

# HB317 INTRODUCED



1 HB317  
2 EJS5X99-1  
3 By Representatives Sells, Mooney, Stadthagen, Bracy  
4 RFD: Children and Senior Advocacy  
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SYNOPSIS:

This bill would require app store providers to verify the age of users.

This bill would require app store providers to affiliate minor accounts with parent accounts and obtain consent from the holder of the parent account.

This bill would require app store providers to notify users when an app makes a significant change.

This bill would require app store providers to give developers real-time access to the age category and consent status for minor accounts.

This bill would require app store providers to protect personal age verification data.

This bill would prevent app store providers and developers from enforcing contracts against minors, misrepresenting information in disclosures and sharing personal age verification data.

This bill would require developers to verify the age of users, notify users of significant changes to the app, and limit the use of age category data in compliance with laws or regulations.

This bill would require the Attorney General to adopt certain rules.

This bill would also authorize the Attorney General to bring an action for a violation as a



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29           deceptive trade practice.

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A BILL

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TO BE ENTITLED

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AN ACT

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36           Relating to consumer protection; to require an app  
37 store provider to take certain actions regarding age  
38 verification, parental notification, and data protection; to  
39 prohibit an app store provider or developer from taking  
40 certain actions that allow minors to access apps without  
41 parental consent; and to authorize the Attorney General to  
42 bring an action for a violation as a deceptive trade practice.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44           Section 1. For the purposes of this act, the following  
45 terms have the following meanings:

46           (1) AGE CATEGORY. Whether an individual is: (i) under  
47 13 years of age; (ii) at least 13 years of age but less than  
48 16 years of age; (iii) at least 16 years of age but less than  
49 18 years of age; or (iv) at least 18 years of age.

50           (2) AGE CATEGORY DATA. Information about a user's age  
51 category that is collected by an app store developer and  
52 shared with a developer.

53           (3) APP. A software application or electronic service  
54 that a user may run or direct on a mobile device.

55           (4) APP STORE. A publicly available website, software  
56 application, or electronic service that distributes apps from



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57 third-party developers to users.

58 (5) APP STORE PROVIDER. An entity that owns, operates,  
59 or controls an app store that distributes apps to users in  
60 this state.

61 (6) DEVELOPER. An entity that owns or controls an app  
62 made available through an app store in this state.

63 (7) MINOR. An individual under 18 years of age.

64 (8) MINOR ACCOUNT. An account with an app store  
65 provider that is established by an individual who the app  
66 store provider has determined is a minor.

67 (9) PARENT. With respect to a minor, any of the  
68 following individuals:

69 a. A biological parent.

70 b. A legal guardian.

71 c. An individual with legal custody.

72 (10) PARENT ACCOUNT. An account with an app store  
73 provider that is affiliated with one or more minor accounts  
74 and that is verified to have been established by an individual  
75 who the app store provider has determined is at least 18 years  
76 of age.

77 (11) PARENTAL CONSENT DISCLOSURE. The following  
78 information that an app store provider is required to provide  
79 to a parent before obtaining parental disclosure:

80 a. A description of the personal data collected by the  
81 app from a user.

82 b. A description of the personal data shared by the app  
83 with any third party.

84 c. Any methods implemented by the developer to protect



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85 personal data.

86 d. The age rating of the app or in-app purchase, if  
87 available.

88 e. The content description of the app or in-app  
89 purchase, if available.

90 (12) SIGNIFICANT CHANGE. A modification to an app's  
91 terms of service or privacy policy that does any of the  
92 following:

93 a. Changes the categories of data collected, stored, or  
94 shared.

95 b. Adds new monetization features, including, but not  
96 limited to, in-app purchases or advertisements.

97 c. Materially changes the app's functionality or user  
98 experience.

99 (13) VERIFIABLE PARENTAL CONSENT. Authorization that  
100 meets all of the following criteria:

101 a. Is provided by an individual who the app store  
102 provider has verified is at least 18 years of age.

103 b. Is given after the app store provider has clearly  
104 and conspicuously provided the parental consent disclosure to  
105 the individual.

106 c. Requires the parent to make an affirmative choice to  
107 either grant consent or decline consent.

108 Section 2. An app store provider shall do both of the  
109 following when an individual located in this state creates an  
110 account with the app store provider:

111 (1) Request age information from the individual.

112 (2) Verify the individual's age using one of the



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113 following:

114 a. Commercially available methods that are reasonably  
115 designed to ensure accuracy.

116 b. An age verification system that complies with rules  
117 adopted pursuant to this act.

118 Section 3. An app store provider shall do both of the  
119 following when an individual is determined to be a minor  
120 pursuant to Section 1:

121 (1) Require the account to be affiliated with a parent  
122 account.

123 (2) Obtain verifiable parental consent from the holder  
124 of the affiliated parent account before allowing the minor to:  
125 (i) download an app; (ii) purchase an app; or (iii) make an  
126 in-app purchase.

127 Section 4. An app store provider shall do both of the  
128 following after receiving notice of a significant change from  
129 a developer:

130 (1) Notify the user of the significant change.

131 (2) For a minor account, do both of the following:

132 a. Notify the holder of the affiliated parent account.

133 b. Obtain renewed verifiable parental consent.

134 Section 5. An app store provider shall provide  
135 developers with real-time access to both of the following:

136 (1) Age category data for each user located in this  
137 state.

138 (2) The status of verifiable parental consent for each  
139 minor located in this state.

140 Section 6. An app store provider shall protect personal



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141 age verification data by doing both of the following:

142 (1) Limiting the collection and processing to data  
143 necessary to: (i) verify a user's age; (ii) obtain parental  
144 consent; or (iii) maintain compliance records.

145 (2) Transmitting personal age verification data using  
146 industry-standard encryption protocols that ensure data  
147 integrity and data confidentiality.

148 Section 7. An app store provider may not do any of the  
149 following:

150 (1) Enforce a contract or terms of service against a  
151 minor unless the app store provider has obtained verifiable  
152 parental consent.

153 (2) Knowingly misrepresent the information in the  
154 parental consent disclosure.

155 (3) Share personal age verification data except as  
156 required by law or as required by this act between an app  
157 store provider and a developer.

158 Section 8. (a) A developer shall do all of the  
159 following:

160 (1) Verify through the app store's data sharing  
161 methods: (i) the age category of users located in this state;  
162 and (ii) for a minor account, whether verifiable parental  
163 consent has been obtained.

164 (2) Notify app store providers of any significant  
165 change to an app.

166 (3) Limit use of age category data received from an app  
167 store provider to: (i) enforcing age-related restrictions or  
168 protections; (ii) ensuring compliance with applicable laws or



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169 regulations; or (iii) implementing safety-related features or  
170 defaults.

171 (b) A developer may not do any of the following:

172 (1) Enforce a contract or terms of service against a  
173 minor unless the developer has verified through the app store  
174 provider that verifiable parental consent has been obtained.

175 (2) Knowingly misrepresent any information in the  
176 parental consent disclosure.

177 (3) Share age category data with any person.

178 Section 9. The Attorney General shall adopt rules  
179 establishing processes and means by which an app store  
180 provider may verify whether an account holder is a minor in  
181 accordance with this act.

182 Section 10. (a) Any knowing or reckless violation of  
183 this act is deemed a deceptive trade practice actionable under  
184 Chapter 19 of Title 8 of the Code of Alabama 1975. If the  
185 Attorney General has reason to believe that an entity is in  
186 violation of this act, the Attorney General may bring an  
187 action against the entity for an unfair or deceptive trade  
188 practice. In addition to other remedies available under  
189 Chapter 19 of Title 8 of the Code of Alabama 1975, the  
190 Attorney General may collect a civil penalty of up to fifty  
191 thousand dollars (\$50,000) per violation, reasonable attorney  
192 fees, and court costs.

193 (b) If a violation described in subsection (a) is part  
194 of a consistent pattern of knowing or reckless conduct, the  
195 Attorney General may seek punitive damages against the entity.

196 (c) An action for a claim under this section must be





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197 brought within one year from the date the Attorney General  
198 knew or reasonably should have known of the alleged violation.

199 (d) This section does not preclude any other available  
200 remedy at law or equity.

201 Section 11. (a) A developer is not liable for a  
202 violation of this act if the developer demonstrates all of the  
203 following:

204 (1) The developer relied in good faith on personal age  
205 verification data provided by an app store provider.

206 (2) The developer relied in good faith on notification  
207 from an app store provider that verifiable parental consent  
208 was obtained.

209 (3) The developer complied with the requirements of  
210 this act.

211 (4) The developer relied upon a widely held industry  
212 standard when submitting information concerning parental  
213 consent disclosures.

214 (b) Notwithstanding subsection (a), the safe harbor  
215 provision applies only to actions brought under this act and  
216 does not limit a developer or app store provider's liability  
217 under any other applicable law.

218 Section 12. Nothing in this act shall be construed to  
219 do any of the following:

220 (1) Prevent an app store provider from taking  
221 reasonable measures to do any of the following:

222 a. Block, detect, or prevent distribution to minors of:  
223 (i) unlawful material; (ii) obscene material; or (iii) other  
224 harmful material.



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225           b. Block or filter spam.

226           c. Prevent criminal activity.

227           d. Protect app store or app security.

228           (2) Require an app store provider to disclose user

229 information to a developer beyond age category or verification

230 of parental consent status.

231           (3) Allow an app store provider to implement measures

232 required by this chapter in a manner that is: (i) arbitrary;

233 (ii) capricious; (iii) anticompetitive; or (iv) unlawful.

234           Section 13. This act shall become effective on October

235 1, 2026.