SB0142S06 compared with SB0142

1

App Store Accountability Act

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:James A. Dunnigan

2

3 **LONG TITLE**

4 **General Description:**

5   This bill enacts provisions governing app store operations and creates requirements for age

6 verification and parental consent.

7 **Highlighted Provisions:**

8   This bill:

9   ‣ defines terms;

10 ‣ requires app store providers to:

11   • verify {user ages} a user's age category;

12   • obtain parental consent for minor accounts;

13   • notify users and parents of significant changes;

14   • share age category and consent data with developers; and

15   • protect age verification data;

16 ‣ prohibits app store providers from:

17   • enforcing contracts against minors without parental consent; and

18   • misrepresenting parental content disclosures;

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19 ‣ requires developers to:

20 • verify age category and consent status through app stores; and

21 • notify app stores of significant changes;

22 ‣ prohibits developers from:

23 • enforcing contracts against minors without verified parental consent; and

24 • misrepresenting parental content disclosures;

25 ‣ designates violations of certain provisions as deceptive trade practices;

26 ‣ requires the Division of Consumer Protection to establish standards for age verification methods;

28 ‣ creates a private right of action for parents of harmed minors;

29 ‣ provides a safe harbor for compliant developers; and

30 ‣ includes a severability clause.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

36 ENACTS:

37 **13-75-101 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

38 **13-75-201 (Effective 05/06/26)**, Utah Code Annotated 1953 **(Effective 05/06/26)**, Utah Code Annotated 1953

39 **13-75-202 (Effective 05/06/26)**, Utah Code Annotated 1953 **(Effective 05/06/26)**, Utah Code Annotated 1953

40 **13-75-301 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

41 **13-75-401 {(Effective 05/06/26)}(Effective 12/31/26)**, Utah Code Annotated 1953 **{(Effective 05/06/26)}(Effective 12/31/26)**, Utah Code Annotated 1953

42 **13-75-402 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

43 **13-75-403 (Effective 05/07/25)**, Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

44

13-75-404 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code

Annotated 1953

| 45 |

| 46 | *Be it enacted by the Legislature of the state of Utah:* |

| 47 | Section 1. Section **1** is enacted to read: |

| 48 | **CHAPTER 75. APP STORE ACCOUNTABILITY ACT** |

| 49 | **Part 1. General Provisions** |

| 50 | **13-75-101. Definitions.** |

| | As used in this chapter: |

| 52 | (1) "Age category" means one of the following categories of individuals based on age: |

| 53 | (a) "child" which means an individual who is under 13 years old; |

| 54 | (b) "younger teenager" which means an individual who is at least 13 years old and under 16 years old; |

| 56 | (c) "older teenager" which means an individual who is at least 16 years old and under 18 years old; or |

| 58 | (d) "adult" which means an individual who is at least 18 years old. |

| 59 | (2) "Age category data" means information about a user's age category that is: |

| 60 | (a) collected by an app store provider; and |

| 61 | (b) shared with a developer. |

| 62 | (3) "Age rating" means a classification that provides an assessment of the suitability of an app's content for different age groups. |

| 64 | (4) "App" means a software application or electronic service that a user may run or direct on a mobile device. |

| 66 | (5) "App store" means a publicly available website, software application, or electronic service that {distributes } allows users to download apps from third-party developers {to users} . |

| 68 | (6) "App store provider" means a person that owns, operates, or controls an app store that {distributes apps to } allows users in the stateto download apps. |

| 70 | (7) "Content description" means a description of the specific content elements that informed an app's age rating. |

| 72 | (8) "Developer" means a person that owns or controls an app made available through an 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 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 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 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 determined is at least 18 years old through the app store provider's age verification 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 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 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 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 protect the personal data.

113   (18) "Significant change" means a material modification to an app's terms of service or 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 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 **2** is enacted to read:

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

132   **13-75-201. App store provider 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 store provider:

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

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

137 {(ii)} (A) {verify the individual's age using } commercially available methods that are reasonably designed to ensure accuracy;or

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

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

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

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

144 (A) download an app;

145 (B) purchase an app; or

146 (C) make an in-app purchase;

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

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

149 (ii) for a minor account:

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

151 (B) obtain renewed verifiable parental consent;

152 (d) provide {developers real-time access } to a developer, in response toa request authorized under Section 13-75-202:

153 (i) age category data for {each } a user located in the state; and

154 (ii) the status of verified parental consent for {each } a minor located in the state;

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

155 {(e)} (f) protect personal age verification data by:

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

157 (A) verifying a user's age;

158 (B) obtaining parental consent; or

159 (C) maintaining compliance records; and

160 (ii) transmitting personal age verification data using industry-standard encryption protocols that ensure:

162 (A) data integrity; and

163 (B) data confidentiality.

164 (2) An app store provider may not:

165   (a)   enforce a contract or terms of service against a minor unless the app store provider has obtained verifiable parental consent;

167   (b)   knowingly misrepresent the information in the parental {~~content~~} consent disclosure; or

168   (c)   share personal age verification data except:

169   (i)   between an app store provider and a developer as required by this chapter; or

170   (ii)   as required by law.

175   Section 3. Section **3** is enacted to read:

176   **13-75-202. Developer requirements.**

173   (1)   A developer shall:

174   (a)   verify through the app store's data sharing methods:

175   (i)   the age category of users located in the state; and

176   (ii)   for a minor account, whether verifiable parental consent has been obtained;

177   (b)   notify app store providers of a significant change to the app; {~~and~~}

178   (c)   use age category data received from an app store {~~only~~} provider to {~~enforce any developer implemented age-related restrictions.~~} :

183   (i)   enforce any developer-created age-related restrictions;

184   (ii)   ensure compliance with applicable laws and regulations; and

185   (iii)   implement any developer-created safety-related features or defaults.

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;

190   (ii)   when implementing a significant change to the app; or

191   (iii)   to comply with applicable laws or regulations.

192   (2)   A developer may request personal age verification data or parental consent:

193   (a)   no more than once during each 12-month period to verify:

194   (i)   accuracy of user age verification data; or

195   (ii)   continued account use within the verified age category;

196   (b)   when there is reasonable suspicion of:

197   (i)   account transfer; or

198   (ii)   misuse outside the verified age category; or

199 (c) at the time a user creates a new account with the developer.

200 (3) When implementing any developer-created safety-related features or defaults, a developer shall use

        the lowest age category indicated by:

202 (a) age verification data provided by an app store provider; or

203 (b) age data independently collected by the developer.

180 {(2)} (4) A developer may not:

181 (a) enforce a contract or terms of service against a minor unless the developer has verified through the

        app store provider that verifiable parental consent has been obtained;

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

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

210   Section 4. Section **4** is enacted to read:

187

Part 3. Division Rulemaking

212   **13-75-301. Division rulemaking.**

        In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

        division shall make rules establishing {standards for what constitutes a commercially } processes

and means by which an app store provider

        {reasonable method for age verification under } may verify whether an account holder is a minor

in accordance with Subsection 13-75-201(1)(a)(ii).

217   Section 5. Section **5** is enacted to read:

193

Part 4. Enforcement and Safe Harbor

219   **13-75-401. {(Effective 05/06/26)}(Effective 12/31/26)Enforcement.**

195 (1) A violation of Subsection 13-75-201(2)(b) or Subsection {13-75-202(2)(b) } 13-75-202(4)(b)

        constitutes a deceptive trade practice under Section 13-11a-3.

197 (2)

    (a) {The } Only a minor, or the parent of {a } that minor , who has been harmed by a violation of

        Subsection {13-75-201(2)(b) } 13-75-201(2) may bring a civil action against an app store provider.

199 (b) {The } Only a minor, or the parent of {a } that minor , who has been harmed by a violation of

        Subsection {13-75-202(2)(b) } 13-75-202(4) may bring a civil action against a developer.

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

202 (a) the greater of:

203   (i) actual damages; or

204   (ii) $1,000 for each violation;

205   (b) reasonable attorney fees; and

206   (c) litigation costs.

232   Section 6. Section **6** is enacted to read:

233   **13-75-402. Safe harbor.**

        A developer is not liable for a violation of this chapter if the developer demonstrates that the developer:

        {the developer:}

211   {(1)} (a) relied in good faith on:

212   {(a)} (i) personal age verification data provided by an app store provider; and

213   {(b)} (ii) notification from an app store provider that verifiable parental consent was obtainedif the personal age verification data indicates that the user is a minor; and

215   {(2)} (b) complied with the requirements described in Section 13-75-202.

241   (2) For purposes of setting the age category of an app and providing content description disclosures to an app store provider, a developer complies with Subsection 13-75-202(4)(b) if the developer:

244   (a) uses widely adopted industry standards to determine:

245   (i) the app's age category; and

246   (ii) the content description disclosures; and

247   (b) applies those standards consistently and in good faith.

248   (3) The safe harbor described in this section:

249   (a) applies only to actions brought under this chapter; and

250   (b) does not limit a developer or app store provider's liability under any other applicable law.

252   (4) Nothing in this chapter shall displace any other available remedies or rights authorized under the laws of this state or the United States.

254   Section 7. Section **7** is enacted to read:

255   **13-75-403. Severability.**

218   (1) If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter shall be given effect without the invalid provision or application.

222   (2) The provisions of this chapter are severable.

261   Section 8. Section **8** is enacted to read:

262   **13-75-404. Application and limitations.**

           Nothing in this chapter shall be construed to:

226   (1) prevent an app store provider or developer from taking reasonable measures to:

227   (a) block, detect, or prevent distribution to minors of:

228   (i) unlawful material;

229   (ii) obscene material; or

230   (iii) other harmful material;

231   (b) block or filter spam;

232   (c) prevent criminal activity; or

233   (d) protect app store or app security;

234   (2) require an app store provider to disclose user information to a developer beyond:

235   (a) age category; or

236   (b) verification of parental consent status; {or}

237   (3) allow an app store provider or developer to implement measures required by this chapter in a
           manner that is:

239   (a) arbitrary;

240   (b) capricious;

241   (c) anticompetitive; or

242   (d) unlawful{.} ;

281   (4) require an app store provider or developer to obtain parental consent for an app that:

282   (a) provides direct access to emergency services, including:

283   (i) 911;

284   (ii) crisis hotlines; or

285   (iii) emergency assistance services legally available to minors;

286   (b) limits data collection to information necessary to provide emergency services in compliance with 15
           U.S.C. Sec. 6501 et seq., Children's Online Privacy Protection Act;

289   (c) provides access without requiring:

290   (i) account creation; or

291   (ii) collection of unnecessary personal information; and

292   (d) is operated by or in partnership with:

293   (i) a government entity;

294   (ii) a nonprofit organization; or

295   (iii) an authorized emergency service provider; or

296   (5) require a developer to collect, retain, reidentify, or link any information beyond what is:

297   (a) necessary to verify age categories and parental consent status as required by this chapter; and

299   (b) collected, retained, reidentified, or linked in the developer's ordinary course of business.

301   Section 9. **Effective date.**

244   (1) Except as provided in {Subsection } Subsections (2)and (3), this bill takes effect May 7, 2025.

245   (2) The actions affecting the following sections take effect on May 6, 2026:

246   (a) Section 13-75-201 (Effective 05/06/26);and

247   (b) Section 13-75-202 (Effective 05/06/26){; and} .

248   {(c)} (3) The actions affecting Section 13-75-401 (Effective {05/06/26)} 12/31/26) take effect on
        December 31, 2026.

2-19-25 7:55 AM