

HB161 ENGROSSED



1 HB161
2 V7D54VP-2
3 By Representatives Sells, Mooney
4 RFD: State Government
5 First Read: 13-Jan-26



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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; to require the Attorney General to adopt rules; 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) ACCOUNT HOLDER. The individual associated with a mobile device.

(2) 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.

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



29 (4) AGE RATING. A classification that assesses the
30 suitability of an app's content and functions for different
31 age groups.

32 (5) APP. A software application or electronic service
33 that a user may run or direct on a mobile device. The term
34 includes pre-installed apps.

35 (6) APP STORE. A publicly available website, software
36 application, or electronic service that allows account holders
37 to download apps from third-party developers onto a mobile
38 device.

39 (7) APP STORE PROVIDER. An entity that owns, operates,
40 or controls an app store that allows account holders in the
41 state to download apps onto a mobile device.

42 (8) CONTENT DESCRIPTION. A description of the specific
43 content elements or functions that inform an app's age rating.

44 (9) DEVELOPER. An entity that owns or controls an app
45 made available through an app store or a pre-installed app.

46 (10) IN-APP PURCHASE. A charge associated with any user
47 conduct within an app and billed by an app store, including,
48 but not limited to, the acquisition of virtual currency,
49 digital goods, digital services, or other apps.

50 (11) MINOR. An individual under 18 years of age, unless
51 the individual is married or legally emancipated.

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

55 (13) MOBILE DEVICE. A phone or general-purpose tablet
56 that: (i) provides cellular or wireless connectivity; (ii) is



57 capable of connecting to the Internet; (iii) runs a mobile
58 operating system; and (iv) is capable of running apps through
59 the mobile operating system.

60 (14) MOBILE OPERATING SYSTEM. Software that: (i)
61 manages mobile device hardware resources; (ii) provides common
62 services for mobile device programs; (iii) controls memory
63 allocation; and (iv) provides interfaces for apps to access
64 device functionality.

65 (15) PARENT. With respect to a minor, any of the
66 following individuals:

- 67 a. A biological parent.
- 68 b. A legal guardian.
- 69 c. An individual with legal custody.

70 (16) PARENT ACCOUNT. An account with an app store
71 provider which is affiliated with one or more minor accounts
72 and which is verified to have been established by an
73 individual who the app store provider has determined is not a
74 minor.

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

- 78 a. A description of the personal data collected by the
79 app from a user.
- 80 b. A description of the personal data shared by the app
81 with any third party.
- 82 c. Any methods implemented by the developer to protect
83 personal data.
- 84 d. The age rating of the app or in-app purchase, if



85 available.

86 e. The content description of the app or in-app
87 purchase, if available.

88 (18) PRE-INSTALLED APP. Any app, or portion of an app,
89 that is present on a mobile device at the time of purchase,
90 initial activation, or first use by the consumer. The term
91 includes, but is not limited to: (i) browsers; (ii) search
92 engines; (iii) messaging apps; and (iv) other apps, or
93 portions of apps, that are installed or partially installed by
94 the device manufacturer, wireless services provider, retailer,
95 or any other party prior to the purchase, initial activation,
96 or first use of the device by the customer and that may be
97 updated thereafter. The term does not include: (i) core
98 operating system functions; (ii) essential device drivers; and
99 (iii) applications necessary for basic device operation such
100 as phone and settings applications.

101 (19) SIGNIFICANT CHANGE. A material modification to an
102 app's terms of service or privacy policy which does any of the
103 following:

104 a. Changes the categories of data collected, stored, or
105 shared.

106 b. Adds new monetization features, including, but not
107 limited to, in-app purchases or advertisements, where no such
108 features were previously present.

109 c. Alters the app's age rating or content descriptions.

110 (20) VERIFIABLE PARENTAL CONSENT. Authorization that
111 meets all of the following criteria:

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



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

114 b. Is given after the app store provider has clearly
115 and conspicuously provided the parental consent disclosure to
116 the individual.

117 c. Requires the parent to make an affirmative choice to
118 either grant consent or decline consent.

119 Section 2. (a) An app store provider shall do both of
120 the following when an individual located in this state creates
121 an account with the app store provider, or before October 1,
122 2027, for all accounts in existence on October 2, 2026:

123 (1) Request age category information from the
124 individual.

125 (2) Verify the individual's age category using one of
126 the following:

127 a. Commercially available methods that are reasonably
128 designed to ensure accuracy.

129 b. An age verification system that complies with rules
130 adopted pursuant to this act.

131 (b) For the purposes of this section, a method is
132 commercially available if the method includes both: (i)
133 affirmative age attestation by an individual who is reasonably
134 believed to be the parent or legal guardian of the minor; and
135 (ii) other information collected in the ordinary course of
136 account creation or use.

137 Section 3. An app store provider shall do all of the
138 following when an individual is determined to be a minor
139 pursuant to Section 1:

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



141 account.

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

146 (3) Provide a mechanism for the holder of the
147 affiliated parent account to withdraw consent and notify
148 developers when the holder of a parent account withdraws
149 consent.

150 Section 4. An app store provider shall do both of the
151 following after receiving notice of a significant change from
152 a developer:

153 (1) Notify the user of the significant change.
154 (2) For a minor account, do both of the following:
155 a. Notify the holder of the affiliated parent account.
156 b. Obtain renewed verifiable parental consent before
157 providing access to the significantly changed version of the
158 app.

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

161 (1) Age category data for each user located in this
162 state.

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

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

167 (1) Limiting the collection and processing to data
168 necessary to: (i) verify a user's age; (ii) obtain parental



169 consent; or (iii) maintain compliance records.

170 (2) Transmitting personal age verification data using
171 industry-standard encryption protocols that ensure data
172 integrity and data confidentiality.

173 Section 7. An app store provider shall do both of the
174 following with respect to pre-installed apps:

175 (1) Provide available age category information in
176 response to a request from a developer.

177 (2) Take reasonable measures to facilitate verifiable
178 parental consent for use of a pre-installed app in response to
179 a request from a developer.

180 Section 8. An app store provider may not do any of the
181 following:

182 (1) Enforce a contract or terms of service against a
183 minor unless the app store provider has obtained verifiable
184 parental consent.

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

187 (3) Share age category data or any other associated
188 data except as required by law or as required by this act
189 between an app store provider and a developer.

190 Section 9. (a) A developer shall do all of the
191 following:

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

196 (2) Notify app store providers of any significant



197 change to an app.

198 (3) Limit use of age category data received from an app
199 store provider to: (i) enforce developer-created age-related
200 restrictions, protections, or defaults; (ii) ensure compliance
201 with applicable laws or regulations; or (iii) implement
202 safety-related features or defaults.

203 (4) Request age category data or verifiable parental
204 consent in all of the following scenarios:

205 a. Whenever an account holder does any of the
206 following:

207 1. Downloads an app.

208 2. Purchases an app.

209 3. Launches a pre-installed app for the first time.

210 b. When implementing a significant change to an app.

211 c. To comply with applicable law.

212 (5) When implementing any developer-created age-related
213 restrictions, safety-related features, or defaults, use the
214 lowest age category indicated by either: (i) age category data
215 received through the app store's data sharing methods; or (ii)
216 age data independently collected by the developer.

217 (b) A developer may request age category data in any of
218 the following scenarios:

219 (1) No more than once during each 12-month period to
220 verify either of the following:

221 a. The accuracy of age category data associated with an
222 account holder.

223 b. Continued account use within the age category.

224 (2) When there is reasonable suspicion of either of the



225 following:

226 a. Account transfer.

227 b. Misuse outside of the age category.

228 (3) At the time an account holder creates a new account
229 with the developer.

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

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

234 (2) Knowingly misrepresent any information in the
235 parental consent disclosure.

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

237 Section 10. The Attorney General shall adopt rules
238 establishing processes and means by which an app store
239 provider may verify whether an account holder is a minor in
240 accordance with this act.

241 Section 11. (a) Any knowing or reckless violation of
242 this act is deemed a deceptive trade practice actionable under
243 Chapter 19 of Title 8 of the Code of Alabama 1975. Provided,
244 however, the Attorney General shall have the exclusive
245 jurisdiction to bring an action pursuant to this act. If the
246 Attorney General has reason to believe that an entity is in
247 violation of this act, the Attorney General may bring an
248 action against the entity for an unfair or deceptive trade
249 practice. In addition to other remedies available under
250 Chapter 19 of Title 8 of the Code of Alabama 1975, the
251 Attorney General may collect a civil penalty of up to seven
252 thousand five hundred dollars (\$7,500) per violation,



253 reasonable attorney fees, and court costs.

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

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

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

262 Section 12. (a) A developer is not liable for a
263 violation of this act if the developer demonstrates all of the
264 following:

265 (1) The developer relied in good faith on applicable
266 age category data received through an app store's data sharing
267 methods.

268 (2) The developer relied in good faith on notification
269 from an app store provider that verifiable parental consent
270 was obtained.

271 (3) The developer complied with the requirements of
272 this act.

273 (b) A developer is not liable for a violation of
274 Section 9(c)(2) if the developer: (i) uses widely adopted
275 industry standards to determine the app's age category and
276 content description; and (ii) applies those standards
277 consistently and in good faith.

278 (c) Notwithstanding subsection (a), the safe harbor
279 provision applies only to actions brought under this act and
280 does not limit a developer or app store provider's liability



281 under any other applicable law.

282 (d) An app store provider shall not be liable for a
283 violation of this act if the app store provider generates an
284 erroneous age category signal for a user as long as the app
285 store provider demonstrates that the app store provider did
286 all of the following:

287 (1) Used a commercially reasonable age verification
288 process.

289 (2) Exercised due care in conducting the age
290 verification process.

291 (3) Made reasonable efforts to reconcile any
292 discrepancies between a parent's attestation of the minor's
293 age and other age data collected in the ordinary course of
294 account creation or use.

295 Section 13. Nothing in this act shall be construed to
296 do any of the following:

297 (1) Prevent an app store provider or developer from
298 taking reasonable measures to do any of the following:

299 a. Block, detect, or prevent distribution to minors of:
300 (i) unlawful material; (ii) obscene material; or (iii) other
301 harmful material.

302 b. Block or filter spam.

303 c. Prevent criminal activity.

304 d. Protect app store or app security.

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

308 (3) Allow an app store provider or developer to



309 implement measures required by this act in a manner that is:
310 (i) arbitrary; (ii) capricious; (iii) anticompetitive; or (iv)
311 unlawful.

312 (4) Require a developer to collect, retain, reidentify,
313 or link any information beyond what is both:

314 a. Necessary to verify age category data as required by
315 this act; and

316 b. Collected, retained, reidentified, or linked in the
317 developer's ordinary course of business.

318 (5) Require an app store provider or developer to block
319 access to an application that an account holder has downloaded
320 or installed onto a mobile device prior to October 1, 2026,
321 except to the extent that either:

322 a. A parent account revokes verifiable consent for an
323 affiliated minor account; or

324 b. There has been a significant change to the
325 application.

326 Section 14. This act shall become effective on January
327 1, 2027.



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House of Representatives

331 Read for the first time and referred13-Jan-26
332 to the House of Representatives
333 committee on State Government
334
335 Read for the second time and placed14-Jan-26
336 on the calendar:
337 0 amendments
338
339 Read for the third time and passed22-Jan-26
340 as amended
341 Yeas 103
342 Nays 0
343 Abstains 0
344
345
346 John Treadwell
347 Clerk
348