

SB187 ENGROSSED



1 SB187
2 NRFDU8J-2
3 By Senator Chambliss
4 RFD: Children and Youth Health
5 First Read: 20-Feb-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to consumer protection; to require an app store provider to take certain actions regarding age verification, parental notification, and data protection; to prohibit an app store provider or developer from taking certain actions that allow minors to access apps without parental consent; and to authorize the Attorney General to bring an action for a violation as a deceptive trade practice.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

(4) APP STORE. A publicly available website, software



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29 application, or electronic service that distributes apps from
30 third-party developers onto mobile devices.

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

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

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

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

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

42 a. Provides cellular or wireless connectivity.

43 b. Is capable of connecting to the Internet.

44 c. Runs a mobile operating system.

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

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

49 a. Manages mobile device hardware resources.

50 b. Provides common services for mobile device programs.

51 c. Controls memory allocation.

52 d. Provides interfaces for apps to access device
53 functionality.

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



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57 a. A biological parent.

58 b. A legal guardian.

59 c. An individual with legal custody.

60 (12) PARENT ACCOUNT. An account with an app store
61 provider that is affiliated with one or more minor accounts
62 and that is verified to have been established by an individual
63 who the app store provider has determined is at least 18 years
64 of age.

65 (13) PARENTAL CONSENT DISCLOSURE. The following
66 information that an app store provider is required to provide
67 to a parent before obtaining parental disclosure:

68 a. A description of the personal data collected by the
69 app from a user.

70 b. A description of the personal data shared by the app
71 with any third party.

72 c. Any methods implemented by the developer to protect
73 personal data.

74 d. The age rating of the app or in-app purchase, if
75 available.

76 e. The content description of the app or in-app
77 purchase, if available.

78 (14) SIGNIFICANT CHANGE. A modification to an app's
79 terms of service or privacy policy that does any of the
80 following:

81 a. Changes the categories of data collected, stored, or
82 shared.

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



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85 c. Materially changes the app's functionality or user
86 experience.

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

88 (15) VERIFIABLE PARENTAL CONSENT. Authorization that
89 meets all of the following criteria:

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

92 b. Is given after the app store provider has clearly
93 and conspicuously provided the parental consent disclosure to
94 the individual.

95 c. Requires the parent to make an affirmative choice to
96 either grant consent or decline consent.

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

100 (1) Request age information from the individual.

101 (2) Verify the individual's age using one of the
102 following:

103 a. Commercially available methods that are reasonably
104 designed to ensure accuracy.

105 b. An age verification system that complies with rules
106 adopted pursuant to this act.

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

110 (1) Require the account to be affiliated with a parent
111 account.

112 (2) Obtain verifiable parental consent from the holder



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113 of the affiliated parent account before allowing the minor to:
114 (i) download an app; (ii) purchase an app; or (iii) make an
115 in-app purchase.

116 Section 4. An app store provider shall do both of the
117 following after receiving notice of a significant change from
118 a developer:

- 119 (1) Notify the user of the significant change.
- 120 (2) For a minor account, do both of the following:
 - 121 a. Notify the holder of the affiliated parent account.
 - 122 b. Obtain renewed verifiable parental consent.

123 Section 5. An app store provider shall provide
124 developers with real-time access to all of the following:

- 125 (1) Age category data for each user located in this
126 state.
- 127 (2) The status of verifiable parental consent for each
128 minor located in this state.
- 129 (3) A notification when a parent revokes consent.

130 Section 6. An app store provider shall protect personal
131 age verification data by doing both of the following:

- 132 (1) Limiting the collection and processing of data
133 necessary to: (i) verify a user's age; (ii) obtain parental
134 consent; or (iii) maintain compliance records.
- 135 (2) Transmitting personal age verification data using
136 industry-standard encryption protocols that ensure data
137 integrity and data confidentiality.

138 Section 7. An app store provider may not do any of the
139 following:

- 140 (1) Enforce a contract or terms of service against a



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141 minor unless the app store provider has obtained verifiable
142 parental consent.

143 (2) Knowingly misrepresent the information in the
144 parental consent disclosure.

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

148 Section 8. (a) A developer shall do all of the
149 following:

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

154 (2) Notify app store providers of any significant
155 change to an app.

156 (3) Limit use of age category data received from an app
157 store provider to: (i) enforcing age-related restrictions or
158 protections; (ii) ensuring compliance with applicable laws and
159 regulations; or (iii) implementing safety-related features or
160 defaults.

161 (b) (1) A developer may request personal age
162 verification data or parental consent in all of the following
163 scenarios:

164 a. Not more than once during each 12-month period to
165 verify either of the following:

166 1. The accuracy of user age verification data.

167 2. Any continued account use within the verified age
168 category.



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169 b. When there is reasonable suspicion of either of the
170 following:

171 1. An account transfer.

172 2. Misuse outside the verified age category.

173 c. At the time a user creates a new account with the
174 developer.

175 (2) When implementing any developer-created
176 safety-related features or defaults, a developer shall use the
177 lowest age category indicated by either of the following
178 methods:

179 a. Age verification data provided by an app store
180 provider.

181 b. Age data independently collected by the developer.

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

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

186 (2) Knowingly misrepresent any information in the
187 parental consent disclosure.

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

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

193 Section 10. (a) Any knowing or reckless violation of
194 this act is deemed a deceptive trade practice actionable under
195 Chapter 19 of Title 8, Code of Alabama 1975. If there is
196 reason to believe that an entity is in violation of this act,



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197 an action for unfair or deceptive trade practice may be
198 brought pursuant to Chapter 19 of Title 8, Code of Alabama
199 1975. In addition to other remedies available under Chapter 19
200 of Title 8, Code of Alabama 1975, the Attorney General may
201 collect a civil penalty of up to fifty thousand dollars
202 (\$50,000) per violation, reasonable attorney fees, and court
203 costs.

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

207 (c) An action for a claim under this section must be
208 brought within one year from the date the Attorney General
209 knew or reasonably should have known of the alleged violation.

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

212 Section 11. (a) A developer is not liable for a
213 violation of this act if the developer demonstrates all of the
214 following:

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

217 (2) The developer relied in good faith on a
218 notification from an app store provider that verifiable
219 parental consent was obtained.

220 (3) The developer complied with the requirements of
221 this act.

222 (4) The developer relied upon a widely held industry
223 standard when submitting information concerning parental
224 consent disclosures.



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

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

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

233 a. Block, detect, or prevent distribution to minors of:
234 (i) unlawful material; (ii) obscene material; or (iii) other
235 harmful material.

236 b. Block or filter spam.

237 c. Prevent criminal activity.

238 d. Protect app store or app security.

239 (2) Require an app store provider to disclose user
240 information to a developer beyond age category or verification
241 of parental consent status.

242 (3) Allow an app store provider to implement measures
243 required by this chapter in a manner that is: (i) arbitrary;
244 (ii) capricious; (iii) anticompetitive; or (iv) unlawful.

245 Section 13. This act shall become effective on October
246 1, 2026.



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249 Senate

250 Read for the first time and referred20-Feb-25
251 to the Senate committee on Children
252 and Youth Health
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254 Read for the second time and placed27-Feb-25
255 on the calendar:
256 1 amendment
257
258 Read for the third time and passed17-Apr-25
259 as amended
260 Yeas 26
261 Nays 6
262 Abstains 0
263
264

Patrick Harris,
Secretary.

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