

HB0498 compared with HB0498S01

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **13-76-101** (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 446

21 **13-76-201** (Effective 05/06/26), as enacted by **Laws of Utah 2025, Chapter 446**

22 **13-76-202** (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 446

20 ~~{13-76-301, as enacted by Laws of Utah 2025, Chapter 446}~~

23 **13-76-401** [~~(Effective 12/31/26)~~] (Effective 05/06/26), as enacted by **Laws of Utah 2025, Chapter 446**

25 **13-76-402** (Effective 05/06/26), as enacted by **Laws of Utah 2025, Chapter 446**

26 **13-76-404** (Effective 05/06/26), as enacted by **Laws of Utah 2025, Chapter 446**

27 REPEALS:

28 **13-76-301** (Effective 05/06/26), as enacted by **Laws of Utah 2025, Chapter 446**

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

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

32 **13-76-101. (Effective 05/06/26)Definitions.**

As used in this chapter:

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

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

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

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

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

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

33 ~~(2)~~ (3) "Age category data" means information about a user's age category that is:

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

35 (b) shared with a developer.

36 ~~(3)~~ (4) "Age rating" means a classification that provides an assessment of the suitability of an app's content for different age groups.

38 ~~(4)~~ (5) "App" means a software application or electronic service that a user may run or direct on a mobile device.

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- 43 ~~[(5)]~~ (6) "App store" means a publicly available website, software application, or electronic service that allows users to download apps from third-party developers onto a mobile device.
- 45 ~~[(6)]~~ (7) "App store provider" means a person that owns, operates, or controls an app store that allows users in the state to download apps onto a mobile device.
- 47 ~~[(7)]~~ (8) "Content description" means a description of the specific content elements that informed an app's age rating.
- 49 ~~[(8)]~~ (9) "Developer" means a person that owns or controls an app made available through an app store in the state.
- 50 ~~[(9)]~~ "Division" means the Division of Consumer Protection, established in Section 13-2-1.
- 52 ~~(10)~~ { "Family account application" } "In-app purchase" means a charge associated with any user conduct within an { application that: } app and billed by an app store for the acquisition of virtual currency, digital goods, digital services, or other apps.
- 54 ~~[(10)]~~ (11) { offers subaccounts or profiles within the application; }
- 56 ~~{ (b) }~~ { requires a paid subscription or account creation with payment method verification as the application's primary business model; }
- 58 ~~{ (c) }~~ { does not permit account creation by individuals under 18 years old; and }
- 60 ~~{ (d) }~~ { verifies that the primary account holder is an adult using: }
- 62 ~~{ (i) }~~ { commercially available methods that are reasonably designed to ensure accuracy; or }
- 64 ~~{ (ii) }~~ { an age verification method or process that complies with rules made by the division under Section 13-76-301. }
- 66 ~~[(10)]~~ (11) "Knowingly" means to act with actual knowledge or to act with knowledge fairly inferred based on objective circumstances.
- 68 ~~[(11)]~~ (12) ~~["Minor" means an individual under 18 years old.]~~ "Minor" means an individual under 18 years old that:
- 70 (a) has not been emancipated as that term is defined in Section 80-7-102; or
- 72 (b) has not been married.
- 74 ~~[(12)]~~ (13) "Minor account" means an account with an app store provider that:
- 76 (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
- 78 (b) requires affiliation with a parent account.
- 80 ~~[(13)]~~ (14) "Mobile device" means a phone or general purpose tablet that:

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- 68 (a) provides cellular or wireless connectivity;
- 69 (b) is capable of connecting to the ~~{F}~~ Internet internet;
- 70 (c) runs a mobile operating system; and
- 71 (d) is capable of running apps through the mobile operating system.
- 72 ~~[(14)]~~ (15) "Mobile operating system" means software that:
- 73 (a) manages mobile device hardware resources;
- 74 (b) provides common services for mobile device programs;
- 75 (c) controls memory allocation; and
- 76 (d) provides interfaces for applications to access device functionality.
- 77 ~~[(15)]~~ (16) "Parent" means, with respect to a minor, ~~any of the following individuals who have legal authority to make decisions on behalf of the minor~~ an individual who is reasonably believed to be:
- 79 (a) an individual with a parent-child relationship under Section 78B-15-201;
- 80 (b) a legal guardian; ~~or~~
- 81 (c) an individual with legal custody ~~or~~ ; or
- 88 (d) any other individual who has legal authority to make decisions on behalf of a minor.
- 82 ~~[(16)]~~ (17) "Parent account" means an account with an app store provider that:
- 83 (a) is verified to be established by an individual who the app store provider has determined is ~~at least 18 years old~~ not a minor through the app store provider's age verification methods; and
- 86 (b) may be affiliated with one or more minor accounts.
- 87 ~~[(17)]~~ (18) "Parental consent disclosure" means the following information that an app store provider is required to provide to a parent before obtaining verifiable parental consent:
- 89 (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;
- 91 (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;
- 93 (c) a description of:
- 94 (i) the personal data collected by the app from a user; and
- 95 (ii) the personal data shared by the app with a third party; and
- 96 (d) if personal data is collected by the app, the methods implemented by the developer to protect the personal data.
- 98 (19)

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(a) ~~["Primary account holder"]~~ "Pre-installed application" means ~~{the individual who created}~~ an app,
or ~~{controls}~~ portion of an app, that is present on a mobile device at the {account for purposes of
billing and account management for a family account application.} time of:

100 ~~{(18)} (20)}~~ purchase;

108 (ii) initial activation; or

109 (iii) first use by a consumer.

110 (b) "Pre-installed application" includes:

111 (i) an app, or portion of an app, installed or partially installed by:

112 (A) the device manufacturer;

113 (B) a wireless service provider;

114 (C) a retailer; or

115 (D) any other party before purchase, initial activation, or first use by the consumer; and

117 (ii) browsers, search engines, and messaging applications.

118 (c) "Pre-installed application" does not include:

119 (i) core operating system functions;

120 (ii) essential device drivers;

121 (iii) applications necessary for basic device operation, including:

122 (A) phone applications;

123 (B) settings applications; or

124 (C) emergency services applications; or

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

126 ~~[(18)] (20)~~ "Significant change" means a material modification to an app's terms of service or privacy
policy that:

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

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

130 (c) introduces in-app purchases where no in-app purchases were previously present in the app; or

132 (d) introduces advertisements where no advertisements were previously present in the app.

104 [(e) adds new monetization features, including:]

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

106 [(ii) advertisements; or]

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

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108 ~~[(i) functionality; or]~~

109 ~~[(ii) user experience.]~~

110 [(19)] (21) "Verifiable parental consent" means authorization that:

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

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

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

115 (i) grant consent; or

116 (ii) decline consent.

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

148 **13-76-201. App store provider requirements.**

149 (1) ~~[A]~~ Beginning May 6, 2027, an app store provider shall:

150 (a) at the time an individual who is located in the state creates an account with the app store provider, or for an existing account, within 12 months after the day on which the obligations described in this section take effect:

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

154 (ii) verify the individual's age category using commercially available methods that are reasonably designed to ensure accuracy, which for a minor shall include affirmative age attestation by a parent together with other age information collected as part of the creation or use of an account;

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

159 ~~[(A) commercially available methods that are reasonably designed to ensure accuracy; or]~~

161 ~~[(B) an age verification method or process that complies with rules made by the division under Section 13-76-301;]~~

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

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

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

168 (A) download an app;

169 (B) purchase an app; or

170 (C) make an in-app purchase;

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- 171 (c) after receiving notice of a significant change from a developer:
- 172 (i) notify the ~~[user]~~ account holder of the significant change; and
- 173 (ii) for a minor account:
- 174 (A) notify the holder of the affiliated parent account; and
- 175 (B) obtain renewed verifiable parental consent;
- 176 (d) provide to a developer, in response to a request authorized under Section 13-76-202:
- 177 (i) age category data for a user located in the state; and
- 178 (ii) the status of verified parental consent for a minor located in the state;
- 179 (e) notify a developer when a parent revokes parental consent; ~~[and]~~
- 180 (f) protect ~~[personal age verification data]~~ age category data and any associated verification data by:
- 182 (i) limiting collection and processing to data necessary for:
- 183 (A) verifying ~~[a user's]~~ an account holder's age;
- 184 (B) obtaining verifiable parental consent; or
- 185 (C) maintaining compliance records; and
- 186 (ii) transmitting ~~[personal age verification]~~ age category data using industry-standard encryption protocols that ensure:
- 188 (A) data integrity; and
- 189 (B) data confidentiality~~[-]~~ ;
- 190 (g) for a pre-installed application:
- 191 (i) provide available age category information in response to a request from a developer; and
- 193 (ii) take reasonable measures to facilitate verifiable parental consent for use of the app in response to a request from a developer; and
- 195 (h) comply with a developer's request made in accordance with Subsection 13-76-202(5) to prevent minor accounts from downloading or purchasing the developer's app.
- 197 (2) ~~[An]~~ Beginning May 6, 2027, an app store provider may not:
- 198 (a) enforce a contract or terms of service against a minor unless the app store provider has obtained verifiable parental consent;
- 200 (b) knowingly misrepresent the information in the parental consent disclosure; or
- 201 (c) share ~~[personal age verification]~~ age category data or any associated verification data except:
- 203 (i) between an app store provider and a developer as required by this chapter; or
- 204 (ii) as required by law.

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

206 **13-76-202. (Effective 05/06/26)Developer requirements.**

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

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

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

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

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

124 ~~{(e)}~~ and

212 ~~[(e) use age category data received from an app store provider to:]~~

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

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

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

216 ~~[(d)]~~ (c) ~~{-and~~

128 ~~{(d)}~~ request [personal] age [verification] category data or parental consent:

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

130 (A) downloads an app; ~~[or]~~

131 (B) purchases an app;

132 ~~{(ii)}~~ or

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

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

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

134 (2) [A] Beginning May 6, 2027, a developer may request [personal age verification] age category data [
or parental consent]:

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

136 (i) accuracy of [user age verification data] age category data associated with an account holder; or

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

138 (b) when there is reasonable suspicion of:

139 (i) account transfer; or

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

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

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(a) ~~[When]~~ Beginning May 6, 2027, when initially implementing any developer-created safety-related features or defaults, a developer shall use the lowest age category indicated by:

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

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

238 (b) Subsection (3)(a) does not prohibit a developer from allowing a parent to customize age-related restrictions, safety-related features, or content settings for individual users within a minor account after the initial defaults described in Subsection (3)(a) are set.

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

147 (a) enforce a contract or terms of service against a minor unless the developer has verified through ~~[the app store provider]~~ the app store's data sharing methods that verifiable parental consent has been obtained;

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

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

152 (5)

~~{(a)} {Notwithstanding Subsections (1)(a)(ii), (1)(c), and (3)} Beginning May 6, 2027, a developer {of a family account application} may~~only use age category data received through the app store's data sharing methods to:

154 (i)~~{(a)} {use the age range of the primary account holder as the age category for purposes of applying} enforce any developer-created~~ age-related ~~{safety defaults and access to features within the application; and} restrictions;~~

157 (ii)~~{(b)} {permit the primary account holder to attest to the age categories of associated subaccounts.} ensure compliance with applicable laws and regulations; or~~

159 (b)~~{(c)} {A developer of a family account application remains subject to all other requirements of this section} implement any developer-created safety-related features or defaults.~~

252 (6) Beginning May 6, 2027, a developer may request that an app store provider prevent minor accounts from downloading or purchasing the developer's app.

161 ~~{Section 3. Section 13-76-301 is amended to read: }~~

162 **13-76-301. Division rulemaking.**

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

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13-76-201(1)(a)(ii).

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

255 **13-76-401. Enforcement.**

256 ~~[(1) A violation of Subsection 13-75-201(2)(b) or Subsection 13-75-202(4)(b) constitutes a deceptive~~
~~trade practice under Section 13-11a-3.]~~

258 ~~[(2)] (1)~~

(a) ~~[Only]~~ Beginning May 6, 2027, only a minor, or the parent of that minor, who has been harmed by a violation of Subsection ~~[13-75-201(2)]~~ 13-76-201(2) may bring a civil action against an app store provider.

261 (b) ~~[Only]~~ Beginning May 6, 2027, only a minor, or the parent of that minor, who has been harmed by a violation of Subsection ~~[13-75-202(4)]~~ 13-76-202(4) may bring a civil action against a developer.

264 ~~[(3)] (2)~~ In an action described in Subsection ~~[(2)] (1)~~, the court shall award a prevailing parent:

266 (a) the greater of:

267 (i) actual damages; or

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

269 (b) reasonable attorney fees; and

270 (c) litigation costs.

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

272 **13-76-402. Safe harbor.**

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

275 (a) relied in good faith on:

276 (i) ~~[personal age verification]~~ age category data ~~[provided by an app store provider]~~ received through an app store's data sharing methods; and

278 (ii) notification from an app store provider that verifiable parental consent was obtained if the ~~[personal age verification data]~~ age category data indicates that the ~~[user]~~ account holder is a minor; and

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

282 ~~[(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:]~~

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

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

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287 [~~(ii) the content description disclosures; and]~~
288 [~~(b) applies those standards consistently and in good faith.]~~
289 [~~(3)~~] (2) The safe harbor described in this section:
290 (a) applies only to actions brought under this chapter; and
291 (b) does not limit a developer or app store provider's liability under any other applicable law.
293 [~~(4) Nothing in this chapter shall displace any other available remedies or rights authorized under the~~
laws of this state or the United States.]

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

296 **13-76-404. Application and limitations.**

Nothing in this chapter shall be construed to:

298 (1) prevent an app store provider or developer from taking reasonable measures to:
299 (a) block, detect, or prevent distribution to minors of:
300 (i) unlawful material;
301 (ii) obscene material; or
302 (iii) other harmful material;
303 (b) block or filter spam;
304 (c) prevent criminal activity; or
305 (d) protect app store or app security;
306 (2) require an app store provider to disclose user information to a developer beyond:
307 (a) age category data; or
308 (b) verification of parental consent status;
309 (3) allow an app store provider or developer to implement measures required by this chapter in a
manner that is:
311 (a) arbitrary;
312 (b) capricious;
313 (c) anticompetitive; or
314 (d) unlawful;
315 [~~(4) require an app store provider or developer to obtain parental consent for an app that:]~~
316 [~~(a) provides direct access to emergency services, including:]~~
317 [(i) 911;]
318 [(ii) crisis hotlines; or]

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- 319 ~~[(iii) emergency assistance services legally available to minors;]~~
320 ~~[(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;]~~
323 ~~[(e) provides access without requiring;]~~
324 ~~[(i) account creation; or]~~
325 ~~[(ii) collection of unnecessary personal information; and]~~
326 ~~[(d) is operated by or in partnership with:]~~
327 ~~[(i) a government entity;]~~
328 ~~[(ii) a nonprofit organization; or]~~
329 ~~[(iii) an authorized emergency service provider; or]~~
330 ~~[(5)] (4) require a developer to collect, retain, reidentify, or link any information beyond what is:~~
332 ~~(a) necessary to verify age categories and parental consent status as required by this chapter; and~~
334 ~~(b) collected, retained, reidentified, or linked in the developer's ordinary course of business[-] ;~~
336 ~~(5) require an app store provider or developer to block access to an application that an account holder~~
~~has downloaded or installed onto a mobile device before the day on which the obligations described~~
~~in Sections 13-76-201 and 13-76-202 take effect, except to the extent that:~~
340 ~~(a) a parent account revokes verifiable parental consent for an affiliated minor account; or~~
342 ~~(b) a significant change to the application has occurred;~~
343 ~~(6) require a developer or app store provider to create, adopt, or implement an app age rating system or~~
~~content classification framework; or~~
345 ~~(7) displace any other available remedies or rights authorized under the laws of this state or the United~~
~~States.~~

347 Section 7. **Repealer.**

This Bill Repeals:

348 This bill repeals:

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

350 Section 8. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-17-26 10:13 AM