

HOUSE BILL NO. 46

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VANCE

Introduced: 1/17/25

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to minors; and relating to the distribution and use of electronic**
2 **applications."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the App Store Accountability Act.

7 * **Sec. 2.** AS 45.50 is amended by adding new sections to read:

8 **Article 5A. Mobile Apps, App Stores, and Minors.**

9 **Sec. 45.50.620. Duties of app store providers.** (a) On or after January 1,
10 2026, an app store provider shall, for each individual located in the state who
11 downloads or purchases an app from the provider's app store,

12 (1) verify the individual's age using a commercially reasonable
13 method; and

14 (2) determine the age category for the individual.

1 (b) An app store provider shall obtain verifiable parental consent as required
2 under (c) of this section before allowing a minor located in the state to

- 3 (1) use the provider's app store;
- 4 (2) download an app from the provider's app store;
- 5 (3) purchase an app from the provider's app store;
- 6 (4) use an app from the provider's app store; and
- 7 (5) make an in-app purchase with an app from the provider's app store.

8 (c) The app store provider shall obtain verifiable parental consent from a
9 parent of the minor. The app store provider shall verify that the parent is 18 years of
10 age or older. Before obtaining the parent's consent, the app store provider shall
11 disclose information to the parent identifying what is specifically being consented to,
12 including the minimum age, content descriptors, and age rating for the app or in-app
13 purchase at issue. The app store provider shall give the parent a clear choice to consent
14 or decline to consent to the request.

15 (d) By default, an app store provider shall obtain verifiable parental consent
16 for each individual download, purchase, or use as required under (b) of this section.
17 An app store provider may allow a parent to modify this default if the parent wishes to
18 provide verifiable parental consent for multiple downloads, purchases, or uses.

19 (e) An app store provider shall provide a commercially reasonable mechanism
20 for a parent of a minor located in the state to allow the download of any app from the
21 provider's app store that is suitable for a minor's age category or block the download
22 of any app that is unsuitable for a minor's age category, based on the app's age rating.

23 (f) An app store provider who owns or controls a mobile device's mobile
24 operating system and offers parental controls, including filters to prevent a minor from
25 accessing sexually explicit Internet websites on the mobile device's web browser and
26 mechanisms that allow a parent to control usage limits for the mobile device, shall
27 provide clear and easy-to-find mechanisms for a parent to access the parental controls.

28 (g) If an app store provider displays age ratings consistent with age categories
29 and content descriptions, the app store provider shall ensure the age ratings and
30 content descriptions are clearly, accurately, and prominently displayed.

31 (h) An app store provider shall allow a developer to request a signal so the

1 developer can determine the age category of an individual who is using the developer's
2 app while located in the state and whether the app store has obtained verifiable
3 parental consent under this section for the individual to use the developer's app. An
4 app store provider is not required to disclose any personal information about an
5 individual to a developer other than the individual's age category and whether the app
6 store provider has obtained verifiable parental consent.

7 (i) An app store provider may take reasonable measures to

8 (1) block, detect, or prevent the distribution of unlawful, obscene, or
9 other harmful material to minors;

10 (2) block or filter spam or prevent criminal activity; or

11 (3) protect the security of an app store or app.

12 (j) An app store provider may not implement the requirements of this section
13 in a manner that is arbitrary, capricious, anticompetitive, or unlawful.

14 **Sec. 45.50.630. Developer obligations.** (a) When available, a developer shall
15 use the application programming interface of an app store provider to

16 (1) obtain a signal from an app store provider to verify the age
17 category of an individual who is using the developer's app while located in the state;
18 and

19 (2) determine whether the app store provider has obtained verifiable
20 parental consent and the purpose for which the consent has been obtained.

21 (b) If a developer displays age ratings consistent with age categories and
22 content descriptions, the developer shall ensure the age ratings and content
23 descriptions are clearly, accurately, and prominently displayed. If an age rating or the
24 nature of the developer's services change, the developer shall notify all app store
25 providers who distribute the developer's app and obtain additional verifiable parental
26 consent.

27 (c) A developer shall provide readily accessible features for a parent of a
28 minor located in the state to implement time restrictions on using the developer's app,
29 including allowing the parent to view metrics reflecting the amount of time the minor
30 is using the app and setting daily time limits on the minor's use of the app.

31 (d) A developer may not knowingly or with gross negligence incorrectly

1 display an app's age rating or content description on an app store.

2 (e) It is a defense to an action brought against a developer for a violation of (a)
3 of this section that the developer relied on an app store provider's signal and notice of
4 verifiable parental consent from the app store provider.

5 **Sec. 45.50.640. Age categories.** For purposes of AS 45.50.620 - 45.50.690,
6 individuals are grouped by age into the following age categories:

- 7 (1) "adult," encompassing individuals at least 21 years of age;
8 (2) "young adult," encompassing individuals at least 18 years of age
9 but under 21 years of age;
10 (3) "older teenager," encompassing individuals 17 years of age;
11 (4) "teenager," encompassing individuals at least 13 years of age but
12 under 17 years of age; and
13 (5) "child," encompassing individuals under 13 years of age.

14 **Sec. 45.50.650. Enforcement by department.** (a) The department may

- 15 (1) impose an administrative fine of not more than \$2,500 for each
16 violation of AS 45.50.620 - 45.50.690; and
17 (2) bring an action in a court of competent jurisdiction to enforce
18 AS 45.50.620 - 45.50.690.

19 (b) In an action by the department to enforce this section, the court may

- 20 (1) declare that an act or practice violates a provision of AS 45.50.620
21 - 45.50.690;
22 (2) issue an injunction;
23 (3) order disgorgement of any money received in violation of
24 AS 45.50.620 - 45.50.690;
25 (4) impose a civil penalty of not more than \$10,000 for each violation
26 of AS 45.50.620 - 45.50.690;
27 (5) award actual damages to an injured minor or parent;
28 (6) award full reasonable attorney fees, investigative fees, and court
29 costs to the department;
30 (7) if warranted, award punitive damages under AS 09.17.020; and
31 (8) award other relief to an injured minor or parent that the court

1 considers reasonable and necessary.

2 **Sec. 45.50.660. Private right of action.** (a) A parent of a minor located in the
3 state may bring an action for failure to comply with AS 45.50.620 - 45.50.690.

4 (b) In an action under this section, the court may

5 (1) award actual damages for financial, physical, and emotional harm
6 incurred by the person as a direct consequence of the violation;

7 (2) declare that an act or practice violates a provision of AS 45.50.620
8 - 45.50.690;

9 (3) issue an injunction; and

10 (4) award full reasonable attorney fees and costs.

11 **Sec. 45.50.670. Regulations.** The department may adopt regulations under
12 AS 44.62 (Administrative Procedure Act) necessary to implement AS 45.50.620 -
13 45.50.690.

14 **Sec. 45.50.690. Definitions.** In AS 45.50.620 - 45.50.690,

15 (1) "app" means a software application or electronic service that is run
16 or directed by a user on a computer, mobile device, tablet, or another general-purpose
17 computing device;

18 (2) "app store" means a publicly available Internet website, software
19 application, or other electronic service that distributes an app from a third-party
20 developer to a user of a computer, mobile device, tablet, or another general-purpose
21 computing device;

22 (3) "app store provider" means a person who owns or controls an app
23 store available in the state;

24 (4) "department" means the Department of Law;

25 (5) "developer" means a person who owns or controls an app
26 distributed through an app store available in the state;

27 (6) "minor" means an individual who is under 18 years of age;

28 (7) "mobile device" means a tablet or smartphone running a mobile
29 operating system;

30 (8) "mobile operating system" means software that manages mobile
31 device hardware resources and provides common services for mobile device apps;

1 (9) "parent" means an individual 18 years of age or older who is
2 legally responsible for a minor's welfare;

3 (10) "personal information" has the meaning given in AS 45.48.090;

4 (11) "signal" means a set of age-bracketed data sent by a real-time
5 secure application programming interface or operating system;

6 (12) "verifiable parental consent" means authorization that satisfies the
7 criteria in AS 45.50.620(c).

8 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APP AGE RATING ADVISORY COMMITTEE. (a) Not later than 60 days after the
11 effective date of this Act, the Department of Law shall establish an app age rating advisory
12 committee.

13 (b) The membership of the advisory committee shall consist of parents, content
14 creators, app developers, and representatives of public interest groups focused on child
15 welfare.

16 (c) The advisory committee shall issue a report by the end of each calendar year to the
17 Department of Law that contains recommendations on how to increase transparency and
18 consistency regarding the age rating of apps offered on app stores available in the state. The
19 department shall make the reports from the committee publicly available.

20 (d) The Department of Law shall review the annual reports issued by the app age
21 rating advisory committee and update regulations adopted by the department as necessary
22 based on the recommendations of the committee.

23 (e) The app age rating advisory committee terminates on December 31, 2027.