

HB161 INTRODUCED



1 HB161
2 V7D54VP-1
3 By Representatives Sells, Mooney
4 RFD: State Government
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4 SYNOPSIS:

5 This bill would require app store providers to
6 verify the age of users, affiliate minor accounts with
7 parent accounts and obtain consent from the holder of
8 the parent account, notify users when an app makes a
9 significant change, give developers real-time access to
10 the age category and consent status for minor accounts,
11 and protect personal age verification data.

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

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

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

22 This bill would also authorize the Attorney
23 General to bring an action for a violation as a
24 deceptive trade practice.

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27 A BILL

28 TO BE ENTITLED



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AN ACT

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

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

42 (1) ACCOUNT HOLDER. The individual associated with a
43 mobile device.

44 (2) AGE CATEGORY. Whether an individual is: (i) under
45 13 years of age; (ii) at least 13 years of age but less than
46 16 years of age; (iii) at least 16 years of age but less than
47 18 years of age; or (iv) at least 18 years of age.

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

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

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



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

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

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

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

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

70 (11) MINOR ACCOUNT. An account with an app store
71 provider that is established by an individual who the ap
72 store provider has determined is a minor.

73 (12) MOBILE DEVICE. A phone or general-purpose tablet
74 that: (i) provides cellular or wireless connectivity; (ii) is
75 capable of connecting to the Internet; (iii) runs a mobile
76 operating system; and (iv) is capable of running apps through
77 the mobile operating system.

78 (13) MOBILE OPERATING SYSTEM. Software that: (i)
79 manages mobile device hardware resources; (ii) provides common
80 services for mobile device programs; (iii) controls memory
81 allocation; and (iv) provides interfaces for apps to access
82 device functionality.

83 (14) PARENT. With respect to a minor, any of the
84 following individuals:



85 a. A biological parent.

86 b. A legal guardian.

87 c. An individual with legal custody.

88 (15) PARENT ACCOUNT. An account with an app store
89 provider which is affiliated with one or more minor accounts
90 and which is verified to have been established by an
91 individual who the app store provider has determined is not a
92 minor.

93 (16) PARENTAL CONSENT DISCLOSURE. The following
94 information that an app store provider is required to provide
95 to a parent before obtaining parental disclosure:

96 a. A description of the personal data collected by the
97 app from a user.

98 b. A description of the personal data shared by the app
99 with any third party.

100 c. Any methods implemented by the developer to protect
101 personal data.

102 d. The age rating of the app or in-app purchase, if
103 available.

104 e. The content description of the app or in-app
105 purchase, if available.

106 (17) PRE-INSTALLED APP. Any app, or portion of an app,
107 that is present on a mobile device at the time of purchase,
108 initial activation, or first use by the consumer. The term
109 includes, but is not limited to: (i) browsers; (ii) search
110 engines; (iii) messaging apps; and (iv) other apps, or
111 portions of apps, that are installed or partially installed by
112 the device manufacturer, wireless services provider, retailer,



113 or any other party prior to the purchase, initial activation,
114 or first use of the device by the customer and that may be
115 updated thereafter. The term does not include: (i) core
116 operating system functions; (ii) essential device drivers; and
117 (iii) applications necessary for basic device operation such
118 as phone and settings applications.

119 (18) SIGNIFICANT CHANGE. A material modification to an
120 app's terms of service or privacy policy which does any of the
121 following:

122 a. Changes the categories of data collected, stored, or
123 shared.

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

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

128 (19) VERIFIABLE PARENTAL CONSENT. Authorization that
129 meets all of the following criteria:

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

132 b. Is given after the app store provider has clearly
133 and conspicuously provided the parental consent disclosure to
134 the individual.

135 c. Requires the parent to make an affirmative choice to
136 either grant consent or decline consent.

137 Section 2. (a) An app store provider shall do both of
138 the following when an individual located in this state creates
139 an account with the app store provider, or before October 1,
140 2027, for all accounts in existence on October 2, 2026:



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141 (1) Request age category information from the
142 individual.

143 (2) Verify the individual's age category using one of
144 the following:

145 a. Commercially available methods that are reasonably
146 designed to ensure accuracy.

147 b. An age verification system that complies with rules
148 adopted pursuant to this act.

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

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

158 (1) Require the account to be affiliated with a parent
159 account.

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

164 (3) Provide a mechanism for the holder of the
165 affiliated parent account to withdraw consent and notify
166 developers when the holder of a parent account withdraws
167 consent.

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

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169 following after receiving notice of a significant change from
170 a developer:

- 171 (1) Notify the user of the significant change.
- 172 (2) For a minor account, do both of the following:
 - 173 a. Notify the holder of the affiliated parent account.
 - 174 b. Obtain renewed verifiable parental consent before
175 providing access to the significantly changed version of the
176 app.

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

- 179 (1) Age category data for each user located in this
180 state.

- 181 (2) The status of verifiable parental consent for each
182 minor located in this state.

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

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

- 188 (2) Transmitting personal age verification data using
189 industry-standard encryption protocols that ensure data
190 integrity and data confidentiality.

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

- 193 (1) Provide available age category information in
194 response to a request from a developer.

- 195 (2) Take reasonable measures to facilitate verifiable
196 parental consent for use of a pre-installed app in response to

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197 a request from a developer.

198 Section 8. An app store provider may not do any of the
199 following:

200 (1) Enforce a contract or terms of service against a
201 minor unless the app store provider has obtained verifiable
202 parental consent.

203 (2) Knowingly misrepresent the information in the
204 parental consent disclosure.

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

208 Section 9. (a) A developer shall do all of the
209 following:

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

214 (2) Notify app store providers of any significant
215 change to an app.

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

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

223 a. Whenever an account holder does any of the
224 following:



- 225 1. Downloads an app.
- 226 2. Purchases an app.
- 227 3. Launches a pre-installed app for the first time.
- 228 b. When implementing a significant change to an app.
- 229 c. To comply with applicable law.

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

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

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

239 a. The accuracy of age category data associated with an
240 account holder.

241 b. Continued account use within the age category.

242 (2) When there is reasonable suspicion of either of the
243 following:

244 a. Account transfer.

245 b. Misuse outside of the age category.

246 (3) At the time an account holder creates a new account
247 with the developer.

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

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

252 (2) Knowingly misrepresent any information in the



253 parental consent disclosure.

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

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

259 Section 11. (a) Any knowing or reckless violation of
260 this act is deemed a deceptive trade practice actionable under
261 Chapter 19 of Title 8 of the Code of Alabama 1975. If the
262 Attorney General has reason to believe that an entity is in
263 violation of this act, the Attorney General may bring an
264 action against the entity for an unfair or deceptive trade
265 practice. In addition to other remedies available under
266 Chapter 19 of Title 8 of the Code of Alabama 1975, the
267 Attorney General may collect a civil penalty of up to seven
268 thousand five hundred dollars (\$7,500) per violation,
269 reasonable attorney fees, and court costs.

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

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

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

278 Section 12. (a) A developer is not liable for a
279 violation of this act if the developer demonstrates all of the
280 following:



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

284 (2) The developer relied in good faith on notification
285 from an app store provider that verifiable parental consent
286 was obtained.

287 (3) The developer complied with the requirements of
288 this act.

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

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

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

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

302 a. Block, detect, or prevent distribution to minors of:
303 (i) unlawful material; (ii) obscene material; or (iii) other
304 harmful material.

305 b. Block or filter spam.

306 c. Prevent criminal activity.

307 d. Protect app store or app security.

308 (2) Require an app store provider or developer to



309 disclose user information to a developer beyond age category
310 or verification of parental consent status.

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

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

317 a. Necessary to verify age category data as required by
318 this act; and

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

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

325 a. A parent account revokes verifiable consent for an
326 affiliated minor account; or

327 b. There has been a significant change to the
328 application.

329 Section 14. This act shall become effective on October
330 1, 2026.