

James A. Dunnigan proposes the following substitute bill:

Utah App Store Accountability Act Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends the App Store Accountability Act.

Highlighted Provisions:

This bill:

- defines terms;
- adds requirements for pre-installed applications;
- modifies app store provider and developer requirements;
- modifies provisions relating to age-related restrictions and defaults;
- modifies enforcement and safe harbor provisions; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 13-76-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446
- 13-76-201 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446
- 13-76-202 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446
- 13-76-401 [~~Effective 12/31/26~~] (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446
- 13-76-402 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446
- 13-76-404 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 446

REPEALS:

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

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

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

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

As used in this chapter:

- (1) "Account holder" means an individual who is associated with a mobile device.
- (2) "Age category" means one of the following categories of individuals based on age:
- (a) "child" which means an individual who is under 13 years old;
 - (b) "younger teenager" which means an individual who is at least 13 years old and under 16 years old;
 - (c) "older teenager" which means an individual who is at least 16 years old and under 18 years old; or
 - (d) "adult" which means an individual who is at least 18 years old.
- [(2)] (3) "Age category data" means information about a user's age category that is:
- (a) collected by an app store provider; and
 - (b) shared with a developer.
- [(3)] (4) "Age rating" means a classification that provides an assessment of the suitability of an app's content for different age groups.
- [(4)] (5) "App" means a software application or electronic service that a user may run or direct on a mobile device.
- [(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.
- [(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.
- [(7)] (8) "Content description" means a description of the specific content elements that informed an app's age rating.
- [(8)] (9) "Developer" means a person that owns or controls an app made available through an app store in the state.
- [(9)] "~~Division~~" means ~~the Division of Consumer Protection, established in Section 13-2-1.~~
- (10) "In-app purchase" means a charge associated with any user conduct within an app and billed by an app store for the acquisition of virtual currency, digital goods, digital services, or other apps.
- [(10)] (11) "Knowingly" means to act with actual knowledge or to act with knowledge fairly

63 inferred based on objective circumstances.

64 ~~[(11)]~~ (12) ~~["Minor" means an individual under 18 years old.]~~ "Minor" means an individual
 65 under 18 years old that:

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

67 (b) has not been married.

68 ~~[(12)]~~ (13) "Minor account" means an account with an app store provider that:

69 (a) is established by an individual who the app store provider has determined is under 18
 70 years old through the app store provider's age verification methods; and

71 (b) requires affiliation with a parent account.

72 ~~[(13)]~~ (14) "Mobile device" means a phone or general purpose tablet that:

73 (a) provides cellular or wireless connectivity;

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

75 (c) runs a mobile operating system; and

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

77 ~~[(14)]~~ (15) "Mobile operating system" means software that:

78 (a) manages mobile device hardware resources;

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

80 (c) controls memory allocation; and

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

82 ~~[(15)]~~ (16) "Parent" means, with respect to a minor, ~~[any of the following individuals who~~
 83 ~~have legal authority to make decisions on behalf of the minor]~~ an individual who is
 84 reasonably believed to be:

85 (a) an individual with a parent-child relationship under Section 78B-15-201;

86 (b) a legal guardian; ~~[or]~~

87 (c) an individual with legal custody~~[-]~~ ; or

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

89 ~~[(16)]~~ (17) "Parent account" means an account with an app store provider that:

90 (a) is verified to be established by an individual who the app store provider has
 91 determined is ~~[at least 18 years old]~~ not a minor through the app store provider's age
 92 verification methods; and

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

94 ~~[(17)]~~ (18) "Parental consent disclosure" means the following information that an app store
 95 provider is required to provide to a parent before obtaining verifiable parental consent:

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

- 97 ~~or in-app purchase's~~ age rating;
- 98 (b) if the app store provider has a content description for the app~~[-or in-app purchase],~~
- 99 the app's~~[-or in-app purchase's]~~ content description;
- 100 (c) a description of:
- 101 (i) the personal data collected by the app from a user; and
- 102 (ii) the personal data shared by the app with a third party; and
- 103 (d) if personal data is collected by the app, the methods implemented by the developer to
- 104 protect the personal data.

105 (19)(a) "Pre-installed application" means an app, or portion of an app, that is present on

106 a mobile device at the time of:

107 (i) 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

116 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

127 or privacy policy that:

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

129 (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

131 the app; or
 132 (d) introduces advertisements where no advertisements were previously present in the
 133 app.

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

135 ~~[(i) in-app purchases; or]~~

136 ~~[(ii) advertisements; or]~~

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

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

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

140 ~~[(19)]~~ (21) "Verifiable parental consent" means authorization that:

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

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

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

145 (i) grant consent; or

146 (ii) decline consent.

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

148 **13-76-201 (Effective 05/06/26). App store provider requirements.**

149 (1) ~~[An]~~ 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
 151 store provider, or for an existing account, within 12 months after the day on which
 152 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
 155 are reasonably designed to ensure accuracy, which for a minor shall include
 156 affirmative age attestation by a parent together with other age information
 157 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~~
 160 ~~accuracy; or]~~

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

163 (b) if the age verification method or process described in Subsection (1)(a) determines
 164 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
- 167 before allowing the minor to:
- 168 (A) download an app;
- 169 (B) purchase an app; or
- 170 (C) make an in-app purchase;
- 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
- 181 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
- 187 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
- 192 developer; and
- 193 (ii) take reasonable measures to facilitate verifiable parental consent for use of the
- 194 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)
- 196 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

- 199 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
- 202 except:
- 203 (i) between an app store provider and a developer as required by this chapter; or
- 204 (ii) as required by law.

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

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

- 207 (1) [A] Beginning May 6, 2027, a developer shall:
- 208 (a) verify through the app store's data sharing methods:
- 209 (i) the age category data of [users] account holders located in the state; and
- 210 (ii) for a minor account, whether verifiable parental consent has been obtained;
- 211 (b) notify app store providers of a significant change to the app; and
- 212 [~~(e) use age category data received from an app store provider to:~~]
- 213 [~~(i) enforce any developer-created age-related restrictions;~~]
- 214 [~~(ii) ensure compliance with applicable laws and regulations; and~~]
- 215 [~~(iii) implement any developer-created safety-related features or defaults;~~]
- 216 [~~(d)~~] (c) request [~~personal~~] age [verification] category data or parental consent:
- 217 (i) at the time [~~a user~~] an account holder:
- 218 (A) downloads an app; [~~or~~]
- 219 (B) purchases an app; or
- 220 (C) launches a pre-installed application for the first time;
- 221 (ii) when implementing a significant change to the app; or
- 222 (iii) to comply with applicable laws or regulations.
- 223 (2) [A] Beginning May 6, 2027, a developer may request [~~personal age verification~~] age
- 224 category data [~~or parental consent~~]:
- 225 (a) no more than once during each 12-month period to verify:
- 226 (i) accuracy of [~~user age verification data~~] age category data associated with an
- 227 account holder; or
- 228 (ii) continued account use within the verified age category;
- 229 (b) when there is reasonable suspicion of:
- 230 (i) account transfer; or
- 231 (ii) misuse outside the verified age category; or
- 232 (c) at the time [~~a user~~] an account holder creates a new account with the developer.

- 233 (3)(a) ~~[When]~~ Beginning May 6, 2027, when initially implementing any
 234 developer-created safety-related features or defaults, a developer shall use the lowest
 235 age category indicated by:
- 236 ~~[(a)]~~ (i) age verification data provided by an app store provider; or
 237 ~~[(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
 239 age-related restrictions, safety-related features, or content settings for individual users
 240 within a minor account after the initial defaults described in Subsection (3)(a) are set.
- 241 (4) ~~[A]~~ Beginning May 6, 2027, a developer may not:
- 242 (a) enforce a contract or terms of service against a minor unless the developer has
 243 verified through ~~[the app store provider]~~ the app store's data sharing methods that
 244 verifiable parental consent has been obtained;
- 245 (b) knowingly misrepresent any information in the parental consent disclosure; or
 246 (c) share age category data with any person.
- 247 (5) Beginning May 6, 2027, a developer may only use age category data received through
 248 the app store's data sharing methods to:
- 249 (a) enforce any developer-created age-related restrictions;
 250 (b) ensure compliance with applicable laws and regulations; or
 251 (c) 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
 253 minor accounts from downloading or purchasing the developer's app.
- 254 Section 4. Section **13-76-401** is amended to read:
- 255 **13-76-401 ~~[(Effective 12/31/26)] (Effective 05/06/26). Enforcement.~~**
- 256 ~~[(1) A violation of Subsection 13-75-201(2)(b) or Subsection 13-75-202(4)(b) constitutes a~~
 257 ~~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
 259 has been harmed by a violation of Subsection ~~[13-75-201(2)] 13-76-201(2)~~ may bring
 260 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
 262 been harmed by a violation of Subsection ~~[13-75-202(4)] 13-76-202(4)~~ may bring a
 263 civil action against a developer.
- 264 ~~[(3)]~~ (2) In an action described in Subsection ~~[(2)] (1)~~, the court shall award a prevailing
 265 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 (Effective 05/06/26). Safe harbor.**

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

275 (a) relied in good faith on:

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

278 (ii) notification from an app store provider that verifiable parental consent was
 279 obtained if the ~~[personal age verification data]~~ age category data indicates that the [
 280 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~~
 283 ~~disclosures to an app store provider, a developer complies with Subsection~~
 284 ~~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]~~

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
 292 law.

293 ~~[(4) Nothing in this chapter shall displace any other available remedies or rights authorized~~
 294 ~~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 (Effective 05/06/26). Application and limitations.**

297 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
 310 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]
 319 [(iii) emergency assistance services legally available to minors;]
 320 [~~(b) limits data collection to information necessary to provide emergency services in
 321 compliance with 15 U.S.C. Sec. 6501 et seq., Children's Online Privacy Protection
 322 Act;~~
 323 [~~(c) 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
 331 what is:
 332 (a) necessary to verify age categories and parental consent status as required by this
 333 chapter; and
 334 (b) collected, retained, reidentified, or linked in the developer's ordinary course of

- 335 business[-] ;
- 336 (5) require an app store provider or developer to block access to an application that an
- 337 account holder has downloaded or installed onto a mobile device before the day on
- 338 which the obligations described in Sections 13-76-201 and 13-76-202 take effect, except
- 339 to the extent that:
- 340 (a) a parent account revokes verifiable parental consent for an affiliated minor account;
- 341 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
- 344 rating system or content classification framework; or
- 345 (7) displace any other available remedies or rights authorized under the laws of this state or
- 346 the United States.

347 Section 7. **Repealer.**

348 This bill repeals:

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

350 Section 8. **Effective Date.**

351 This bill takes effect on May 6, 2026.