

HB173 INTRODUCED



1 HB173
2 XDIKS7Z-1
3 By Representative Robbins
4 RFD: Children and Senior Advocacy
5 First Read: 13-Jan-26



SYNOPSIS:

Under existing law, online services, products, and features accessible to children are not required to protect children's safety and may use privacy-invasive design features on children.

This bill would require covered platform operators to restrict access to portions of platforms that recommend, select, or prioritize for display media items based on information associated with the covered user or their device, unless it is determined that the covered user is not a minor or if parental consent is obtained.

This bill would limit the hours that covered operators may send notifications to covered minors.

This bill would require covered operators to use default platform settings that restrict covered minors from accessing the platform, receiving notifications, and engaging on the platform during certain time periods.

This bill would require all covered operators to establish and maintain a mechanism that permits parents or legal guardians to require more stringent settings on covered platforms.

This bill would require covered operators to annually disclose certain data for the previous



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calendar year.

This bill would also make a violation of its provisions a violation of the Deceptive Trade Practices Act.

A BILL
TO BE ENTITLED
AN ACT

Relating to consumer protection; to require covered platform operators to restrict access to certain portions of platforms unless the age of the user is determined or parental consent is obtained; to limit the hours covered operators may send notifications to covered minors; to require covered operators to use default platform settings on all covered platforms that limit covered minors' access, notifications, and engagement during certain hours; to require covered operators to establish and maintain a mechanism permitting parents and legal guardians to require more stringent settings on covered platforms; to require covered operators to annually disclose certain data; and to make a violation of its provisions a violation of the Alabama Deceptive Trade Practices Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) COVERED MINOR. Any covered user who is younger than



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18 years of age.

(2) COVERED OPERATOR. Any operator who operates or provides a covered platform. This does not include the federal government or any state or local government or state or local subdivision thereof.

(3) COVERED PLATFORM. Any platform that, as a significant part of the services offered, recommends, selects, or prioritizes for display, either concurrently or sequentially, media items generated or shared on a platform by users of the platform. The term does not include any platform that primarily facilitates the sale of goods or is used by and under the direction of an educational entity, including a learning management system or a student engagement program.

(4) COVERED USER. Any user of a covered platform in this state who is not acting as the covered operator, or as an agent or affiliate of the covered operator, of the covered platform.

(5) MEDIA ITEM. Any text, image, or video.

(6) OPERATOR. Any individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, association, joint stock company, unincorporated organization, or other legal entity that operates or provides a platform.

(7) PLATFORM. Any Internet website, online service, online application, mobile application, or social media platform, or any portion thereof.

(b) (1) No covered operator of a covered platform shall allow a covered user to access any portion of the covered



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platform that recommends, selects, or prioritizes for display, either concurrently or sequentially, media items generated or shared by users of the covered platform if the recommendation, selection, or prioritization is based, in whole or in part, on any information associated with the covered user or the covered user's device, unless any of the following occur:

a.1. The covered operator has used commercially reasonable and technically feasible methods to determine that the covered user is not a covered minor; or

2. If the covered user is a covered minor, the covered operator has obtained verifiable consent from the covered minor's parent or legal guardian to recommend, select, or prioritize media items for such covered minor in the manner prescribed by this section.

b. The recommendation, selection, or prioritization is based on information that is not persistently associated with the covered user or the covered user's device and does not concern the covered user's previous interactions with media items generated or shared by other users of the covered platform.

c. The recommendation, selection, or prioritization is based on privacy or accessibility settings selected by the covered user or technical information concerning the covered user's device.

d. The covered user has expressly and unambiguously requested that any specific media item, media items from a specific author, creator, or poster to whom the covered user has subscribed, or media items shared by users to a specific



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page or group to which the covered user has subscribed be displayed, blocked, prioritized, or deprioritized.

e. The recommended, selected, or prioritized media item is a direct and private communication.

f. The media item is recommended, selected, or prioritized exclusively in response to a specific search inquiry made by the covered user.

g. The media item is recommended, selected, or prioritized for display exclusively because the media item immediately follows any other media item in a preexisting sequence and is from the same author, creator, poster, or source.

h. The recommendation, selection, or prioritization is necessary to comply with any other provision of this section.

(2) A covered operator shall treat a covered user as a covered minor if the covered operator obtains actual knowledge that the covered user is a covered minor. A covered operator that has used commercially reasonable and technically feasible methods to determine a covered user's age and cannot determine whether the covered user is a covered minor shall presume that such covered user is not a covered minor for the purposes of this subsection.

(3)a. Information collected for the purpose of determining a covered user's age under this subsection shall not be used for any other purpose, and such information shall be deleted immediately after an attempt is made to determine the covered user's age unless use or retention is necessary to comply with any federal law or regulation or any other law or



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regulation of this state.

b. Information collected for the purpose of obtaining verifiable consent from a covered minor's parent or legal guardian shall not be used for any other purpose, and the information shall be deleted immediately after an attempt is made to determine the covered user's age unless use or retention is necessary to comply with any federal law or regulation or any other law or regulation of this state.

(4) No covered operator shall withhold or degrade, or reduce the quality or increase the price of, any product, service, or feature due to the prohibition against recommending, selecting, or prioritizing media items in the manner set forth in subdivision (b)(1), unless the withholding, degradation, reduction, or increase is necessary for the covered operator to comply with the provisions of this subsection.

(5) Nothing in this subsection shall be construed to prohibit any covered operator from taking any action to restrict access to, or the availability of, any media item that the covered operator in good faith considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless of whether such media item is protected under the Constitution of Alabama of 2022, or the Constitution of the United States.

(c)(1) No covered operator shall send any notification to a covered minor concerning any recommendation, selection, or prioritization made in the manner set forth in subdivision (b)(1) unless:



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a. The notification is sent to the covered minor during the hours between 8:00 a.m. and 9:00 p.m. Central Standard Time; or

b. The covered operator has obtained verifiable consent from the covered minor's parent or legal guardian to send notifications to the covered minor outside of the time frame set forth in paragraph a.

(2) Unless otherwise required by a covered minor's verified parent or legal guardian, covered operators shall do all of the following as a default setting for the covered operator's covered platform:

a. Prevent the covered minor from accessing or receiving any notification described in subdivision (c)(1) outside of the time frame set forth in paragraph (c)(1)a.

b. Limit the covered minor's access to any portion of the covered operator's covered platform which recommends, selects, or prioritizes media items in the manner set forth in subdivision (b)(1) to a maximum period of one hour per day.

c. Set the covered minor's covered platform account to a mode that exclusively allows users to whom the covered minor is connected to view or respond to content posted by the covered minor.

(3) Covered operators shall also establish and maintain a mechanism by which a covered minor's verified parent or legal guardian may require the covered operator to do the following:

a. Prevent the covered minor from accessing or receiving any notification described in subdivision (1)



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outside of a time frame specified by the parent or legal guardian.

b. Limit the covered minor's access to any portion of such covered operator's covered platform that recommends, selects, or prioritizes media items in the manner set forth in subdivision (b)(1) to a maximum daily period specified by the parent or legal guardian.

c. Set the covered minor's covered platform account to a mode that exclusively allows users to whom the covered minor is connected to view or respond to content posted by the covered minor.

(d) Not later than March 1, 2028, and annually thereafter, each covered operator shall publicly disclose, in a form and manner specified by the Attorney General, all of the following information for the preceding calendar year:

(1) The total number of covered users who used the covered operator's covered platform during the year.

(2) The portion of the total number of covered users who used the covered operator's covered platform during the year for whom the covered operator obtained verifiable consent from a parent or legal guardian.

(3) The portion of the total number of covered users who used the covered operator's covered platform for whom the default settings set forth in subdivision (c)(2) were enabled, and the portion of the total number of covered users for whom such default settings were not enabled.

(4) The average amount of time per day that covered users used the covered operator's covered platform, broken



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down by user age and hour of day.

(e) Nothing in this section shall be construed to do any of the following:

(1) Require a covered operator to provide a covered minor's parent or legal guardian with access to, or control over, the covered minor's covered platform account or any data associated therewith, unless provision of such access or control is specifically required by this section.

(2) Impose liability for any commercial activity or action by a covered operator subject to 15 U.S.C. § 6501 which is inconsistent with the manner in which the commercial activity or action is treated under 15 U.S.C. § 6502.

(f) A violation of this section shall be deemed a violation of the Deceptive Trade Practices Act, pursuant to Chapter 19 of Title 8, Code of Alabama 1975.

Section 2. This act shall become effective on October 1, 2026.