

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2422** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 39; following line 39, by inserting:

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

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

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

(1) "Account holder" means the individual who is associated with the mobile device and creates or maintains an account with an app store provider.

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

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

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

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

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

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

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

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

(6) "App store" means a publicly available website, software application or electronic service that allows account holders to download apps from third-party developers onto a mobile device.

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

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

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

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

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

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

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

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

- (A) Provides cellular or wireless connectivity;
- (B) is capable of connecting to the internet;

- (C) runs a mobile operating system; and
- (D) is capable of running apps through such mobile operating system.

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

- (A) Manages mobile device hardware resources;
- (B) provides common services for mobile device programs;
- (C) controls memory allocation; and
- (D) provides interfaces for apps to access device functionality.

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

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

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

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

(18) "Parental consent disclosure" means the following information that an app store provider is required to clearly and conspicuously provide to the holder of a parent account prior to obtaining parental consent:

- (A) The age rating of the app if any such age rating exists;
- (B) the content description of the app if any such description exists;
- (C) a description of the personal data:
 - (i) Collected by the app from an account holder; and
 - (ii) shared by the app with a third party; and
- (D) the methods implemented by the developer to protect the personal data if such

personal data is collected.

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

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

- (A) Changes the categories of data collected, stored or shared;
- (B) alters the app's age rating or content descriptions; or
- (C) introduces:
 - (i) In-app purchases where no in-app purchases were previously present; or
 - (ii) advertisements where no advertisements were previously present in the app.

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

- (A) Is provided by a parent account;
- (B) is given after the app store provider has clearly and conspicuously provided the parental consent disclosure as part of the app download, purchase or in-app purchase process; and
- (C) requires the parent account holder to make an affirmative choice to grant or decline consent.

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

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

(1) Request age category information from the individual; and

(2) verify the individual's age category using:

(A) Commercially available methods that are reasonably designed to ensure accuracy;

or

(B) an age verification method that complies with rules and regulations adopted by the attorney general.

(b) If an app store provider determines an account has been created by a minor, such app store provider shall:

(1) Require that such account be affiliated with a parent account; and

(2) obtain verifiable parental consent from the holder of the affiliated parent account

each time before allowing the minor to:

(A) Download an app;

(B) purchase an app; or

(C) make an in-app purchase.

(c) Upon receiving notice of a significant change in an app from a developer, an app store provider shall notify the account holder of such significant change, and, if the account holder is a minor, such app store providers shall notify the holder of the affiliated parent account and obtain verifiable parental consent before providing renewed access to the significantly changed version of such app.

(d) Upon receipt of a request made pursuant to section 4, and amendments thereto, including requests made for pre-installed applications, an app store provider shall provide the

requesting developer age category data for the specified account holder and the status of verifiable parental consent for the specified minor account. Upon request by the developer, an app store provider shall take reasonable measures to facilitate verifiable parental consent for use of a pre-installed application.

(e) An app store provider shall provide a mechanism for the holder of a parent account to withdraw parental consent. If parental consent is withdrawn, the app store provider shall notify the appropriate developer of such withdrawal.

(f) An app store provider shall protect age category data and any associated verification data by:

- (1) Limiting collection and processing to data necessary for:
 - (A) Verifying an account holder's age category;
 - (B) obtaining verifiable parental consent; and
 - (C) maintaining compliance records, which shall not include any personally identifiable information or verification data that is required to be deleted or destroyed pursuant to paragraph (3);
- (2) transmitting age category data using industry-standard encryption protocols that ensure data integrity and data confidentiality; and
- (3) deleting or destroying any personally identifiable information or verification data collected for the purpose of verifying an account holder's age category pursuant to this act after the age verification process is completed.

(g) An app store provider shall not:

- (1) Enforce contract terms or terms of service against a minor unless the app store provider has obtained verifiable parental consent;
- (2) knowingly misrepresent the information in the parental consent disclosure;

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

(4) use, retain, process or disclose any personally identifiable information or verification data collected for the purpose of verifying an account holder's age category for any other purpose.

(h) An app store provider shall provide each developer the option to direct the app store provider to prevent downloads of the developer's application by users based on the age of the user as determined by the app store provider.

(i) The provisions of this section shall be effective on and after January 1, 2027.

Sec. 4. (a) A developer shall:

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

(A) An account holder:

(i) Downloads an app;

(ii) purchases an app; or

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

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

(C) necessary to comply with applicable law;

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

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

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

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

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

(A) When there is reasonable suspicion of:

(i) Account transfer; or

(ii) misuse outside of the age category; or

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

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

(c) When implementing any developer-created, age-related restrictions, safety-related features or defaults, a developer may rely on an assessment of the age category of an individual that is different from the signal provided by the app store provider if the developer possesses clear and convincing evidence that the assessment of the age category is of greater accuracy than the signal provided by the app store provider. A developer bears the burden of producing clear and convincing evidence that an assessment of the age of an individual is more accurate than the signal provided by an app store provider.

(d) A developer shall not:

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

(2) knowingly misrepresent any information in the parental consent disclosure; or

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

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

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

Sec. 6. (a) (1) A violation of section 3 or 4, and amendments thereto, is an unconscionable act and practice under the Kansas consumer protection act. For purposes of the remedies and penalties provided by the Kansas consumer protection act:

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

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

(2) Notwithstanding any provision of the Kansas consumer protection act to the contrary, only the attorney general or the attorney general's designee may bring a civil action alleging a violation of the Kansas consumer protection act pursuant to this section. This section shall not be construed as creating or allowing a private right of action under K.S.A. 50-634, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. (a) Nothing in sections 1 through 7, and amendments thereto, shall be construed to:

(1) Prohibit an app store provider or developer from taking reasonable measures to:

(A) Block, detect or prevent the distribution of the following to minors:

(i) Unlawful material;

(ii) obscene material; or

(iii) other harmful material;

(B) block or filter spam;

(C) prevent criminal activity; or

(D) protect an app store or app security;

(2) require an app store provider to disclose user information to a developer other than

age category data or status of parental consent;

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

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

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

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

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

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

(B) there has been a significant change to the app; or

(6) require the submission of government-issued identification of any individual to an app store provider.

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

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

(b) The provisions of this section shall be effective on and after January 1, 2027.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "consumer protection; enacting the app store accountability act; regulating app store and developer operations with respect to minors; creating requirements for age verification and parental consent; providing for enforcement under the Kansas consumer protection act";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House