

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 372**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 372, as amended, would enact the App Store Accountability Act (Act) to create law regulating application (app) store providers and app developers with respect to minors. The bill's provisions would be enforced under the Kansas Consumer Protection Act and would create a private cause of action for violations of the bill.

***Requirements for App Store Providers***

The bill would require an app store provider (provider), at the time an individual who is located in Kansas creates an account with such provider or by December 31, 2026, for accounts created prior to July 1, 2026, to request age category information from the individual and verify the individual's age category by using:

- Commercially available methods that are reasonably designed to ensure accuracy; or
- An age-verification method that complies with rules and regulations adopted by the Attorney General.

If a provider determines that an account has been created by a minor, the provider would be required to:

- Require that such account be affiliated with a parent account; and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Obtain verifiable parental consent from the holder of the affiliated parent account each time before allowing the minor to download or purchase an app or make an in-app purchase.

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

Upon receipt of a request made pursuant to the bill, including requests made for pre-installed apps, a provider would be required to 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, a provider would be required to take reasonable measures to facilitate verifiable parental consent for use of a pre-installed app.

The bill would require a provider to provide a mechanism for the holder of a parent account to withdraw parental consent, and if parental consent is withdrawn, the provider would be required to notify the appropriate developer of such withdrawal.

The bill would require a provider to protect age category data and any associated verification data by:

- Limiting collection and processing to data necessary for:
  - Verifying an account holder's age category;
  - Obtaining verifiable parental consent; and
  - Maintaining compliance records; and

- Transmitting age category data using industry-standard encryption protocols that ensure data integrity and confidentiality.

A provider could not:

- Enforce contact terms or terms of service against a minor unless the provider has obtained verifiable parental consent;
- Knowingly misrepresent the information in the parental consent disclosure; or
- Share age category data or any associated data except as required by the bill or otherwise required by law.

These provisions would become effective on January 1, 2027.

### ***Requirements for App Developers***

A developer would be required to submit a request to the provider to verify, through the app store's data-sharing methods, the age category data for account holders located in Kansas, and, for a minor account, whether verifiable parental consent has been obtained when an account holder downloads or purchases an app or launches a pre-installed application for the first time. Such request for age verification and parental consent would also be required when a developer implements a significant change to an app or when necessary to comply with applicable law.

A developer would also be required to notify providers when there is a significant change to an app and use age category data received from a provider to:

- Enforce any developer-created, age-related restrictions, safety-related features, or defaults; and
- Ensure compliance with applicable laws and rules and regulations.

A developer could request age category data at the time an account holder creates a new account with the developer or when there is a reasonable suspicion of account transfer or misuse outside of the age category. A developer could not request age category data more than once every 12 months.

When implementing any developer-created, age-related restrictions, safety-related features, or defaults, the bill would require the developer to use the lowest age category indicated by age category data received from a provider or age data independently collected by the developer.

A developer could not:

- Enforce a contract or terms of service against a minor unless the developer has verified with the provider that verifiable parental consent has been obtained;
- Knowingly misrepresent any information in the parental consent disclosure; or
- Share age category data with any person except as permitted by law.

These provisions would become effective on January 1, 2027.

### ***Rules and Regulations***

The bill would require the Attorney General, on or before January 1, 2027, to adopt rules and regulations to establish

age-verification methods that providers may use to verify an account holder's age category.

### ***Violations***

#### *Kansas Consumer Protection Act*

A violation of the Act would be considered an unconscionable act and practice under the Kansas Consumer Protection Act (KCPA). For purposes of the remedies and penalties provided by the KCPA, the person alleging a violation would be deemed a consumer and the provider or developer that violates the Act would be deemed the supplier. Proof of a consumer transaction would not be required for penalty under the KCPA.

#### *Attorney General Investigation*

The bill would allow the Attorney General to investigate any alleged violation of the Act and could bring an action for injunctive relief to enjoin any continuing violation of the Act. In addition, such action could also impose a civil penalty of not less than \$7,500 for each violation and reasonable attorney fees and costs of the action.

The bill would specify nothing in the Act would preclude any other available remedies or rights authorized under state or federal law.

These provisions would become effective on January 1, 2027.

### ***Exceptions to Liability***

The bill would provide a developer would not be liable for a violation of the Act if the developer demonstrates the developer:

- Relied in good faith on applicable age category data received by a provider;
- Relied in good faith on notification from a provider that verifiable parental consent was obtained if the account holder was a minor; and
- Complied with the requirements of the Act.

The bill would provide that with respect to determining an app's age rating and content description, a developer would not be liable if the developer uses widely adopted industry standards in making the determination and applies such standards consistently and in good faith.

The bill would specify the above exceptions would only apply to actions brought pursuant to the bill, and would not limit the liability of a provider or developer under any other applicable state or federal law.

These provisions would become effective on January 1, 2027.

### ***Limitations***

The bill would specify nothing in the bill would be construed to:

- Prohibit a provider or developer from taking reasonable measures to:
  - Block, detect, or prevent the distribution of unlawful, obscene, or other harmful material;
  - Block or filter spam;
  - Prevent criminal activity; or
  - Protect an app store or app security;

- Require a provider to disclose user information to a developer other than age category data or status of parental consent;
- Allow a provider or developer to implement any measures required by the bill in a manner that is arbitrary, capricious, anticompetitive, or unlawful;
- Require a developer to collect, retain, re-identify, or link any information, except information that is necessary to verify age category data as required by the bill and collected, retained, re-identified, or linked in the developer's ordinary course of business; or
- Require a 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 would be blocked if the verifiable parental consent for an affiliated minor account has been withdrawn or there has been a significant change to the app.

These provisions would become effective on January 1, 2027.

### ***Severability***

The bill would declare the Act severable, providing that any provisions of the bill or the application to any person or circumstance that is held to be unconstitutional or invalid would not affect the validity of any remaining provisions or applicability of such provisions to any person or circumstance.

### ***Definitions***

The bill would define several terms used throughout the bill.

## **Background**

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Warren.

### ***Senate Committee on Judiciary***

In the Senate Committee hearing, representatives of Digital Childhood Alliance, Family First Technology Initiative – The Institute for Family Studies, Kansas Family Voice, National Center on Sexual Exploitation, Paradigm Shift Training and Consulting, and Protect Young Eyes provided **proponent** testimony. Proponents generally stated the bill would protect children from harmful digital material and would allow parental involvement when minors contract with app developers when downloading apps.

Written-only proponent testimony was provided by representatives of the Concerned Women for America Legislative Action Committee, Kansas Bureau of Investigation, Kansas Catholic Conference, and the Office of the Attorney General (OAG).

**Opponent** testimony was provided by representatives of Chamber of Progress, Computer & Communications Industry Association, Kansas Chamber of Commerce, NetChoice, Taxpayers Protection Alliance, ACT - The App Association, and The James Madison Institute. Opponents generally stated the bill would restrict adults' access to content and would undermine app users' privacy across all ages.

Written-only opponent testimony was provided by representatives of Parkview Institute, Right to Parent, and R Street Institute.

The Senate Committee amended the bill to:

- Add definitions of “commercially available method” and “in-app purchase”;

- Make most of the provisions contained in the bill effective on January 1, 2027;
- Change the date by which the Attorney General must adopt rules and regulations to establish age-verification methods that app store providers may use; and
- Remove a provision authorizing a private cause of action for violations of the bill's provisions.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the OAG states enactment of the bill would require 1.00 Assistant Attorney General position within the Public Protection Division to implement and enforce the provisions of the bill. The position would be responsible for drafting, implementing, and maintaining the rules and regulations required by the bill; managing investigations and any enforcement actions brought under the Kansas Consumer Protection Act; and serving as the agency's subject matter expert on age verification requirements and app store provider compliance. The agency estimates the salary, benefits, and associated expenses would cost \$146,017 in FY 2027 and \$150,398 in FY 2028 from the State General Fund (SGF). The agency's FY 2028 estimate includes a 3.0 percent increase in expenses. The OAG also indicates that there could be civil penalties recovered and deposited into its fee funds; however, the agency cannot estimate an exact amount.

The Office of Judicial Administration (OJA) states that the bill could increase the number of cases filed in district courts because it creates a civil cause of action. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Passage of the bill would not have a fiscal effect on agency revenues, but the bill could result in the collection of

docket fees that would be deposited into the SGF. However, OJA cannot estimate a precise fiscal effect for expenditures or revenues.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

App Store Accountability Act; app developers; app store providers; minors; parental consent; Kansas Consumer Protection Act