

SB172 INTRODUCED



1 SB172
2 NRCBV8J-1
3 By Senator Waggoner
4 RFD: Judiciary
5 First Read: 20-Jan-26



SYNOPSIS:

This bill would require app store operators to take certain actions regarding the age of account holders and to provide age signals that determine an app user's age category to developers of covered applications.

This bill would require app store operators to provide account holders and the parents of account holders with certain information and tools related to age signals and age appropriateness.

This bill would authorize the Attorney General to enforce violations of the bill and would provide civil penalties for violations.

This bill would also limit liability for violations in certain circumstances.

A BILL

TO BE ENTITLED

AN ACT

Relating to consumer protection; to establish certain requirements for developers and app store operators regarding the age of users; to authorize enforcement; to provide exemptions from liability; and to establish civil penalties.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Access & Responsible Digital Safety Act.

Section 2. For the purposes of this act, the following terms have the following meanings:

(1) ADULT. An account holder who is or is estimated to be 18 years of age or older.

(2) AGE CATEGORY. Categorization of an individual based on age or estimated age, including a description of the user as a minor, adult, or being within a given age range.

(3) AGE SIGNAL. A signal that indicates an account holder's age category and may include the general methods by which that information has been assured, which the account holder or the account holder's parent has agreed to share.

(4) APPLICATION or APP. A software program that is designed to be run on a connected device and to perform, or to help the user perform, a specific task on the connected device and that is distributed through an app store. The term does not include websites, Internet browser extensions, or software with a primary purpose of extending the functionality of an Internet browser.

(5) APP STORE. Ane application that distributes other applications from developers to users of connected devices. The term does not include Internet browsers.

(6) APP STORE OPERATOR. An entity, company, or organization that owns, operates, or controls an app store.

(7) CONNECTED DEVICE. A smartphone, tablet, gaming console, or virtual reality device that enables users to



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connect to the Internet and download applications.

(8) COVERED APPLICATION. An application that is not an app store and that is developed to provide, whether legally required or not, a different experience for adults than the experience for minors or to provide an experience that is intended only for adults. The term includes, but is not limited to, applications with different account types, content, or features, or which engage in different advertising or data practices depending on a user's age. The term does not include Internet browsers or online search engines.

(9) DEVELOPER. Any individual or entity that creates, owns, or controls an application.

(10) MINOR. An account holder who is or is estimated to be under 18 years of age.

(11) PASSWORD. A string of characters or other secure methods used to enable, deactivate, modify, or uninstall parental supervision functionality on a device, including a pin code or passkey.

Section 3. (a) An app store operator shall do all of the following:

(1) Ask an account holder to declare his or her age when creating an account with the app store operator.

(2) Provide developers of covered applications the technical ability to access an age signal where the account holder or the account holder's parent has agreed to the access.

(3) Provide the account holder's parent or the developer of a covered application with the ability to prevent



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85 account holders who are not adults from acquiring or using the
86 developer's covered application from an app store.

87 (4) Provide the capability to developers to disclose
88 their relevant parental controls for a covered application
89 through a centralized product page or user interface that
90 provides relevant information about a covered application.

91 (5) Comply with this act regarding any covered
92 application for which the app store operator is also the
93 developer.

94 (6) Refrain from using data collected from third-party
95 covered applications in the course of compliance with this act
96 to give the app store operator preference relative to those of
97 third parties, or to otherwise use the data in an
98 anti-competitive manner.

99 (b) An app store operator may do both of the following:

100 (1) Use commercially reasonable efforts to obtain the
101 age category of an account holder with a reasonable level of
102 certainty.

103 (2) Provide an account holder with a mechanism to
104 obtain his or her age category and the ability to request an
105 update if an account holder believes his or her age category
106 is incorrect.

107 (c) An app store operator that makes a good faith
108 effort, taking into consideration available technology, to
109 facilitate the provision of an age signal, shall not be liable
110 for any of the following:

111 (1) An erroneous age signal.

112 (2) Except where the developer and app store operator



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are controlled by the same entity, any conduct by a developer of a covered application that receives an age signal.

(3) Failing to provide the technical ability to access an age signal due to any reasonable technical limitations, such as outages, that prevent the provision of the age signal upon request.

(4) Not providing an age signal to developers that do not adhere to reasonable safety standards and app store policies.

(d)(1) Nothing in this section may be read to preclude an app store operator from using multiple commercially reasonable methods to obtain, estimate, or provide the age category of an account holder.

(2) Nothing in this section may be read to restrict an app store operator's ability to satisfy this section by obtaining a minor account holder's age from the minor's parent.

Section 4. (a) The developer of a covered application shall do all of the following:

(1) Report to the app store operator whether the developer's applications provide a different experience for adults than for minors, or whether the developer's applications are intended only for adults.

(2) Provide tools to help parents support minors using the developer's covered applications unless the application is intended only for adults and blocks minors.

(3) Use commercially reasonable efforts to determine whether a user is an adult or a minor with a reasonable level



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141 of certainty.

142 (4) Make a reasonable effort, proportionate to the
143 risks, to ensure that users who are minors cannot engage in
144 any activity that has been restricted for adults only.

145 (5) Obtain consent prior to permitting minor account
146 holders from accessing content or enabling features the
147 developer has designated as unsuitable for use by minors
148 without parental guidance or supervision.

149 (6) Refrain from delivering advertising to minors.

150 (b) If a developer chooses to access an age signal
151 facilitated by an app store operator, the developer shall do
152 all of the following:

153 (1) Request the minimum amount of information needed
154 for purposes of compliance with this act.

155 (2) Refrain from willfully disregarding any information
156 related to an individual's age or age category which is
157 otherwise available to the developer.

158 (3) Refrain from sharing information obtained from the
159 age signal with third parties other than a service provider,
160 but only if the information is necessary for the service
161 provider to implement safety measures or privacy protections
162 for minors, or if the developer is required by law to share
163 the information.

164 (4) Refrain from using an age signal for any purpose
165 beyond that intended by this act, including, but not limited
166 to, using an age signal to back into or attempt to back into a
167 user's date of birth.

168 (c) Nothing in this section may be read to require a



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169 developer to determine whether a user is an adult or a minor
170 if the developer and the app store operator are controlled by
171 the same entity.

172 Section 5. An app store operator or operating system
173 provider that makes a good faith effort to comply with this
174 act, taking into consideration available technology, shall not
175 be liable under any provision of this act, or otherwise liable
176 for its actions taken in attempt to comply with this act,
177 including, but not limited to, any of the following:

178 (1) The provision of an erroneous age signal.

179 (2) The conduct of a developer of a covered application
180 that receives an age signal.

181 (3) Failing to provide an age signal due to any
182 reasonable technical limitations or outages that prevent the
183 provision of an age signal upon request.

184 Section 6. (a) A developer is solely liable for
185 correctly identifying whether the developer's applications are
186 covered applications under this act. No app store may be
187 required to proactively identify covered applications. An app
188 store may not be held liable in cases where a developer
189 provides inaccurate information about its applications.

190 (b) The developer of a covered application shall not be
191 liable for an erroneous age signal provided by an app store
192 operator if the developer makes a reasonable effort, taking
193 into consideration available technology, to properly use the
194 age signal and carries out other age assurance, if needed, as
195 proportionate to the risks presented to users by use of the
196 developer's applications.



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197 Section 7. (a) The Attorney General shall have
198 exclusive authority to enforce the provisions of this act.

199 (b) Nothing in this act may be read to serve as the
200 basis for a private right of action under this act or any
201 other law.

202 (c) The Attorney General may initiate an action and seek
203 a civil penalty of up to one thousand dollars (\$1,000) for
204 each violation of this act.

205 Section 8. This act shall become effective on January
206 1, 2027.