

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. **(a)** The provisions of sections 1 through 9, and
10 amendments thereto, shall be known and may be cited as the app store
11 accountability act.

12 **(b) The provisions of this section shall be effective on and after**
13 **January 1, 2027.**

14 Sec. 2. **(a)** As used in sections 1 through 9, and amendments thereto:

15 **(a)(1)** "Account holder" means the individual who is associated with
16 the mobile device{ **and creates or maintains an account with an app**
17 **store provider}.**

18 **(b)(2)** "Age category" means one of the following categories of
19 individuals based on age:

20 **(b)(A)** "Child" means an individual who is under 13 years of age;

21 **(b)(B)** "younger teenager" means an individual who is at least 13
22 years of age and less than 16 years of age;

23 **(b)(C)** "older teenager" means an individual who is at least 16 years
24 of age and less than 18 years of age; and

25 **(b)(D)** "adult" means an individual who is at least 18 years of age.

26 **(b)(3)** "Age category data" means information about an account
27 holder's age category that is collected by an app store provider and shared
28 with a developer.

29 **(b)(4)** "Age rating" means one or more classifications that assess the
30 suitability of an app's content and functions for different age groups.

31 **(b)(5)** "App" means a software application or electronic service that a
32 user may run or direct on a mobile device, including pre-installed
33 applications.

34 **(b)(6)** "App store" means a publicly available website, software

1 application or electronic service that allows account holders to download
2 apps from third-party developers onto a mobile device.

3 (8) "App store provider" means a person that owns, operates or
4 controls an app store that allows account holders located in this state to
5 download apps onto a mobile device.

6 (9) "*Commercially available method*" means a method that
7 includes affirmative age attestation for minors by someone who is
8 reasonably believed to be a parent or legal guardian and requires other
9 information collected in the ordinary course of account creation or use.

10 (9) "Content description" means a description of the specific content
11 elements or functions that informs an app's age rating.

12 (10) "Developer" means a person that owns or controls an app
13 made available through an app store or a pre-installed application.

14 (11) "*In-app purchase*" means a charge associated with any user
15 conduct within an app and billed by an app store, including, but not
16 limited to, the acquisition of virtual currency, digital goods, digital
17 services or other apps.

18 (12) "Minor" means an individual under 18 years of age unless the
19 individual is married or legally emancipated.

20 (13) "Minor account" means an account with an app store provider
21 that is established by an individual who is a minor.

22 (14) "Mobile device" means a phone or general-purpose tablet that:

23 (1) Provides cellular or wireless connectivity;

24 (2) is capable of connecting to the internet;

25 (3) runs a mobile operating system; and

26 (4) is capable of running apps through such mobile operating
27 system.

28 (15) "Mobile operating system" means software that:

29 (1) Manages mobile device hardware resources;

30 (2) provides common services for mobile device programs;

31 (3) controls memory allocation; and

32 (4) provides interfaces for apps to access device functionality.

33 (16) "Parent" means, with respect to a minor, an individual who is
34 reasonably believed to be a parent, legal guardian, individual with legal
35 custody or any other individual who has the legal authority to make
36 decisions on behalf of the minor under applicable state law.

37 (17) "Parent account" means an account with an app store provider
38 that:

39 (1) Is verified to be established by an individual who the app store
40 provider has determined through the app store provider's age verification
41 methods is at least 18 years of age, married or legally emancipated; and

42 (2) may be affiliated with one or more minor accounts.

43 (18) "Parental consent disclosure" means the following

1 information that an app store provider is required to clearly and
2 conspicuously provide to the holder of a parent account prior to obtaining
3 parental consent:

4 (1)(A) The age rating of the app or in-app purchase, if any such age
5 rating exists;

6 (2)(B) the content description of the app or in-app purchase, if any
7 such description exists;

8 (3)(C) a description of the personal data;

9 (A)(i) Collected by the app from an account holder; and

10 (B)(ii) shared by the app with a third party; and

11 (4)(D) the methods implemented by the developer to protect the
12 personal data if such personal data is collected.

13 (5)(19) "Pre-installed applications" means any app, or portion thereof,
14 that is present on a mobile device at the time of purchase, initial activation
15 or first use by the consumer, including browsers, search engines and
16 messaging but excluding core operating system functions, essential device
17 drivers and applications necessary for basic device operation such as
18 phone, settings and emergency services applications. "Pre-installed
19 applications" includes apps, or portions thereof, installed or partially
20 installed by the device manufacturer, wireless service provider, retailer or
21 any other party prior to purchase, initial activation or first use by the
22 consumer and which may be updated thereafter.

23 (6)(20) "Significant change" means a material modification to an
24 app's terms of service or privacy policy that materially:

25 (1)(A) Changes the categories of data collected, stored or shared;

26 (2)(B) alters the app's age rating or content descriptions; or

27 (3)(C) introduces:

28 (A)(i) In-app purchases where no in-app purchases were previously
29 present; or

30 (B)(ii) advertisements where no advertisements were previously
31 present in the app.

32 (7)(21) "Verifiable parental consent" means authorization that:

33 (1)(A) Is provided by a parent account;

34 (2)(B) is given after the app store provider has clearly and
35 conspicuously provided the parental consent disclosure as part of the app
36 download, purchase or in-app purchase process; and

37 (3)(C) requires the parent account holder to make an affirmative
38 choice to grant or decline consent.

39 (b) *The provisions of this section shall be effective on and after
40 January 1, 2027.*

41 Sec. 3. (a) At the time an individual who is located in this state
42 creates an account with an app store provider, or by December 31, 2026,
43 for accounts created prior to July 1, 2026, such app store provider shall:

- 1 (1) Request age category information from the individual; and
- 2 (2) verify the individual's age category using:
 - 3 (A) Commercially available methods that are reasonably designed to
 - 4 ensure accuracy; or
 - 5 (B) an age verification method that complies with rules and
 - 6 regulations adopted by the attorney general.
- 7 (b) If an app store provider determines an account has been created
- 8 by a minor, such app store provider shall:
 - 9 (1) Require that such account be affiliated with a parent account; and
 - 10 (2) obtain verifiable parental consent from the holder of the affiliated
 - 11 parent account each time before allowing the minor to:
 - 12 (A) Download an app;
 - 13 (B) purchase an app; or
 - 14 (C) make an in-app purchase.
 - 15 (c) Upon receiving notice of a significant change in an app from a
 - 16 developer, an app store provider shall notify the account holder of such
 - 17 significant change, and, if the account holder is a minor, such app store
 - 18 providers shall notify the holder of the affiliated parent account and obtain
 - 19 verifiable parental consent before providing renewed access to the
 - 20 significantly changed version of such app.
- 21 (d) Upon receipt of a request made pursuant to section 4, and
- 22 amendments thereto, including requests made for pre-installed
- 23 applications, an app store provider shall provide the requesting developer
- 24 age category data for the specified account holder and the status of
- 25 verifiable parental consent for the specified minor account. Upon request
- 26 by the developer, an app store provider shall take reasonable measures to
- 27 facilitate verifiable parental consent for use of a pre-installed application.
- 28 (e) An app store provider shall provide a mechanism for the holder of
- 29 a parent account to withdraw parental consent. If parental consent is
- 30 withdrawn, the app store provider shall notify the appropriate developer of
- 31 such withdrawal.
- 32 (f) An app store provider shall protect age category data and any
- 33 associated verification data by:
 - 34 (1) Limiting collection and processing to data necessary for:
 - 35 (A) Verifying an account holder's age category;
 - 36 (B) obtaining verifiable parental consent; and
 - 37 (C) maintaining compliance records; and
 - 38 (2) transmitting age category data using industry-standard encryption
 - 39 protocols that ensure data integrity and data confidentiality.
- 40 (g) An app store provider shall not:
 - 41 (1) Enforce contract terms or terms of service against a minor unless
 - 42 the app store provider has obtained verifiable parental consent;
 - 43 (2) knowingly misrepresent the information in the parental consent

1 disclosure; or

2 (3) share age category data or any associated data except as required
3 by sections 1 through 8, and amendments thereto, or as otherwise required
4 by law.

5 *(h) The provisions of this section shall be effective on and after
6 January 1, 2027.*

7 Sec. 4. (a) A developer shall:

8 (1) Submit a request to the app store provider to verify, ***through the
9 app store's data sharing methods***, the age category data of account
10 holders located in this state and, for a minor account, whether verifiable
11 parental consent has been obtained when:

12 (A) An account holder:

13 (i) Downloads an app;

14 (ii) purchases an app; or

15 (iii) launches a pre-installed application for the first time;

16 (B) implementing a significant change to an app; or

17 (C) necessary to comply with applicable law;

18 (2) notify app store providers of when there is a significant change to
19 an app; and

20 (3) use age category data received from an app store provider to:

21 (A) Enforce any developer-created, age-related restrictions, safety-
22 related features or defaults; and

23 (B) ensure compliance with applicable laws and rules and regulations.

24 (b) (1) A developer may request age category data:

25 (A) When there is reasonable suspicion of:

26 (i) Account transfer; or

27 (ii) misuse outside of the age category; or

28 (B) at the time an account holder creates a new account with the
29 developer.

30 (2) A developer shall not request age category data more than once
31 during each 12-month period when verifying the accuracy of age category
32 data associated with an account holder or continued account use within the
33 age category.

34 (c) When implementing any developer-created, age-related
35 restrictions, safety-related features or defaults, a developer shall use the
36 lowest age category indicated by:

37 (1) Age category data received from an app store provider; or

38 (2) age data independently collected by the developer.

39 (d) A developer shall not:

40 (1) Enforce a contract or terms of service against a minor unless the
41 developer has verified with the app store provider that verifiable parental
42 consent has been obtained;

43 (2) knowingly misrepresent any information in the parental consent

1 disclosure; or

2 (3) share age category data with any person except as permitted by
3 law.

4 (e) *The provisions of this section shall be effective on and after
5 January 1, 2027.*

6 Sec. 5. On or before ~~October 1, 2026~~ **January 1, 2027**, the attorney
7 general shall adopt rules and regulations to establish age verification
8 methods that app store providers may use to verify an account holder's age
9 category in accordance with section 3, and amendments thereto.

10 Sec. 6. (a) A violation of section 3 or 4, and amendments thereto, is
11 an unconscionable act and practice under the Kansas consumer protection
12 act. For purposes of the remedies and penalties provided by the Kansas
13 consumer protection act:

14 (1) The person alleging a violation of section 3 or 4, and amendments
15 thereto, shall be deemed a consumer, and the app store provider or
16 developer that violates such section shall be deemed the supplier; and

17 (2) proof of a consumer transaction shall not be required.

18 (b) ~~A minor, or the parent of a minor, who has been harmed by a
19 violation of section 3 or 4, and amendments thereto, may bring a civil
20 action against an app store provider or a developer. Notwithstanding the
21 provisions of K.S.A. 50-634 and 50-636, and amendments thereto, a
22 person bringing such action may seek the following relief:~~

23 (1) ~~The greater of actual damages or \$1,000 for each violation;~~

24 (2) ~~punitive damages if the violation was egregious; and~~

25 (3) ~~reasonable attorney fees and costs of the action.~~

26 (e) The attorney general may investigate any alleged violation of
27 section 3 or 4, and amendments thereto, and may bring an action for
28 injunctive relief to enjoin any continuing violation. In addition to any
29 injunctive relief, such action may also seek to impose a civil penalty of not
30 less than \$7,500 for each such violation instead of the penalty provided for
31 in K.S.A. 50-636(a), and amendments thereto, and reasonable attorney
32 fees and the costs of the action.

33 ~~(d)(c)~~ Nothing in this section shall preclude any other available
34 remedies or rights authorized under state or federal law.

35 (d) *The provisions of this section shall be effective on and after
36 January 1, 2027.*

37 Sec. 7. (a) A developer shall not be liable for a violation of section 4,
38 and amendments thereto, if the developer demonstrates that the developer:

39 (1) Relied in good faith on applicable age category data received
40 from an app store provider;

41 (2) relied in good faith on notification from an app store provider that
42 verifiable parental consent was obtained if the account holder was a minor;
43 and

1 (3) complied with the requirements of section 4, and amendments
2 thereto.

3 (b) In determining an app's age rating and content description for
4 purposes of section 4, and amendments thereto, a developer shall not be
5 liable for a violation of section 4, and amendments thereto, if the
6 developer:

7 (1) Uses widely adopted industry standards to determine the app's age
8 category and content description; and

9 (2) applies such standards consistently and in good faith.

10 (c) The provisions of this section only apply to actions brought
11 pursuant to section 6, and amendments thereto, and shall not limit the
12 liability of any developer or app store provider under any other applicable
13 state or federal law.

14 (d) ***The provisions of this section shall be effective on and after
15 January 1, 2027.***

16 Sec. 8. Nothing in sections 1 through 7, and amendments thereto,
17 shall be construed to:

18 (a) Prohibit an app store provider or developer from taking
19 reasonable measures to:

20 (1) Block, detect or prevent the distribution of the following to
21 minors:

22 (A) Unlawful material;

23 (B) obscene material; or

24 (C) other harmful material;

25 (2) block or filter spam;

26 (3) prevent criminal activity; or

27 (4) protect an app store or app security;

28 (b) require an app store provider to disclose user information to a
29 developer other than age category data or status of parental consent;

30 (c) allow an app store provider or developer to implement any
31 measures required by sections 1 through 7, and amendments thereto, in a
32 manner that is arbitrary, capricious, anticompetitive or unlawful;

33 (d) require a developer to collect, retain, reidentify or link any
34 information, except information that is:

35 (1) Necessary to verify age category data as required by section 4,
36 and amendments thereto; and

37 (2) collected, retained, reidentified or linked in the developer's
38 ordinary course of business; or

39 (e) require an app store provider or developer to block access to an
40 app that an account holder has downloaded or installed onto a mobile
41 device prior to July 1, 2026, except access to such app shall be blocked if:

42 (1) The verifiable parental consent for an affiliated minor account has
43 been withdrawn; or

1 (2) there has been a significant change to the app.

2 *(f) The provisions of this section shall be effective on and after*
3 *January 1, 2027.*

4 Sec. 9. *(a)* Sections 1 through 8, and amendments thereto, are
5 declared severable. Any provision of sections 1 through 8, and
6 amendments thereto, or the application thereof to any person or
7 circumstance that is held to be unconstitutional or invalid shall not affect
8 the validity of any remaining provisions of sections 1 through 8, and
9 amendments thereto, or the applicability of such provisions to any person
10 or circumstance.

11 *(b) The provisions of this section shall be effective on and after*
12 *January 1, 2027.*

13 Sec. 10. This act shall take effect and be in force from and after its
14 publication in the statute book.