Todd Weiler proposes the following substitute bill:

1   **App Store Accountability Act**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: James A. Dunnigan

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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;

12   • obtain parental consent for minor accounts;

13   • notify users and parents of significant changes;

14   • share age 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;

19   ‣ requires developers to:

20   • verify age 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

27   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.

35   **Utah Code Sections Affected:**

36   ENACTS:

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

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

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

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

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

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

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

44   **13-75-404 (Effective 05/07/25)**, Utah Code Annotated 1953

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

47   Section 1. Section **13-75-101** is enacted to read:

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

49   **Part 1. General Provisions**

50   **13-75-101 (Effective 05/07/25). Definitions.**

51   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

55   16 years old;

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

57   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

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.

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.

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 5. 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 6. 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 7. 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 8. 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 9. **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.