

HB161 ENROLLED



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



1 Enrolled, An Act,

2 Relating to consumer protection; to require an app
3 store provider to take certain actions regarding age
4 verification, parental notification, and data protection; to
5 prohibit an app store provider or developer from taking
6 certain actions that allow minors to access apps without
7 parental consent; to require the Attorney General to adopt
8 rules; and to authorize the Attorney General to bring an
9 action for a violation as a deceptive trade practice.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 (1) ACCOUNT HOLDER. The individual associated with a
14 mobile device.

15 (2) AGE CATEGORY. Whether an individual is: (i) under
16 13 years of age; (ii) at least 13 years of age but less than
17 16 years of age; (iii) at least 16 years of age but less than
18 18 years of age; or (iv) at least 18 years of age.

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

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

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

28 (6) APP STORE. A publicly available website, software



29 application, or electronic service that allows account holders
30 to download apps from third-party developers onto a mobile
31 device.

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

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

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

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

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

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

48 (13) MOBILE DEVICE. A phone or general-purpose tablet
49 that: (i) provides cellular or wireless connectivity; (ii) is
50 capable of connecting to the Internet; (iii) runs a mobile
51 operating system; and (iv) is capable of running apps through
52 the mobile operating system.

53 (14) MOBILE OPERATING SYSTEM. Software that: (i)
54 manages mobile device hardware resources; (ii) provides common
55 services for mobile device programs; (iii) controls memory
56 allocation; and (iv) provides interfaces for apps to access



57 device functionality.

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

60 a. A biological parent.

61 b. A legal guardian.

62 c. An individual with legal custody.

63 (16) PARENT ACCOUNT. An account with an app store
64 provider which is affiliated with one or more minor accounts
65 and which is verified to have been established by an
66 individual who the app store provider has determined is not a
67 minor.

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

71 a. A description of the personal data collected by the
72 app from a user.

73 b. A description of the personal data shared by the app
74 with any third party.

75 c. Any methods implemented by the developer to protect
76 personal data.

77 d. The age rating of the app or in-app purchase, if
78 available.

79 e. The content description of the app or in-app
80 purchase, if available.

81 (18) PRE-INSTALLED APP. Any app, or portion of an app,
82 that is present on a mobile device at the time of purchase,
83 initial activation, or first use by the consumer. The term
84 includes, but is not limited to: (i) browsers; (ii) search



85 engines; (iii) messaging apps; and (iv) other apps, or
86 portions of apps, that are installed or partially installed by
87 the device manufacturer, wireless services provider, retailer,
88 or any other party prior to the purchase, initial activation,
89 or first use of the device by the customer and that may be
90 updated thereafter. The term does not include: (i) core
91 operating system functions; (ii) essential device drivers; and
92 (iii) applications necessary for basic device operation such
93 as phone and settings applications.

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

97 a. Changes the categories of data collected, stored, or
98 shared.

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

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

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

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

107 b. Is given after the app store provider has clearly
108 and conspicuously provided the parental consent disclosure to
109 the individual.

110 c. Requires the parent to make an affirmative choice to
111 either grant consent or decline consent.

112 Section 2. (a) An app store provider shall do both of



113 the following when an individual located in this state creates
114 an account with the app store provider, or before October 1,
115 2027, for all accounts in existence on October 2, 2026:

116 (1) Request age category information from the
117 individual.

118 (2) Verify the individual's age category using one of
119 the following:

120 a. Commercially available methods that are reasonably
121 designed to ensure accuracy.

122 b. An age verification system that complies with rules
123 adopted pursuant to this act.

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

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

133 (1) Require the account to be affiliated with a parent
134 account.

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

139 (3) Provide a mechanism for the holder of the
140 affiliated parent account to withdraw consent and notify



141 developers when the holder of a parent account withdraws
142 consent.

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 before
150 providing access to the significantly changed version of the
151 app.

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

154 (1) Age category data for each user located in this
155 state.

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

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

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

163 (2) Transmitting personal age verification data using
164 industry-standard encryption protocols that ensure data
165 integrity and data confidentiality.

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

168 (1) Provide available age category information in



169 response to a request from a developer.

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

173 Section 8. An app store provider may not do any of the
174 following:

175 (1) Enforce a contract or terms of service against a
176 minor unless the app store provider has obtained verifiable
177 parental consent.

178 (2) Knowingly misrepresent the information in the
179 parental consent disclosure.

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

183 Section 9. (a) A developer shall do all of the
184 following:

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

189 (2) Notify app store providers of any significant
190 change to an app.

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

196 (4) Request age category data or verifiable parental



197 consent in all of the following scenarios:

198 a. Whenever an account holder does any of the
199 following:

200 1. Downloads an app.

201 2. Purchases an app.

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

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

204 c. To comply with applicable law.

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

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

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

214 a. The accuracy of age category data associated with an
215 account holder.

216 b. Continued account use within the age category.

217 (2) When there is reasonable suspicion of either of the
218 following:

219 a. Account transfer.

220 b. Misuse outside of the age category.

221 (3) At the time an account holder creates a new account
222 with the developer.

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

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



225 minor unless the developer has verified through the app store
226 provider that verifiable parental consent has been obtained.

227 (2) Knowingly misrepresent any information in the
228 parental consent disclosure.

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

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

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

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

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



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

255 Section 12. (a) A developer is not liable for a
256 violation of this act if the developer demonstrates all of the
257 following:

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

261 (2) The developer relied in good faith on notification
262 from an app store provider that verifiable parental consent
263 was obtained.

264 (3) The developer complied with the requirements of
265 this act.

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

271 (c) Notwithstanding subsection (a), the safe harbor
272 provision applies only to actions brought under this act and
273 does not limit a developer or app store provider's liability
274 under any other applicable law.

275 (d) An app store provider shall not be liable for a
276 violation of this act if the app store provider generates an
277 erroneous age category signal for a user as long as the app
278 store provider demonstrates that the app store provider did
279 all of the following:

280 (1) Used a commercially reasonable age verification



281 process.

282 (2) Exercised due care in conducting the age
283 verification process.

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

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

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

292 a. Block, detect, or prevent distribution to minors of:
293 (i) unlawful material; (ii) obscene material; or (iii) other
294 harmful material.

295 b. Block or filter spam.

296 c. Prevent criminal activity.

297 d. Protect app store or app security.

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

301 (3) Allow an app store provider or developer to
302 implement measures required by this act in a manner that is:
303 (i) arbitrary; (ii) capricious; (iii) anticompetitive; or (iv)
304 unlawful.

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

307 a. Necessary to verify age category data as required by
308 this act; and



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

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

315 a. A parent account revokes verifiable consent for an
316 affiliated minor account; or

317 b. There has been a significant change to the
318 application.

319 Section 14. Nothing in this act shall be construed to
320 relieve any person from compliance with any other law of this
321 state that requires age verification.

322 Section 15. This act shall become effective on January
323 1, 2027.



324
325
326
327
328
329
330
331
332
333
334

335 Speaker of the House of Representatives

336
337
338
339

340 President and Presiding Officer of the Senate

341
342
343
344

House of Representatives

345 I hereby certify that the within Act originated in and
346 was passed by the House 22-Jan-26, as amended.

347
348
349
350
351
352
353
354

John Treadwell
Clerk

355 Senate	05-Feb-26	Amended and Passed
356		
357 House	10-Feb-26	Concurred in Senate Amendment
358		
359		
360		