

App Store Accountability Act

SECTION 1. TITLE.

This bill shall be known as the “App Store Accountability Act”

SECTION 2. LEGISLATIVE FINDINGS.

The Legislature of the State of _____ finds that:

- (1) Minors are not legally empowered in this state to enter into contracts or binding agreements without their parents or guardian’s consent.
- (2) Many internet apps allow in-app purchases by minors without confirming that an adult has consented to such a purchase.
- (3) Many apps contain content the dissemination of which is illegal for minors under sections _____, code of _____, such as “obscene” or sexually explicit material that is “harmful to minors” as those terms are defined at section _____ code of _____.
- (4) Many apps contain content that have addictive features and age-inappropriate material such as violence or adult themes.
- (5) As many as 95% of American teenagers own a smartphone and thus have access to apps through an app store.
- (6) Certain app stores offer some means for parents to oversee their minors’ use of apps but these efforts are generally inadequate.
- (7) Certain app stores offer some form of age rating for apps but those ratings have proven to be inaccurate, vague, deceptive, or otherwise unhelpful to parents.
- (8) Some developers claim to limit or prohibit use of their app by minors but their policies are frequently not enforced or enforced inadequately to prevent children from accessing the apps.
- (9) There are online services that offer the capability to verify the age of a user of an app.
- (10) App stores can verify the age of their users if they choose to do so.
- (11) App store providers that also own the mobile operating system also publicly claim that they offer parental controls to limit the use of certain apps and filter sexually explicit material and fail to do so after the parent has employed those services.
- (12) Requiring age verification by app store providers will empower parental oversight of minors’ use of apps while not limiting access to the apps by adults.
- (13) The technology industry has argued that industry initiated voluntary filtering and/or age verification is protecting children from apps that harm them but this has been proven to be incorrect and inadequate.
- (14) This legislation seeks to ensure adults retain unimpeded access to content while providing protections for minors, with the understanding that parental involvement remains essential for safeguarding children online.

(15) This legislation does not favor or benefit the products sold in this state or disfavor products produced in other states and available in this state, nor does it purport to regulate interstate commerce or commerce in other states or impose regulations governing conduct outside this state.

(16) This legislation explicitly regulates only conduct occurring within this state.

SECTION 3. DEFINITIONS.

(1) The term “age category” encompasses the category of an individual based on their age, including—

(a) a “legal adult” is such an individual who is at least twenty-one years of age;

(b) an “adult” is such an individual who is at least eighteen years of age and under the age of twenty-one;

(c) an “older teenager” is such an individual who is at least seventeen years of age and under eighteen years of age;

(d) a “teenager” is such an individual who is at least thirteen years of age and is under seventeen years of age; and

(e) a “child” is such an individual who is under the age of thirteen.

(2) The term “agency” means [ENTER RELEVANT CONSUMER PROTECTION STATE AGENCY]

(3) The term “app” means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, a tablet, or any other general purpose computing device.

(4) The term “app store” means a publicly available website, software application, or other electronic service that distributes apps from third-party developers to users of a computer, a mobile device, a tablet, or any other general purpose computing device.

(5) The term “developer” means any person that owns or controls an app made available through an app store available in the state.

(6) The term “know” means to have actual knowledge or knowledge fairly inferred based on objective circumstances.

(7) The term “minor” means an individual who is under eighteen years of age.

(8) The term “mobile device” means a tablet and smartphone running mobile operating systems.

(9) The term “mobile operating system” means a set of software that manages mobile device hardware resources and provides common services for mobile device programs.

(10) The term “parent” with respect to a particular minor means an adult with the legal right to make decisions on behalf of that minor, including—

(a) a natural parent;

(b) an adoptive parent;

(c) a legal guardian; and

(d) an individual with legal custody over the minor.

(11) The term “personal information” is defined in Section _____ of the code of _____ . [or by federal law]

(12) The term “signal” means age bracketed data sent by a real-time secure application programming interface or operating system that is likely to be accessed by minors.

(13) The term “verifiable parental consent” means authorization that:

(a) comes from a parent who a covered app store provider has verified is an adult;

(b) is given after a covered app store provider has disclosed information to the parent identifying what is specifically being consented to, including the minimum age, content descriptors, and age rating for the app or in-app purchase at issue; and

(c) is given as a result of the parent being given a clear choice to consent or decline to consent to the request.

SECTION 4. APP STORE REQUIREMENTS.

(1) Age Verification—Commencing January 1, 2026, using commercially available methods, app store providers shall determine the age category for every individual located in the state that purchases or uses apps from their app store and verify that user’s age.

(2) Parental Oversight of App Store Usage—

(a) App store providers shall obtain verifiable parental consent before allowing a minor located in the state to download, purchase, or use apps from its app store.

(b) Such consent shall be obtained on a download-by-download or purchase-by-purchase basis by default.

(c) App store providers shall provide a commercially available mechanism for parents to block the download of any apps sold or downloaded by the app store in this state unsuitable for a particular minor’s age category.

(3) Parental Oversight of App Downloads—

(a) App store providers shall obtain verifiable parental consent before allowing a minor located in the state to download any app from its app store.

(b) Such consent shall be obtained on a download-by-download basis by default.

(c) App store providers shall provide a commercially available mechanism for parents residing in the state to allow downloads of any app suitable for a particular minor’s age category.

(4) Parental Oversight of App Purchases—

(a) App store providers shall obtain verifiable parental consent before allowing a minor located in the state to purchase any app through its app store.

(b) Such consent shall be obtained on a purchase-by-purchase basis by default.

(5) Parental Oversight of In-App Purchases—

(a) App store providers shall obtain verifiable parental consent before allowing a minor located in the state to make any in-app purchases through its app store.

(b) Such consent shall be obtained on a purchase-by-purchase basis by default.

(6) Parental Oversight of App Usage—App store providers that operate in the State, own or control a mobile device’s mobile operating system, and currently offer and advertise parental controls must provide clear and easy-to-find mechanisms to parents in order for parents to access those parental controls, especially those parental controls the app store provider advertises as:

(a) providing filters for the mobile device that prevent a minor from accessing sexually explicit websites on the device’s mobile web browser; and

(b) allowing parents to control usage limits categories of the mobile device each day, during school hours, and in the evening.

(7) App Age Rating Display—

(a) To the extent that app store providers display age ratings consistent with the age categories and content descriptors, both the age rating and content description must be clearly, accurately, and prominently displayed.

(8) Age Category Signal to Developers—Consistent with their current data collection practices, app store provider shall provide developers the ability to determine the age category of any user located in the state and whether the app store has obtained verifiable parental consent under subsections (3), (4), or (5) above, through a real-time application programming interface whenever a minor located in the state uses that developer’s app.

(9) Rule of Construction—Nothing in this section shall be construed:

(a) to prevent a covered app store provider from taking reasonable measures to block, detect, or prevent the distribution of unlawful, obscene, or other harmful material to minors, to block or filter spam, to prevent criminal activity, or to protect the security of an app store or app;

(b) to require a covered app store provider to disclose any information about a user to a developer other than his or her age category and whether the covered app store provider has obtained verifiable parental consent under subsections (3), (4), or (5); or

(c) to allow a covered app store provider to use any measures required by this section in a way that is arbitrary, capricious, anticompetitive, or unlawful.

SECTION 5. DEVELOPER OBLIGATIONS.

(1) App Age Rating—To the extent the developer displays age ratings consistent with the age categories and content descriptions, both the age rating and content description must be clearly, accurately, and prominently displayed. Developers must notify parents and app store providers and obtain additional verifiable parental consent if their app ratings or the nature of their services change. Developers cannot knowingly or be wantonly negligent in displaying their apps age rating or content descriptions on app store provider’s app store.

(2) Parental Oversight of App Usage—Developer shall use the application programming interface of a covered app store provider, when available, to verify the age category of its users located in

the state and, in the case of a minor, whether verifiable parental consent has been obtained before allowing the use of the app or in-app purchases.

(3) Time Restrictions—Developers shall provide readily available features for a parent located in this state to implement time restrictions, including the ability to view metrics reflecting the amount of time that a minor is using a given app and set daily time limits on minor’s use of such app.

(4) Use of App Store Provider Signal—A developer must use a covered app store provider’s signal to determine the age category of a user.

SECTION 6. COMPLIANCE.

(1) Guidance—Not later than 6 months after the date of the enactment of this Act, the Agency shall issue guidance to assist covered app store providers and developers in complying with the requirements of this Act.

(2) Compliance Timeline—Every covered app store provider and developer shall comply with the provisions of this Act within 1 year of when the Agency adopts its guidance.

SECTION 7. SAFE HARBOR

A developer who relies on an app store provider’s age signal and notice of verifiable parental consent has an affirmative defense that developer complied with the relevant obligations within Section 5 of the Act.

SECTION 8. APP RATINGS TRANSPARENCY REPORT.

(1) App Age Rating Advisory Committee—No later than 60 days after the enactment of this Act, the Agency shall establish an advisory committee to issue a report to the Agency on how to increase transparency and consistency with respect to the age rating of apps offered on the app store of any covered app store provider. The advisory committee must be made up of parents, public interest groups focused on child welfare, content creators, and developers. The Agency will make the report publicly available.

SECTION 9. ENFORCEMENT BY ATTORNEY GENERAL.

(1) The Attorney General is empowered to enforce the provisions of this Act.

(2) Each violation of the provisions of this law may result in a fine of up to \$2,500.00.

(3) The Attorney General is empowered to bring civil actions to obtain compliance with this Act.

(4) If a court finds a violation of this chapter, the court may:

(a) declare that an act or practice violates this chapter;

(b) enjoin the person from violating this chapter;

(c) order disgorgement of any money received in violation of this chapter;

(d) impose a civil penalty of up to \$10,000 for each violation;

(e) award damages or other appropriate relief to an injured minor or parent; or

(f) award reasonable attorney fees, investigative fees, and court costs to the agency.

(5) If a court finds that a violation of this Act was knowingly, repeatedly or flagrantly violated, then the fines and damages may be doubled.

SECTION 10. ENFORCEMENT BY PARENTS.

(1) Parents whose child has been victimized by a violation of this Act by a covered app store provider or developer may bring a civil action against an entity for any violation of Sections 4 and 5 of the Act.

(2) RELIEF—

(a) IN GENERAL—In a civil action brought under paragraph (1) in which the plaintiff prevails, the court may award the plaintiff—

- i. an amount equal to the sum of any actual damages;
- ii. injunctive relief, including an order that the entity retrieve any covered data transferred in violation of this Act;
- iii. declaratory relief; and
- iv. reasonable attorney's fees and litigation costs.

SECTION 11. SAVINGS PROVISION.

If any provision of this Act is held invalid, the invalidity shall not affect the other provisions or applications of this Act.