

Todd Weiler proposes the following substitute bill:

App Store Accountability Act

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill enacts provisions governing app store operations and creates requirements for age verification and parental consent.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires app store providers to:
 - verify user ages;
 - obtain parental consent for minor accounts;
 - notify users and parents of significant changes;
 - share age and consent data with developers; and
 - protect age verification data;
- ▶ prohibits app store providers from:
 - enforcing contracts against minors without parental consent; and
 - misrepresenting parental content disclosures;
- ▶ requires developers to:
 - verify age and consent status through app stores; and
 - notify app stores of significant changes;
- ▶ prohibits developers from:
 - enforcing contracts against minors without verified parental consent; and
 - misrepresenting parental content disclosures;
- ▶ designates violations of certain provisions as deceptive trade practices;
- ▶ requires the Division of Consumer Protection to establish standards for age verification methods;
- ▶ creates a private right of action for parents of harmed minors;

- 62 (3) "Age rating" means a classification that provides an assessment of the suitability of an
63 app's content for different age groups.
- 64 (4) "App" means a software application or electronic service that a user may run or direct
65 on a mobile device.
- 66 (5) "App store" means a publicly available website, software application, or electronic
67 service that allows users to download apps from third-party developers.
- 68 (6) "App store provider" means a person that owns, operates, or controls an app store that
69 allows users in the state to download apps.
- 70 (7) "Content description" means a description of the specific content elements that informed
71 an app's age rating.
- 72 (8) "Developer" means a person that owns or controls an app made available through an
73 app store in the state.
- 74 (9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- 75 (10) "Knowingly" means to act with actual knowledge or to act with knowledge fairly
76 inferred based on objective circumstances.
- 77 (11) "Minor" means an individual under 18 years old.
- 78 (12) "Minor account" means an account with an app store provider that:
79 (a) is established by an individual who the app store provider has determined is under 18
80 years old through the app store provider's age verification methods; and
81 (b) requires affiliation with a parent account.
- 82 (13) "Mobile device" means a portable computing device that:
83 (a) provides cellular or wireless connectivity;
84 (b) is capable of connecting to the Internet;
85 (c) runs a mobile operating system; and
86 (d) is capable of running apps through the mobile operating system.
- 87 (14) "Mobile operating system" means software that:
88 (a) manages mobile device hardware resources;
89 (b) provides common services for mobile device programs;
90 (c) controls memory allocation; and
91 (d) provides interfaces for applications to access device functionality.
- 92 (15) "Parent" means, with respect to a minor, any of the following individuals who have
93 legal authority to make decisions on behalf of the minor:
94 (a) an individual with a parent-child relationship under Section 78B-15-201;
95 (b) a legal guardian; or

96 (c) an individual with legal custody.

97 (16) "Parent account" means an account with an app store provider that:

98 (a) is verified to be established by an individual who the app store provider has
99 determined is at least 18 years old through the app store provider's age verification
100 methods; and

101 (b) may be affiliated with one or more minor accounts.

102 (17) "Parental consent disclosure" means the following information that an app store
103 provider is required to provide to a parent before obtaining parental consent:

104 (a) if the app store provider has an age rating for the app or in-app purchase, the app's or
105 in-app purchase's age rating;

106 (b) if the app store provider has a content description for the app or in-app purchase, the
107 app's or in-app purchase's content description;

108 (c) a description of:

109 (i) the personal data collected by the app from a user; and

110 (ii) the personal data shared by the app with a third party; and

111 (d) if personal data is collected by the app, the methods implemented by the developer to
112 protect the personal data.

113 (18) "Significant change" means a material modification to an app's terms of service or
114 privacy policy that:

115 (a) changes the categories of data collected, stored, or shared;

116 (b) alters the app's age rating or content descriptions;

117 (c) adds new monetization features, including:

118 (i) in-app purchases; or

119 (ii) advertisements; or

120 (d) materially changes the app's:

121 (i) functionality; or

122 (ii) user experience.

123 (19) "Verifiable parental consent" means authorization that:

124 (a) is provided by an individual who the app store provider has verified is an adult;

125 (b) is given after the app store provider has clearly and conspicuously provided the
126 parental consent disclosure to the individual; and

127 (c) requires the parent to make an affirmative choice to:

128 (i) grant consent; or

129 (ii) decline consent.

130 Section 2. Section **13-75-201** is enacted to read:

131 **Part 2. App Store and Developer Requirements**

132 **13-75-201 (Effective 05/06/26). App store requirements.**

133 (1) An app store provider shall:

134 (a) at the time an individual who is located in the state creates an account with the app
135 store provider:

136 (i) request age information from the individual; and

137 (ii) verify the individual's age using:

138 (A) commercially available methods that are reasonably designed to ensure
139 accuracy; or

140 (B) an age verification method or process that complies with rules made by the
141 division under Section 13-75-301;

142 (b) if the age verification method or process described in Subsection (1)(a) determines
143 the individual is a minor:

144 (i) require the account to be affiliated with a parent account; and

145 (ii) obtain verifiable parental consent from the holder of the affiliated parent account
146 before allowing the minor to:

147 (A) download an app;

148 (B) purchase an app; or

149 (C) make an in-app purchase;

150 (c) after receiving notice of a significant change from a developer:

151 (i) notify the user of the significant change; and

152 (ii) for a minor account:

153 (A) notify the holder of the affiliated parent account; and

154 (B) obtain renewed verifiable parental consent;

155 (d) provide to a developer, in response to a request authorized under Section 13-75-202:

156 (i) age category data for a user located in the state; and

157 (ii) the status of verified parental consent for a minor located in the state;

158 (e) notify a developer when a parent revokes parental consent; and

159 (f) protect personal age verification data by:

160 (i) limiting collection and processing to data necessary for:

161 (A) verifying a user's age;

162 (B) obtaining parental consent; or

163 (C) maintaining compliance records; and

- 164 (ii) transmitting personal age verification data using industry-standard encryption
 165 protocols that ensure:
 166 (A) data integrity; and
 167 (B) data confidentiality.

- 168 (2) An app store provider may not:
 169 (a) enforce a contract or terms of service against a minor unless the app store provider
 170 has obtained verifiable parental consent;
 171 (b) knowingly misrepresent the information in the parental consent disclosure; or
 172 (c) share personal age verification data except:
 173 (i) between an app store provider and a developer as required by this chapter; or
 174 (ii) as required by law.

175 Section 3. Section **13-75-202** is enacted to read:

176 **13-75-202 (Effective 05/06/26). Developer requirements.**

- 177 (1) A developer shall:
 178 (a) verify through the app store's data sharing methods:
 179 (i) the age category of users located in the state; and
 180 (ii) for a minor account, whether verifiable parental consent has been obtained;
 181 (b) notify app store providers of a significant change to the app;
 182 (c) use age category data received from an app store or any other entity only to:
 183 (i) enforce age-related restrictions and protections;
 184 (ii) ensure compliance with applicable laws and regulations; or
 185 (iii) implement safety-related features or defaults; and
 186 (d) request personal age verification data or parental consent:
 187 (i) at the time a user:
 188 (A) downloads an app; or
 189 (B) purchases an app; ~~§~~ → [or] ← ~~§~~
 190 (ii) when implementing a significant change to the app ~~§~~ → [.] ; or ← ~~§~~
 190a (iii) **~~§~~ → to comply with applicable laws or regulations. ← ~~§~~**
 191 (2) A developer may request personal age verification data or parental consent:
 192 (a) no more than once during each 12-month period to verify:
 193 (i) accuracy of user age data; or
 194 (ii) continued account use within the verified age category; ~~§~~ → [or] ← ~~§~~
 195 (b) when there is reasonable suspicion of:
 196 (i) account transfer; or

197 (ii) misuse outside the verified age category ~~§~~ → [] ; or ← ~~§~~

197a (c) ~~§~~ → at the time a user creates a new account with the developer. ← ~~§~~

198 (3) A developer may not:

199 (a) enforce a contract or terms of service against a minor unless the developer has
200 verified through the app store provider that verifiable parental consent has been
201 obtained;

202 (b) knowingly misrepresent any information in the parental consent disclosure; or

203 (c) share age category data with any person.

204 Section 4. Section **13-75-301** is enacted to read:

205 **Part 3. Division Rulemaking**

206 **13-75-301 (Effective 05/07/25). Division rulemaking.**

207 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
208 division shall make rules establishing processes and means by which an app store provider
209 may verify whether an account holder is a minor in accordance with Subsection
210 13-75-201(1)(a)(ii).

211 Section 6. Section **13-75-401** is enacted to read:

212 **Part 4. Enforcement and Safe Harbor**

213 **13-75-401 (Effective 12/31/26). Enforcement.**

214 (1) A violation of Subsection 13-75-201(2)(b) or Subsection 13-75-202(2)(b) constitutes a
215 deceptive trade practice under Section 13-11a-3.

216 (2)(a) The parent of a minor who has been harmed by a violation of Subsection
217 13-75-201(2) may bring a civil action against an app store provider.

218 (b) The parent of a minor who has been harmed by a violation of Subsection
219 13-75-202(2) may bring a civil action against a developer.

220 (3) In an action described in Subsection (2), the court shall award a prevailing parent:

221 (a) the greater of:

222 (i) actual damages; or

223 (ii) \$1,000 for each violation;

224 (b) reasonable attorney fees; and

225 (c) litigation costs.

226 Section 9. Section **13-75-402** is enacted to read:

227 **13-75-402 (Effective 05/07/25). Safe harbor.**

228 (1) A developer is not liable for a violation of this chapter if the developer demonstrates

- 229 that the developer:
- 230 (a) relied in good faith on:
- 231 (i) personal age verification data provided by an app store provider; and
- 232 (ii) notification from an app store provider that verifiable parental consent was
- 233 obtained if the personal age verification data indicates that the user is a minor; and
- 234 (b) complied with the requirements described in Section 13-75-202.
- 235 (2) Notwithstanding Subsection (1), the safe harbor described in this section:
- 236 (a) applies only to actions brought under this chapter; and
- 237 (b) does not limit a developer or app store provider's liability under any other applicable
- 238 law.
- 239 (3) Nothing in this chapter shall displace any other available remedies or rights authorized
- 240 under the laws of this state or the United States.
- 241 Section 13. Section **13-75-403** is enacted to read:
- 242 **13-75-403 (Effective 05/07/25). Severability.**
- 243 (1) If any provision of this chapter or the application of any provision to any person or
- 244 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
- 245 remainder of this chapter shall be given effect without the invalid provision or
- 246 application.
- 247 (2) The provisions of this chapter are severable.
- 248 Section 19. Section **13-75-404** is enacted to read:
- 249 **13-75-404 (Effective 05/07/25). Application and limitations.**
- 250 Nothing in this chapter shall be construed to:
- 251 (1) prevent an app store provider from taking reasonable measures to:
- 252 (a) block, detect, or prevent distribution to minors of:
- 253 (i) unlawful material;
- 254 (ii) obscene material; or
- 255 (iii) other harmful material;
- 256 (b) block or filter spam;
- 257 (c) prevent criminal activity; or
- 258 (d) protect app store or app security;
- 259 (2) require an app store provider to disclose user information to a developer beyond:
- 260 (a) age category; or
- 261 (b) verification of parental consent status;
- 262 (3) allow an app store provider to implement measures required by this chapter in a manner

- 263 that is:
- 264 (a) arbitrary;
- 265 (b) capricious;
- 266 (c) anticompetitive; or
- 267 (d) unlawful;
- 268 (4) require an app store provider to obtain parental consent for an app that:
- 269 (a) provides direct access to emergency services, including:
- 270 (i) 911;
- 271 (ii) crisis hotlines; or
- 272 (iii) emergency assistance services legally available to minors;
- 273 (b) limits data collection to information necessary to provide emergency services in
- 274 compliance with 15 U.S.C. Sec. 6501 et seq., Children's Online Privacy Protection
- 275 Act;
- 276 (c) provides access without requiring:
- 277 (i) account creation; or
- 278 (ii) collection of unnecessary personal information; and
- 279 (d) is operated by or in partnership with:
- 280 (i) a government entity;
- 281 (ii) a nonprofit organization; or
- 282 (iii) an authorized emergency service provider; or
- 283 (5) require a developer to collect, retain, reidentify, or link any information beyond what is:
- 284 (a) necessary to verify age categories and parental consent status as required by this
- 285 chapter; and
- 286 (b) collected, retained, reidentified, or linked in the developer's ordinary course of
- 287 business.

288 Section 34. **Effective Date.**

- 289 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 7, 2025.
- 290 (2) The actions affecting the following sections take effect on May 6, 2026:
- 291 (a) Section 13-75-201 (Effective 05/06/26); and
- 292 (b) Section 13-75-202 (Effective 05/06/26).
- 293 (3) The actions affecting Section 13-75-401 (Effective 12/31/26) take effect on December
- 294 31, 2026.