

Senate Bill 228

By: Senators Albers of the 56th, Hufstetler of the 52nd, Parent of the 42nd, Jones II of the 22nd and Thompson of the 14th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to prohibit intentional
3 misrepresentations by certain digital application distribution platforms with regard to the
4 offering of applications and services used by residents of this state; to provide for definitions;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
9 relating to the "Fair Business Practices Act of 1975," is amended by adding a new Code
10 section to read as follows:

11 "10-1-393.16.

12 (a) For purposes of this Code section, the term:

13 (1) 'Digital application distribution platform' means a digital distribution platform for
14 applications and services provided to a user on general-purpose hardware.

15 (2) 'General-purpose hardware' means a general-purpose device capable of being
16 connected to the internet, including, but not limited, to a mobile phone, smartphone,
17 tablet, and personal computer.

18 (b) A proprietor of a digital application distribution platform that in the previous or current
19 calendar year has cumulative gross receipts exceeding \$100 million from sales on such
20 digital application distribution platform to residents of this state shall not use such platform
21 to intentionally misrepresent that installing an application or using a service that
22 deliberately deteriorates battery performance of general-purpose hardware is necessary for
23 security or privacy."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.