

2025 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE CARVER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS: Provides relative to minors use of applications

1 AN ACT

2 To amend and reenact Section 2 of Act 656 of the 2024 Regular Session and to enact Part
3 II of Chapter 20-A of Title 51 of the Louisiana Revised statutes of 1950, to be
4 comprised of R.S. 51:1771 through 1775, relative to minors use of applications; to
5 provide for definitions; to provide for application store requirements; to provide for
6 developer requirements; to provide for protections; to provide for enforcement; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Section 2 of Act 656 of the 2024 Regular Session shall be amended and
10 reenacted to read as follows:

11 Section 2. Part I of Chapter 20-A of Title 51 of the Louisiana Revised
12 Statutes of 1950, comprised of R.S. 51:1761 through 1763, is hereby enacted to read
13 as follows:

14 CHAPTER 20-A. ~~PROTECTION OF CHILDREN'S INTERNET DATA~~ ONLINE

15 PROTECTIONS FOR MINORS

16 PART I. PROTECTION OF CHILDREN'S INTERNET DATA

17 * * *

18 Section 2. Part II of Chapter 20-A of Title 51 of the Louisiana Revised Statutes of
19 1950, comprised of R.S. 51:1771 through 1775, is hereby enacted to read as follows:

20 PART II. PROTECTION OF CHILDREN ON APPLICATIONS

1 §1771. Definitions2 As used in this Part, the following terms have the following meanings:3 (1) "Age category" means one of the following categories of individuals
4 based on age:5 (a) "Child" means an individual who is under thirteen years old.6 (b) "Younger teenager" means an individual who is at least thirteen years old
7 and under sixteen years old.8 (c) "Older teenager" means an individual who is at least sixteen years old
9 and under eighteen years old.10 (d) "Adult" means an individual who is at least eighteen years old.11 (2) "Age category data" means information about a user's age that is
12 collected by a covered application store provider and shared with a developer.13 (3) "Age rating" means a classification that provides an assessment of the
14 suitability of an application's content for different age groups.15 (4) "Covered application store" means a publicly available website, software
16 application, electronic service, or platform that distributes and facilitates the
17 download of applications from third-party developers to users of a computer, a
18 mobile device, or any other general purpose computing device. A covered
19 application store does not mean an internet service provider, or a provider of
20 telecommunication services as defined in 47 U.S.C. 153 or any other general purpose
21 computing device.22 (5) "Covered application store provider" means a person that owns, operates,
23 or controls and covered application store that allows users in this state to download
24 applications.25 (6) "Developer" means any person, entity, or organization that creates, owns,
26 or controls an application that is likely to be accessed by children and is responsible
27 for the design, development, maintenance, and distribution of the application to end
28 users through an application store.

1 (7) "Parent" means, with respect to a minor, individuals who have legal
2 authority to make decisions on behalf of the minor.

3 (8) "Parent account" means an account with a covered application store
4 provider that is both of the following:

5 (a) Is verified to be established by an individual whom the covered
6 application store provider has determined is at least eighteen years old through the
7 covered application store provider's age verification methods.

8 (b) May be affiliated with one or more minor accounts.

9 (9) "Parental consent disclosure" means the following information that a
10 covered application store provider is required to provide to a parent before obtaining
11 parental consent:

12 (a) If the covered application store provider has an age rating for the
13 application or in-application purchase, the application's or in-application purchase's
14 age rating.

15 (b) If the covered application store provider has a content description for the
16 application or in-application purchase, the application's or in-application's content
17 description.

18 (c) A description of:

19 (i) The personal data collected by an application from a user.

20 (ii) The personal data shared by the application with a third party.

21 (d) If personal data is collected by the application, the methods implemented
22 by the developer to protect the personal data.

23 (10) "Significant change" means a material modification to an application's
24 terms of service or privacy policy that:

25 (a) Changes the categories of data collected, stored, or shared.

26 (b) Alters the application's age rating or content descriptions.

27 (c) Adds new monetization features, including in-application purchases and
28 advertisements.

29 (d) Materially changes the application's functionality or user experience.

1 (11) "Verifiable parental consent" means authorization that:

2 (a) Is provided by an individual who a covered application store provider has
3 verified is an adult.

4 (b) Is given after the covered application store provider has clearly and
5 conspicuously provided the parental consent disclosure to the individual.

6 (c) Requires the parent to make an affirmative choice to grant consent or
7 decline consent.

8 §1772. Application stores

9 A. A covered application store provider shall:

10 (1) At the time an individual who is located in the state creates an account
11 with a covered application store provider do both of the following:

12 (a) Request age information from the individual.

13 (b) Verify the individual's age using commercially available methods that are
14 reasonably designed to ensure accuracy.

15 (2) If the age verification methods or process described in Paragraph (1) of
16 this Subsection determines the individual to be a minor, the covered application store
17 shall do both of the following:

18 (a) Require the account to be affiliated with parent account.

19 (b) Obtain verifiable parental consent from the holder of the affiliated parent
20 account before allowing the minor to download an application, purchase an
21 application, or make an in-application purchase.

22 (3) After receiving notice of a significant change from a developer notify the
23 user of the significant change and for a minor account notify the holder of the
24 affiliated parent account and obtain renewed verifiable parental consent.

25 (4) Provide to a developer, in response to a request authorized pursuant to
26 R.S. 51:1772:

27 (a) The age for a user located in this state.

28 (b) The status of verified parental consent for a minor located in this state.

29 (5) Notify a developer when a parent revokes parental consent.

- 1 (6) Protect personal age verification data by doing all of the following:
- 2 (a) Limiting collection and processing to data necessary for:
- 3 (i) Verifying a user's age.
- 4 (ii) Obtaining parental consent.
- 5 (iii) Maintaining compliance records.
- 6 (b) Transmitting personal age verification data using industry-standard
- 7 encryption protocols that ensure data integrity and data confidentiality.
- 8 B. A covered application store provider may not do any of the following:
- 9 (1) Enforce a contract or terms of service against a minor unless a covered
- 10 application store provider has obtained verifiable parental consent.
- 11 (2) Knowingly misrepresent the information in the parental consent
- 12 disclosure.
- 13 (3) Share age verification data except between a covered application store
- 14 provider and a developer as required by this Chapter or as required by law.
- 15 §1773. Developer requirements
- 16 A. A developer shall do all of the following:
- 17 (1) Verify through the covered application store's data sharing methods:
- 18 (a) The age category of users located in this state.
- 19 (b) For a minor account, whether verifiable parental consent has been
- 20 obtained.
- 21 (2) Notify covered application store providers of a significant change to the
- 22 application.
- 23 (3) Use age category data received from the covered application store
- 24 provider to:
- 25 (a) Enforce any developer-created age-related restrictions.
- 26 (b) Ensure compliance with applicable laws and regulations.
- 27 (c) Implement any developer-created safety-related features or defaults.
- 28 (4) Request personal age verification data or parental consent:
- 29 (a) At the time a user downloads an application or purchases an application.

1 (b) When implementing a significant change to the application.

2 (c) To comply with applicable laws or regulations.

3 B. A developer may request personal age verification data or parental
4 consent:

5 (1) No more than once during a twelve-month period to verify the accuracy
6 of user age verification data or continued account use within the verified age
7 category.

8 (2) When there is reasonable suspicion of account transfer or misuse outside
9 the verified age category

10 (3) At the time a user creates a new account with a developer.

11 C. When implementing any developer-created safety-related features or
12 defaults, a developer shall use the lowest age indicated by age verification data
13 provided by a covered application store provider or age data independently collected
14 by the developer.

15 D. A developer may not do any of the following:

16 (1) Enforce a contract or terms of service against a minor unless the
17 developer has verified through the covered application store provider that verifiable
18 parental consent has been obtained.

19 (2) Knowingly misrepresent any information in the parental consent
20 disclosure.

21 (3) Share age category data with any person.

22 §1774. Protections

23 A. A developer is not liable for a violation of this Part if the developer
24 demonstrates that the developer did all of the following:

25 (1) Relied in good faith on personal age verification data provided by a
26 covered application store provider and on notification from a covered application
27 store provider that verifiable parental consent was obtained if the personal age
28 verification data indicates that the user is a minor.

29 (2) Complied with the requirements described in R.S. 51:1773.

1 B. For the purposes of setting the age category of an application and
2 providing content description disclosure to a covered application store provider, a
3 developer complies with R.S. 51:1773(D)(2) if the developer uses widely adopted
4 industry standards to determine the application's age category and the content
5 description disclosures and the if developer applies those standards consistently and
6 in good faith.

7 C. The protections described in this Section apply only to actions brought
8 pursuant to this Part and does not limit a developer of covered application store
9 provider's liability under any applicable law.

10 D. Nothing in this Part shall displace any other available remedies or rights
11 authorized under the laws of this state or the United States.

12 §1775. Enforcement; penalties

13 A. The attorney general may bring a civil action to enforce any violations of
14 this Part.

15 B. A covered application store or developer that violates the provisions of
16 this Part shall be subject to a civil fine of up to ten thousand dollars per violation.

17 C.(1) At least forty-five days before the day on which the attorney general
18 initiates an enforcement action against a person who is subject to the requirements
19 of this Part, the attorney general shall provide the person with a written notice that
20 identifies each alleged violation and an explanation of the basis for each allegation.

21 (2) Except as provided in Paragraph (3) of this Subsection, the attorney
22 general shall not initiate an action if the person cures the notice violation within
23 forty-five days after the date on which the person receives the notice by providing
24 the attorney general with a written statement indicating that the violation is cured and
25 no further violations will occur.

26 (3) The attorney general may initiate a civil action against a person who does
27 either of the following:

28 (a) Fails to cure a violation after receiving the written notice described in
29 Paragraph (1) of this Subsection.

1 (b) Commits another violation of the same provision after curing a violation
2 and providing a written statement in accordance with Paragraph (2) of this
3 Subsection.

4 (4) If a court of competent jurisdiction grants judgment or injunctive relief
5 to the attorney general, the court shall award the attorney general reasonable attorney
6 fees, court costs, and investigative costs.

7 (5) A person who violates an administrative order or court order issued for
8 a violation of this Part shall be subject to a civil penalty of not more than five
9 thousand dollars for each violation. A civil penalty in accordance with this Section
10 may be imposed in any civil action brought by the attorney general.

11 (6) All monies received from the payment of a fine or civil penalty imposed
12 and collected pursuant to the provisions of this Section shall be used by the attorney
13 general to promote consumer protection and education.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 570 Original

2025 Regular Session

Carver

Abstract: Provides relative to minors use of applications.

Proposed law provides relative to applications stores and developers in regards to minors.

Proposed law defines "age category", "child", "younger teenager", "older teenager", "adult", "age category data", "age rating", "covered application store", "covered application store provider", "developer", "parent", "parent account", "parental consent disclosure", "significant change", and "verifiable parental consent".

Proposed law provides for what a covered application store provider shall do:

- (1) At the time an individual who is located in the state creates an account.
- (2) If the age verification methods or process described in proposed law determines the individual to be a minor.
- (3) After receiving notice of a significant change from a developer.
- (4) When providing information to a developer.
- (5) When a parent revokes parental consent.
- (6) To protect personal age verification data.

Proposed law provides for what a covered application store provider may not do.

Proposed law provides that a developer shall:

- (1) Verify the age category of users located in this state and verify whether verifiable parental consent has been obtained for a minor account.
- (2) Notify covered application store providers of a significant change to the application.
- (3) Use age category data received from the covered application store provider in certain circumstances.
- (4) Request personal age verification data or parental consent at certain times and for certain purposes.

Proposed law provides that a developer may request personal age verification data or parental consent in certain circumstances.

Proposed law provides that implementing any developer-created safety-related features or defaults, a developer shall use the lowest age indicated by age verification data provided by a covered application store provider or age data independently collected by the developer.

Proposed law provides for what a developer may not do.

Proposed law provides for when a developer is not liable for a violation of proposed law.

Proposed law provides that for the purposes of setting the age category of an application and providing content description disclosure to a covered application store provider, a developer complies with proposed law if the developer uses widely adopted industry standards to determine the application's age category and the content description disclosures and the if developer applies those standards consistently and in good faith.

Proposed law provides for what the protections described in proposed law apply to.

Proposed law provides that the attorney general may bring a civil action to enforce any violations of proposed law.

Proposed law provides that a social media platform that violates the provisions of proposed law shall be subject to a civil fine of up to \$10,000 per violation.

Proposed law provides relative to the attorney general giving notice to any violators.

Proposed law provides for when the attorney general may initiate a civil action against a person who fails to cure a violation.

Proposed law provides relative to reasonable attorney fees, court costs, and investigative costs.

Proposed law requires a person who violates an administrative order or court order issued for a violation of proposed law to pay a civil penalty of not more than \$5,000 per violation. Further provides that a civil penalty may be imposed in any civil action brought by the attorney general under proposed law.

Proposed law provides that monies received from the payment of a fine or civil penalty imposed and collected pursuant to the provisions of proposed law shall be used by the attorney general to promote consumer protection and education.

(Amends Section 2 of Act 656 of the 2024 R.S.; Adds R.S. 51:1771-1775)