1   **Utah App Store Accountability Act Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Todd Weiler

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3   **LONG TITLE**

4   **General Description:**

5   This bill amends the App Store Accountability Act.

6   **Highlighted Provisions:**

7   This bill:

8   ‣ defines terms;

9   ‣ adds requirements for pre-installed applications;

10   ‣ modifies app store provider and developer requirements;

11   ‣ modifies provisions relating to age-related restrictions and defaults;

12   ‣ modifies enforcement and safe harbor provisions; and

13   ‣ makes technical and conforming changes.

14   **Money Appropriated in this Bill:**

15   None

16   **Other Special Clauses:**

17   This bill provides a special effective date.

18   **Utah Code Sections Affected:**

19   AMENDS:

20   **13-76-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

21   Chapter 446

22   **13-76-201 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

23   Chapter 446

24   **13-76-202 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

25   Chapter 446

26   **13-76-401 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

27   Chapter 446

28   **13-76-402 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

29   Chapter 446

30   **13-76-404 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

31   Chapter 446

32   REPEALS:

33   **13-76-301 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,

34   Chapter 446

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

37   Section 1. Section **13-76-101** is amended to read:

38   **13-76-101 (Effective upon governor's approval). Definitions.**

39   As used in this chapter:

40   (1) "Account holder" means an individual who is associated with a mobile device.

41   (2) "Age category" means one of the following categories of individuals based on age:

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

43   (b) "younger teenager" which means an individual who is at least 13 years old and under

44   16 years old;

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

46   years old; or

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

48   [(2)] (3) "Age category data" means information about a user's age category that is:

49   (a) collected by an app store provider; and

50   (b) shared with a developer.

51   [(3)] (4) "Age rating" means a classification that provides an assessment of the suitability of

52   an app's content for different age groups.

53   [(4)] (5) "App" means a software application or electronic service that a user may run or

54   direct on a mobile device.

55   [(5)] (6) "App store" means a publicly available website, software application, or electronic

56   service that allows users to download apps from third-party developers onto a mobile

57   device.

58   [(6)] (7) "App store provider" means a person that owns, operates, or controls an app store

59   that allows users in the state to download apps onto a mobile device.

60   [(7)] (8) "Content description" means a description of the specific content elements that

61   informed an app's age rating.

62   [(8)] (9) "Developer" means a person that owns or controls an app made available through

63   an app store in the state.

64   [(9) "Division" means the Division of Consumer Protection, established in Section 13-2-1.]

65   (10) "In-app purchase" means a charge associated with any user conduct within an app and

66   billed by an app store for the acquisition of virtual currency, digital goods, digital

67   services, or other apps.

68   [(10)] (11) "Knowingly" means to act with actual knowledge or to act with knowledge fairly

69   inferred based on objective circumstances.

70   [(11)] (12) ["Minor" means an individual under 18 years old.] "Minor" means an individual

71   under 18 years old that:

72   (a) has not been emancipated as that term is defined in Section 80-7-102; or

73   (b) has not been married.

74   [(12)] (13) "Minor account" means an account with an app store provider that:

75   (a) is established by an individual who the app store provider has determined is under 18

76   years old through the app store provider's age verification methods; and

77   (b) requires affiliation with a parent account.

78   [(13)] (14) "Mobile device" means a phone or general purpose tablet that:

79   (a) provides cellular or wireless connectivity;

80   (b) is capable of connecting to the [Internet] internet;

81   (c) runs a mobile operating system; and

82   (d) is capable of running apps through the mobile operating system.

83   [(14)] (15) "Mobile operating system" means software that:

84   (a) manages mobile device hardware resources;

85   (b) provides common services for mobile device programs;

86   (c) controls memory allocation; and

87   (d) provides interfaces for applications to access device functionality.

88   [(15)] (16) "Parent" means, with respect to a minor, [any of the following individuals who

89   have legal authority to make decisions on behalf of the minor] an individual who is

90   reasonably believed to be:

91   (a) an individual with a parent-child relationship under Section [78B-15-201] 81-5-201;

92   (b) a legal guardian; [or]

93   (c) an individual with legal custody[.] ; or

94   (d) any other individual who has legal authority to make decisions on behalf of a minor.

95   [(16)] (17) "Parent account" means an account with an app store provider that:

96   (a) is verified to be established by an individual who the app store provider has

97   determined is [at least 18 years old] <u>not a minor</u> through the app store provider's age

98   verification methods; and

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

100   [(17)] <u>(18)</u> "Parental consent disclosure" means the following information that an app store

101   provider is required to provide to a parent before obtaining <u>verifiable</u> parental consent:

102   (a) if the app store provider has an age rating for the app[or in-app purchase], the app's [

103   or in-app purchase's]age rating;

104   (b) if the app store provider has a content description for the app[or in-app purchase],

105   the app's[or in-app purchase's] content description;

106   (c) a description of:

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

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

109   (d) if personal data is collected by the app, the methods implemented by the developer to

110   protect the personal data.

111   <u>(19)(a) "Pre-installed application" means an app, or portion of an app, that is present on</u>

112   <u>a mobile device at the time of:</u>

113   <u>(i) purchase;</u>

114   <u>(ii) initial activation; or</u>

115   <u>(iii) first use by a consumer.</u>

116   <u>(b) "Pre-installed application" includes:</u>

117   <u>(i) an app, or portion of an app, installed or partially installed by:</u>

118   <u>(A) the device manufacturer;</u>

119   <u>(B) a wireless service provider;</u>

120   <u>(C) a retailer; or</u>

121   <u>(D) any other party before purchase, initial activation, or first use by the</u>

122   <u>consumer; and</u>

123   <u>(ii) browsers, search engines, and messaging applications.</u>

124   <u>(c) "Pre-installed application" does not include:</u>

125   <u>(i) core operating system functions;</u>

126   <u>(ii) essential device drivers;</u>

127   <u>(iii) applications necessary for basic device operation, including:</u>

128   <u>(A) phone applications;</u>

129   <u>(B) settings applications; or</u>

130   (C) emergency services applications; or

131   (iv) security or system maintenance applications essential to device functionality.

132   [(18)] (20) "Significant change" means a material modification to an app's terms of service

133   or privacy policy that:

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

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

136   (c) introduces in-app purchases where no in-app purchases were previously present in

137   the app; or

138   (d) introduces advertisements where no advertisements were previously present in the

139   app.

140   [(c) adds new monetization features, including:]

141   [(i) in-app purchases; or]

142   [(ii) advertisements; or]

143   [(d) materially changes the app's:]

144   [(i) functionality; or]

145   [(ii) user experience.]

146   [(19)] (21) "Verifiable parental consent" means authorization that:

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

148   (b) is given after the app store provider has clearly and conspicuously provided the

149   parental consent disclosure to the individual; and

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

151   (i) grant consent; or

152   (ii) decline consent.

153   Section 2. Section **13-76-201** is amended to read:

154   **13-76-201 (Effective upon governor's approval). App store provider**

155   **requirements.**

156   (1) [An] Beginning May 6, 2027, an app store provider shall:

157   (a) at the time an individual who is located in the state creates an account with the app

158   store provider, or for an existing account, within 12 months after the day on which

159   the obligations described in this section take effect:

160   (i) request age category information from the individual; and

161   (ii) verify the individual's age category using commercially available methods that

162   are reasonably designed to ensure accuracy, which for a minor shall include

163   affirmative age attestation by a parent together with other age information

164   collected as part of the creation or use of an account;

165   [(ii) verify the individual's age category using:]

166   [(A) commercially available methods that are reasonably designed to ensure

167   accuracy; or]

168   [(B) an age verification method or process that complies with rules made by the

169   division under Section 13-76-301;]

170   (b) if the age verification method or process described in Subsection (1)(a) determines

171   the individual is a minor:

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

173   (ii) obtain verifiable parental consent from the holder of the affiliated parent account

174   before allowing the minor to:

175   (A) download an app;

176   (B) purchase an app; or

177   (C) make an in-app purchase;

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

179   (i) notify the [user] account holder of the significant change; and

180   (ii) for a minor account:

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

182   (B) obtain renewed verifiable parental consent;

183   (d) provide to a developer, in response to a request authorized under Section 13-76-202:

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

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

186   (e) notify a developer when a parent revokes parental consent; [and]

187   (f) protect [personal age verification data] age category data and any associated

188   verification data by:

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

190   (A) verifying [a user's] an account holder's age;

191   (B) obtaining verifiable parental consent; or

192   (C) maintaining compliance records; and

193   (ii) transmitting [personal age verification] age category data using industry-standard

194   encryption protocols that ensure:

195   (A) data integrity; and

196   (B) data confidentiality[.] ;

197   (g) for a pre-installed application:

198   (i) provide available age category information in response to a request from a

199   developer; and

200   (ii) take reasonable measures to facilitate verifiable parental consent for use of the

201   app in response to a request from a developer; and

202   (h) comply with a developer's request made in accordance with Subsection 13-76-202(6)

203   to prevent minor accounts from downloading or purchasing the developer's app.

204   (2) [An] Beginning May 6, 2027, an app store provider may not:

205   (a) enforce a contract or terms of service against a minor unless the app store provider

206   has obtained verifiable parental consent;

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

208   (c) share [personal age verification] age category data or any associated verification data

209   except:

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

211   (ii) as required by law.

212   Section 3. Section **13-76-202** is amended to read:

213   **13-76-202 (Effective upon governor's approval). Developer requirements.**

214   (1) [A] Beginning May 6, 2027, a developer shall:

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

216   (i) the age category data of [users] account holders located in the state; and

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

218   (b) notify app store providers of a significant change to the app; and

219   [(c) use age category data received from an app store provider to:]

220   [(i) enforce any developer-created age-related restrictions;]

221   [(ii) ensure compliance with applicable laws and regulations; and]

222   [(iii) implement any developer-created safety-related features or defaults;]

223   [(d)] (c) request [personal]age [verification] category data or parental consent:

224   (i) at the time [a user] an account holder:

225   (A) downloads an app; [or]

226   (B) purchases an app; or

227   (C) launches a pre-installed application for the first time;

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

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

230   (2) [A] Beginning May 6, 2027, a developer may request [personal age verification] age

231   category data[or parental consent]:

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

233   (i) accuracy of [user age verification data] age category data associated with an

234   account holder; or

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

236   (b) when there is reasonable suspicion of:

237   (i) account transfer; or

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

239   (c) at the time [a user] an account holder creates a new account with the developer.

240   (3)(a) [When] Beginning May 6, 2027, when initially implementing any

241   developer-created safety-related features or defaults, a developer shall use the lowest

242   age category indicated by:

243   [(a)] (i) age verification data provided by an app store provider; or

244   [(b)] (ii) age data independently collected by the developer.

245   (b) Subsection (3)(a) does not prohibit a developer from allowing a parent to customize

246   age-related restrictions, safety-related features, or content settings for individual users

247   within a minor account after the initial defaults described in Subsection (3)(a) are set.

248   (4) [A] Beginning May 6, 2027, a developer may not:

249   (a) enforce a contract or terms of service against a minor unless the developer has

250   verified through [the app store provider] the app store's data sharing methods that

251   verifiable parental consent has been obtained;

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

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

254   (5) Beginning May 6, 2027, a developer may only use age category data received through

255   the app store's data sharing methods to:

256   (a) enforce any developer-created age-related restrictions;

257   (b) ensure compliance with applicable laws and regulations; or

258   (c) implement any developer-created safety-related features or defaults.

259   (6) Beginning May 6, 2027, a developer may request that an app store provider prevent

260   minor accounts from downloading or purchasing the developer's app.

261   Section 4. Section **13-76-401** is amended to read:

262   **13-76-401 [(Effective 12/31/26)] (Effective upon governor's approval).**

263   **Enforcement.**

264   [(1) A violation of Subsection 13-75-201(2)(b) or Subsection 13-75-202(4)(b) constitutes a

265   deceptive trade practice under Section 13-11a-3.]

266   [(2)] (1)(a) [Only] Beginning May 6, 2027, only a minor, or the parent of that minor, who

267   has been harmed by a violation of Subsection [13-75-201(2)] 13-76-201(2) may bring

268   a civil action against an app store provider.

269   (b) [Only] Beginning May 6, 2027, only a minor, or the parent of that minor, who has

270   been harmed by a violation of Subsection [13-75-202(4)] 13-76-202(4) may bring a

271   civil action against a developer.

272   [(3)] (2) In an action described in Subsection [(2)] (1), the court shall award a prevailing

273   parent:

274   (a) the greater of:

275   (i) actual damages; or

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

277   (b) reasonable attorney fees; and

278   (c) litigation costs.

279   Section 5. Section **13-76-402** is amended to read:

280   **13-76-402 (Effective upon governor's approval). Safe harbor.**

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

282   that the developer:

283   (a) relied in good faith on:

284   (i) [personal age verification] age category data [provided by an app store provider]

285   received through an app store's data sharing methods; and

286   (ii) notification from an app store provider that verifiable parental consent was

287   obtained if the [personal age verification data] age category data indicates that the [

288   user] account holder is a minor; and

289   (b) complied with the requirements described in Section 13-76-202.

290   [(2) For purposes of setting the age category of an app and providing content description

291   disclosures to an app store provider, a developer complies with Subsection

292   13-75-202(4)(b) if the developer:]

293   [(a) uses widely adopted industry standards to determine:]

294   [(i) the app's age category; and]

295   [(ii) the content description disclosures; and]

296   [(b) applies those standards consistently and in good faith.]

297   [(3)] (2) The safe harbor described in this section:

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

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

300   law.

301   [(4) ~~Nothing in this chapter shall displace any other available remedies or rights authorized~~

302   ~~under the laws of this state or the United States.~~]

303   Section 6. Section **13-76-404** is amended to read:

304   **13-76-404 (Effective upon governor's approval). Application and limitations.**

305   Nothing in this chapter shall be construed to:

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

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

308   (i) unlawful material;

309   (ii) obscene material; or

310   (iii) other harmful material;

311   (b) block or filter spam;

312   (c) prevent criminal activity; or

313   (d) protect app store or app security;

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

315   (a) age category data; or

316   (b) verification of parental consent status;

317   (3) allow an app store provider or developer to implement measures required by this

318   chapter in a manner that is:

319   (a) arbitrary;

320   (b) capricious;

321   (c) anticompetitive; or

322   (d) unlawful;

323   [(4) ~~require an app store provider or developer to obtain parental consent for an app that:~~]

324   [(a) ~~provides direct access to emergency services, including:~~]

325   [(i) ~~911;~~]

326   [(ii) ~~crisis hotlines; or~~]

327   [(iii) ~~emergency assistance services legally available to minors;~~]

328   [(b) ~~limits data collection to information necessary to provide emergency services in~~

329   ~~compliance with 15 U.S.C. Sec. 6501 et seq., Children's Online Privacy Protection~~

330   ~~Act;~~]

331   [(c) ~~provides access without requiring:~~]

332   [(i) ~~account creation; or~~]

333   [(ii) ~~collection of unnecessary personal information; and~~]

334   [(d) is operated by or in partnership with:]

335   [(i) a government entity;]

336   [(ii) a nonprofit organization; or]

337   [(iii) an authorized emergency service provider; or]

338   [(5)] (4) require a developer to collect, retain, reidentify, or link any information beyond

339   what is:

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

341   chapter; and

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

343   business[.] ;

344   (5) require an app store provider or developer to block access to an application that an

345   account holder has downloaded or installed onto a mobile device before the day on

346   which the obligations described in Sections 13-76-201 and 13-76-202 take effect, except

347   to the extent that:

348   (a) a parent account revokes verifiable parental consent for an affiliated minor account;

349   or

350   (b) a significant change to the application has occurred;

351   (6) require a developer or app store provider to create, adopt, or implement an app age

352   rating system or content classification framework; or

353   (7) displace any other available remedies or rights authorized under the laws of this state or

354   the United States.

355   Section 7. **Repealer.**

356   This bill repeals:

357   Section **13-76-301, Division rulemaking.**

358   Section 8. **Effective Date.**

359   This bill takes effect:

360   (1) except as provided in Subsection (2), May 6, 2026; or

361   (2) if approved by two-thirds of all members elected to each house:

362   (a) upon approval by the governor;

363   (b) without the governor's signature, the day following the constitutional time limit of

364   Utah Constitution, Article VII, Section 8; or

365   (c) in the case of a veto, the date of veto override.