SENATE BILL No. 372

By Committee on Judiciary

1-22

1 AN ACT concerning consumer protection; enacting the app store
2   accountability act; regulating app store and developer operations with
3   respect to minors; creating requirements for age verification and
4   parental consent; providing for enforcement under the Kansas
5   consumer protection act; creating a private cause of action for
6   violations of the act.
7
8 *Be it enacted by the Legislature of the State of Kansas:*
9   Section 1. The provisions of sections 1 through 9, and amendments
10 thereto, shall be known and may be cited as the app store accountability
11 act.
12   Sec. 2. As used in sections 1 through 9, and amendments thereto:
13   (a) "Account holder" means the individual who is associated with the
14 mobile device.
15   (b) "Age category" means one of the following categories of
16 individuals based on age:
17   (1) "Child" means an individual who is under 13 years of age;
18   (2) "younger teenager" means an individual who is at least 13 years
19 of age and less than 16 years of age;
20   (3) "older teenager" means an individual who is at least 16 years of
21 age and less than 18 years of age; and
22   (4) "adult" means an individual who is at least 18 years of age.
23   (c) "Age category data" means information about an account holder's
24 age category that is collected by an app store provider and shared with a
25 developer.
26   (d) "Age rating" means one or more classifications that assess the
27 suitability of an app's content and functions for different age groups.
28   (e) "App" means a software application or electronic service that a
29 user may run or direct on a mobile device, including pre-installed
30 applications.
31   (f) "App store" means a publicly available website, software
32 application or electronic service that allows account holders to download
33 apps from third-party developers onto a mobile device.
34   (g) "App store provider" means a person that owns, operates or
35 controls an app store that allows account holders located in this state to
36 download apps onto a mobile device.

1   (h)   "Content description" means a description of the specific content
2   elements or functions that informs an app's age rating.
3   (i)   "Developer" means a person that owns or controls an app made
4   available through an app store or a pre-installed application.
5   (j)   "Minor" means an individual under 18 years of age unless the
6   individual is married or legally emancipated.
7   (k)   "Minor account" means an account with an app store provider that
8   is established by an individual who is a minor.
9   (l)   "Mobile device" means a phone or general-purpose tablet that:
10   (1)   Provides cellular or wireless connectivity;
11   (2)   is capable of connecting to the internet;
12   (3)   runs a mobile operating system; and
13   (4)   is capable of running apps through such mobile operating system.
14   (m)   "Mobile operating system" means software that:
15   (1)   Manages mobile device hardware resources;
16   (2)   provides common services for mobile device programs;
17   (3)   controls memory allocation; and
18   (4)   provides interfaces for apps to access device functionality.
19   (n)   "Parent" means, with respect to a minor, an individual who is
20   reasonably believed to be a parent, legal guardian, individual with legal
21   custody or any other individual who has the legal authority to make
22   decisions on behalf of the minor under applicable state law.
23   (o)   "Parent account" means an account with an app store provider
24   that:
25   (1)   Is verified to be established by an individual who the app store
26   provider has determined through the app store provider's age verification
27   methods is at least 18 years of age, married or legally emancipated; and
28   (2)   may be affiliated with one or more minor accounts.
29   (p)   "Parental consent disclosure" means the following information
30   that an app store provider is required to clearly and conspicuously provide
31   to the holder of a parent account prior to obtaining parental consent:
32   (1)   The age rating of the app or in-app purchase, if any such age
33   rating exists;
34   (2)   the content description of the app or in-app purchase, if any such
35   description exists;
36   (3)   a description of the personal data:
37   (A)   Collected by the app from an account holder; and
38   (B)   shared by the app with a third party; and
39   (4)   the methods implemented by the developer to protect the personal
40   data if such personal data is collected.
41   (q)   "Pre-installed applications" means any app, or portion thereof,
42   that is present on a mobile device at the time of purchase, initial activation
43   or first use by the consumer, including browsers, search engines and

1   messaging but excluding core operating system functions, essential device
2   drivers and applications necessary for basic device operation such as
3   phone, settings and emergency services applications. "Pre-installed
4   applications" includes apps, or portions thereof, installed or partially
5   installed by the device manufacturer, wireless service provider, retailer or
6   any other party prior to purchase, initial activation or first use by the
7   consumer and which may be updated thereafter.
8   (r)   "Significant change" means a material modification to an app's
9   terms of service or privacy policy that materially:
10   (1)   Changes the categories of data collected, stored or shared;
11   (2)   alters the app's age rating or content descriptions; or
12   (3)   introduces:
13   (A)   In-app purchases where no in-app purchases were previously
14 present; or
15   (B)   advertisements where no advertisements were previously present
16 in the app.
17   (s)   "Verifiable parental consent" means authorization that:
18   (1)   Is provided by a parent account;
19   (2)   is given after the app store provider has clearly and conspicuously
20 provided the parental consent disclosure as part of the app download,
21 purchase or in-app purchase process; and
22   (3)   requires the parent account holder to make an affirmative choice
23 to grant or decline consent.
24   Sec. 3.   (a) At the time an individual who is located in this state
25 creates an account with an app store provider, or by December 31, 2026,
26 for accounts created prior to July 1, 2026, such app store provider shall:
27   (1)   Request age category information from the individual; and
28   (2)   verify the individual's age category using:
29   (A)   Commercially available methods that are reasonably designed to
30 ensure accuracy; or
31   (B)   an age verification method that complies with rules and
32 regulations adopted by the attorney general.
33   (b)   If an app store provider determines an account has been created
34 by a minor, such app store provider shall:
35   (1)   Require that such account be affiliated with a parent account; and
36   (2)   obtain verifiable parental consent from the holder of the affiliated
37 parent account each time before allowing the minor to:
38   (A)   Download an app;
39   (B)   purchase an app; or
40   (C)   make an in-app purchase.
41   (c)   Upon receiving notice of a significant change in an app from a
42 developer, an app store provider shall notify the account holder of such
43 significant change, and, if the account holder is a minor, such app store

1 providers shall notify the holder of the affiliated parent account and obtain
2 verifiable parental consent before providing renewed access to the
3 significantly changed version of such app.
4   (d) Upon receipt of a request made pursuant to section 4, and
5 amendments thereto, including requests made for pre-installed
6 applications, an app store provider shall provide the requesting developer
7 age category data for the specified account holder and the status of
8 verifiable parental consent for the specified minor account. Upon request
9 by the developer, an app store provider shall take reasonable measures to
10 facilitate verifiable parental consent for use of a pre-installed application.
11   (e) An app store provider shall provide a mechanism for the holder of
12 a parent account to withdraw parental consent. If parental consent is
13 withdrawn, the app store provider shall notify the appropriate developer of
14 such withdrawal.
15   (f) An app store provider shall protect age category data and any
16 associated verification data by:
17   (1) Limiting collection and processing to data necessary for:
18   (A) Verifying an account holder's age category;
19   (B) obtaining verifiable parental consent; and
20   (C) maintaining compliance records; and
21   (2) transmitting age category data using industry-standard encryption
22 protocols that ensure data integrity and data confidentiality.
23   (g) An app store provider shall not:
24   (1) Enforce contract terms or terms of service against a minor unless
25 the app store provider has obtained verifiable parental consent;
26   (2) knowingly misrepresent the information in the parental consent
27 disclosure; or
28   (3) share age category data or any associated data except as required
29 by sections 1 through 8, and amendments thereto, or as otherwise required
30 by law.
31   Sec. 4. (a) A developer shall:
32   (1) Submit a request to the app store provider to verify the age
33 category data of account holders located in this state and, for a minor
34 account, whether verifiable parental consent has been obtained when:
35   (A) An account holder:
36   (i) Downloads an app;
37   (ii) purchases an app; or
38   (iii) launches a pre-installed application for the first time;
39   (B) implementing a significant change to an app; or
40   (C) necessary to comply with applicable law;
41   (2) notify app store providers of when there is a significant change to
42 an app; and
43   (3) use age category data received from an app store provider to:

1 　　　(A)　Enforce any developer-created, age-related restrictions, safety-
2 related features or defaults; and
3 　　　(B)　ensure compliance with applicable laws and rules and regulations.
4 　　　(b) (1)　A developer may request age category data:
5 　　　(A)　When there is reasonable suspicion of:
6 　　　(i)　Account transfer; or
7 　　　(ii)　misuse outside of the age category; or
8 　　　(B)　at the time an account holder creates a new account with the
9 developer.
10 　　　(2)　A developer shall not request age category data more than once
11 during each 12-month period when verifying the accuracy of age category
12 data associated with an account holder or continued account use within the
13 age category.
14 　　　(c)　When implementing any developer-created, age-related
15 restrictions, safety-related features or defaults, a developer shall use the
16 lowest age category indicated by:
17 　　　(1)　Age category data received from an app store provider; or
18 　　　(2)　age data independently collected by the developer.
19 　　　(d)　A developer shall not:
20 　　　(1)　Enforce a contract or terms of service against a minor unless the
21 developer has verified with the app store provider that verifiable parental
22 consent has been obtained;
23 　　　(2)　knowingly misrepresent any information in the parental consent
24 disclosure; or
25 　　　(3)　share age category data with any person except as permitted by
26 law.
27 　　　Sec. 5.　On or before October 1, 2026, the attorney general shall adopt
28 rules and regulations to establish age verification methods that app store
29 providers may use to verify an account holder's age category in accordance
30 with section 3, and amendments thereto.
31 　　　Sec. 6.　(a) A violation of section 3 or 4, and amendments thereto, is
32 an unconscionable act and practice under the Kansas consumer protection
33 act. For purposes of the remedies and penalties provided by the Kansas
34 consumer protection act:
35 　　　(1)　The person alleging a violation of section 3 or 4, and amendments
36 thereto, shall be deemed a consumer, and the app store provider or
37 developer that violates such section shall be deemed the supplier; and
38 　　　(2)　proof of a consumer transaction shall not be required.
39 　　　(b)　A minor, or the parent of a minor, who has been harmed by a
40 violation of section 3 or 4, and amendments thereto, may bring a civil
41 action against an app store provider or a developer. Notwithstanding the
42 provisions of K.S.A. 50-634 and 50-636, and amendments thereto, a
43 person bringing such action may seek the following relief:

1   (1)   The greater of actual damages or $1,000 for each violation;
2   (2)   punitive damages if the violation was egregious; and
3   (3)   reasonable attorney fees and costs of the action.
4   (c)   The attorney general may investigate any alleged violation of
5   section 3 or 4, and amendments thereto, and may bring an action for
6   injunctive relief to enjoin any continuing violation. In addition to any
7   injunctive relief, such action may also seek to impose a civil penalty of not
8   less than $7,500 for each such violation instead of the penalty provided for
9   in K.S.A. 50-636(a), and amendments thereto, and reasonable attorney
10 fees and the costs of the action.
11 (d)   Nothing in this section shall preclude any other available remedies
12 or rights authorized under state or federal law.
13 Sec. 7.   (a) A developer shall not be liable for a violation of section 4,
14 and amendments thereto, if the developer demonstrates that the developer:
15 (1)   Relied in good faith on applicable age category data received
16 from an app store provider;
17 (2)   relied in good faith on notification from an app store provider that
18 verifiable parental consent was obtained if the account holder was a minor;
19 and
20 (3)   complied with the requirements of section 4, and amendments
21 thereto.
22 (b)   In determining an app's age rating and content description for
23 purposes of section 4, and amendments thereto, a developer shall not be
24 liable for a violation of section 4, and amendments thereto, if the
25 developer:
26 (1)   Uses widely adopted industry standards to determine the app's age
27 category and content description; and
28 (2)   applies such standards consistently and in good faith.
29 (c)   The provisions of this section only apply to actions brought
30 pursuant to section 6, and amendments thereto, and shall not limit the
31 liability of any developer or app store provider under any other applicable
32 state or federal law.
33 Sec. 8.   Nothing in sections 1 through 7, and amendments thereto,
34 shall be construed to:
35 (a)   Prohibit an app store provider or developer from taking
36 reasonable measures to:
37 (1)   Block, detect or prevent the distribution of the following to
38 minors:
39 (A)   Unlawful material;
40 (B)   obscene material; or
41 (C)   other harmful material;
42 (2)   block or filter spam;
43 (3)   prevent criminal activity; or

1   (4)   protect an app store or app security;
2   (b)   require an app store provider to disclose user information to a
3 developer other than age category data or status of parental consent;
4   (c)   allow an app store provider or developer to implement any
5 measures required by sections 1 through 7, and amendments thereto, in a
6 manner that is arbitrary, capricious,   anticompetitive or unlawful;
7   (d)   require a developer to collect, retain, reidentify or link any
8 information, except information that is:
9   (1)   Necessary to verify age category data as required by section 4,
10 and amendments thereto; and
11   (2)   collected, retained, reidentified or linked in the developer's
12 ordinary course of business; or
13   (e)   require an app store provider or developer to block access to an
14 app that an account holder has downloaded or installed onto a mobile
15 device prior to July 1, 2026, except access to such app shall be blocked if:
16   (1)   The verifiable parental consent for an affiliated minor account has
17 been withdrawn; or
18   (2)   there has been a significant change to the app.
19   Sec. 9.   Sections 1 through 8, and amendments thereto, are declared
20 severable. Any provision of sections 1 through 8, and amendments thereto,
21 or the application thereof to any person or circumstance that is held to be
22 unconstitutional or invalid shall not affect the validity of any remaining
23 provisions of sections 1 through 8, and amendments thereto, or the
24 applicability of such provisions to any person or circumstance.
25   Sec. 10.   This act shall take effect and be in force from and after its
26 publication in the statute book.