represen-
14 tation of the information to be disclosed.

15 (d) TAILORED GUIDANCE.—A manufacturer of a cov-
16 ered device may petition the Commission for tailored guid-
17 ance as to how to meet the requirements of section 2 con-
18 sistent with existing rules of practice or any successor
19 rules.

20 (e) LIMITATION ON COMMISSION GUIDANCE.—No
21 guidance issued by the Commission with respect to this
22 Act shall confer any rights on any person, State, or local-
23 ity, nor shall operate to bind the Commission or any per-
24 son to the approach recommended in such guidance. In
25 any enforcement action brought pursuant to this Act, the

1 Commission shall allege a specific violation of a provision
2 of this Act. The Commission may not base an enforcement
3 action on, or execute a consent order based on, practices
4 that are alleged to be inconsistent with any such guide-
5 lines, unless the practices allegedly violate section 2.

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

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

8 (1) means a consumer product, as defined by
9 section 3(a) of the Consumer Product Safety Act
10 (15 U.S.C. 2052(a)) that is capable of connecting to
11 the internet, a component of which is a camera or
12 microphone; and

13 (2) does not include—

14 (A) a telephone (including a mobile phone),
15 a laptop, tablet, or any device that a consumer
16 would reasonably expect to have a microphone
17 or camera;

18 (B) any device that is specifically marketed
19 as a camera, telecommunications device, or
20 microphone; or

21 (C) any device or apparatus described in
22 sections 255, 716, and 718, and subsections
23 (aa) and (bb) of section 303 of the Communica-
24 tions Act of 1934 (47 U.S.C. 255; 617; 619;

1 and 303(aa) and (bb)), and any regulations
2 promulgated thereunder.

3 **SEC. 5. EFFECTIVE DATE.**

4 This Act shall apply to all covered devices manufac-
5 tured after the date that is 180 days after the date on
6 which guidance is issued by the Commission under section
7 3(c), and shall not apply to covered devices manufactured
8 or sold before such date, or otherwise introduced into
9 interstate commerce before such date.

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