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4   SYNOPSIS:

5   This bill would require app store providers to

6   verify the age of users.

7   This bill would require app store providers to

8   affiliate minor accounts with parent accounts and

9   obtain consent from the holder of the parent account.

10   This bill would require app store providers to

11   notify users when an app makes a significant change.

12   This bill would require app store providers to

13   give developers real-time access to the age category

14   and consent status for minor accounts.

15   This bill would require app store providers to

16   protect personal age verification data.

17   This bill would prevent app store providers and

18   developers from enforcing contracts against minors,

19   misrepresenting information in disclosures, and sharing

20   personal age verification data.

21   This bill would require developers to verify the

22   age of users, notify users of significant changes to

23   the app, and limit the use of age category data in

24   compliance with laws or regulations.

25   This bill would require the Attorney General to

26   adopt certain rules.

27   This bill would also authorize the Attorney

28   General to bring an action for a violation as a

29   deceptive trade practice.

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32   A BILL

33   TO BE ENTITLED

34   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

third-party developers onto mobile devices.

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

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

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

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

      (9) MOBILE DEVICE. A phone or general purpose tablet that does all of the following:

      a. Provides cellular or wireless connectivity.

      b. Is capable of connecting to the Internet.

      c. Runs a mobile operating system.

      d. Is capable of running apps through the mobile operating system.

      (10) MOBILE OPERATING SYSTEM. Software that does all of the following:

      a. Manages mobile device hardware resources.

      b. Provides common services for mobile device programs.

      c. Controls memory allocation.

      d. Provides interfaces for apps to access device functionality.

      (11) PARENT. With respect to a minor, any of the following individuals who have legal authority to make decisions on behalf of the minor:

      a. A biological parent.

85   b. A legal guardian.

86   c. An individual with legal custody.

87   (12) PARENT ACCOUNT. An account with an app store

88 provider that is affiliated with one or more minor accounts

89 and that is verified to have been established by an individual

90 who the app store provider has determined is at least 18 years

91 of age.

92   (13) PARENTAL CONSENT DISCLOSURE. The following

93 information that an app store provider is required to provide

94 to a parent before obtaining parental disclosure:

95   a. A description of the personal data collected by the

96 app from a user.

97   b. A description of the personal data shared by the app

98 with any third party.

99   c. Any methods implemented by the developer to protect

100 personal data.

101   d. The age rating of the app or in-app purchase, if

102 available.

103   e. The content description of the app or in-app

104 purchase, if available.

105   (14) SIGNIFICANT CHANGE. A modification to an app's

106 terms of service or privacy policy that does any of the

107 following:

108   a. Changes the categories of data collected, stored, or

109 shared.

110   b. Adds new monetization features, including, but not

111 limited to, in-app purchases or advertisements.

112   c. Materially changes the app's functionality or user

113 experience.

114   d. Alters the app's age rating or content descriptions.

115   (15) VERIFIABLE PARENTAL CONSENT. Authorization that

116 meets all of the following criteria:

117   a. Is provided by an individual who the app store

118 provider has verified is at least 18 years of age.

119   b. Is given after the app store provider has clearly

120 and conspicuously provided the parental consent disclosure to

121 the individual.

122   c. Requires the parent to make an affirmative choice to

123 either grant consent or decline consent.

124   Section 2. An app store provider shall do both of the

125 following when an individual located in this state creates an

126 account with the app store provider:

127   (1) Request age information from the individual.

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

129 following:

130   a. Commercially available methods that are reasonably

131 designed to ensure accuracy.

132   b. An age verification system that complies with rules

133 adopted pursuant to this act.

134   Section 3. An app store provider shall do both of the

135 following when an individual is determined to be a minor

136 pursuant to Section 1:

137   (1) Require the account to be affiliated with a parent

138 account.

139   (2) Obtain verifiable parental consent from the holder

140 of the affiliated parent account before allowing the minor to:

141 (i) download an app; (ii) purchase an app; or (iii) make an

142 in-app purchase.

143   Section 4. An app store provider shall do both of the

144 following after receiving notice of a significant change from

145 a developer:

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

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

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

149   b. Obtain renewed verifiable parental consent.

150   Section 5. An app store provider shall provide

151 developers with real-time access to all of the following:

152   (1) Age category data for each user located in this

153 state.

154   (2) The status of verifiable parental consent for each

155 minor located in this state.

156   (3) A notification when a parent revokes consent.

157   Section 6. An app store provider shall protect personal

158 age verification data by doing both of the following:

159   (1) Limiting the collection and processing of data

160 necessary to: (i) verify a user's age; (ii) obtain parental

161 consent; or (iii) maintain compliance records.

162   (2) Transmitting personal age verification data using

163 industry-standard encryption protocols that ensure data

164 integrity and data confidentiality.

165   Section 7. An app store provider may not do any of the

166 following:

167   (1) Enforce a contract or terms of service against a

168 minor unless the app store provider has obtained verifiable

169 parental consent.

170   (2) Knowingly misrepresent the information in the

171 parental consent disclosure.

172   (3) Share personal age verification data except as

173 required by law or as required by this act between an app

174 store provider and a developer.

175   Section 8. (a) A developer shall do all of the

176 following:

177   (1) Verify through the app store's data sharing

178 methods: (i) the age category of users located in this state;

179 and (ii) for a minor account, whether verifiable parental

180 consent has been obtained.

181   (2) Notify app store providers of any significant

182 change to an app.

183   (3) Limit use of age category data received from an app

184 store provider to: (i) enforcing age-related restrictions or

185 protections; (ii) ensuring compliance with applicable laws and

186 regulations; or (iii) implementing safety-related features or

187 defaults.

188   (b)(1) A developer may request personal age

189 verification data or parental consent in all of the following

190 scenarios:

191   a. Not more than once during each 12-month period to

192 verify either of the following:

193   1. The accuracy of user age verification data.

194   2. Any continued account use within the verified age

195 category.

196   b. When there is reasonable suspicion of either of the

197 following:

198   1. An account transfer.

199   2. Misuse outside the verified age category.

200   c. At the time a user creates a new account with the

201 developer.

202   (2) When implementing any developer-created

203 safety-related features or defaults, a developer shall use the

204 lowest age category indicated by either of the following

205 methods:

206   a. Age verification data provided by an app store

207 provider.

208   b. Age data independently collected by the developer.

209   (c) A developer may not do any of the following:

210   (1) Enforce a contract or terms of service against a

211 minor unless the developer has verified through the app store

212 provider that verifiable parental consent has been obtained.

213   (2) Knowingly misrepresent any information in the

214 parental consent disclosure.

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

216   Section 9. The Attorney General shall adopt rules

217 establishing processes and means by which an app store

218 provider may verify whether an account holder is a minor in

219 accordance with this act.

220   Section 10. (a) Any knowing or reckless violation of

221 this act is deemed a deceptive trade practice actionable under

222 Chapter 19 of Title 8, Code of Alabama 1975. If there is

223 reason to believe that an entity is in violation of this act,

224 an action for unfair or deceptive trade practice may be

225 brought pursuant to Chapter 19 of Title 8, Code of Alabama

226 1975. In addition to other remedies available under Chapter 19

227 of Title 8, Code of Alabama 1975, the Attorney General may

228 collect a civil penalty of up to fifty thousand dollars

229 ($50,000) per violation, reasonable attorney fees, and court

230 costs.

231 (b) If a violation described in subsection (a) is part

232 of a consistent pattern of knowing or reckless conduct, the

233 Attorney General may seek punitive damages against the entity.

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

235 brought within one year from the date the Attorney General

236 knew or reasonably should have known of the alleged violation.

237 (d) This section does not preclude any other available

238 remedy at law or equity.

239 Section 11. (a) A developer is not liable for a

240 violation of this act if the developer demonstrates all of the

241 following:

242 (1) The developer relied in good faith on personal age

243 verification data provided by an app store provider.

244 (2) The developer relied in good faith on a

245 notification from an app store provider that verifiable

246 parental consent was obtained.

247 (3) The developer complied with the requirements of

248 this act.

249 (4) The developer relied upon a widely held industry

250 standard when submitting information concerning parental

251 consent disclosures.

252 (b) Notwithstanding subsection (a), the safe harbor

253   provision applies only to actions brought under this act and

254   does not limit a developer or app store provider's liability

255   under any other applicable law.

256   Section 12. Nothing in this act shall be construed to

257   do any of the following:

258   (1) Prevent an app store provider from taking

259   reasonable measures to do any of the following:

260   a. Block, detect, or prevent distribution to minors of:

261   (i) unlawful material; (ii) obscene material; or (iii) other

262   harmful material.

263   b. Block or filter spam.

264   c. Prevent criminal activity.

265   d. Protect app store or app security.

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

267   information to a developer beyond age category or verification

268   of parental consent status.

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

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

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

272   Section 13. This act shall become effective on October

273   1, 2026.