ENROLLED

2025 Regular Session

ACT No. 481

HOUSE BILL NO. 570

BY REPRESENTATIVES CARVER, ADAMS, AMEDEE, BACALA, BAMBURG, BAYHAM, BEAULLIEU, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRAUD, BRYANT, BUTLER, WILFORD CARTER, CHASSION, CHENEVERT, COATES, COX, DESHOTEL, DEWITT, DICKERSON, DOMANGUE, EDMONSTON, EGAN, EMERSON, FIRMENT, FISHER, FONTENOT, FREIBERG, GLORIOSO, HENRY, JACKSON, MIKE JOHNSON, LAFLEUR, MACK, MELERINE, MOORE, OWEN, RISER, ROMERO, SCHAMERHORN, SCHLEGEL, SPELL, VENTRELLA, VILLIO, WILDER, WILEY, AND WYBLE

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. Section 2 of Act 656 of the 2024 Regular Session is hereby amended and reenacted to read as follows:

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

CHAPTER 20-A. ~~PROTECTION OF CHILDREN'S INTERNET DATA~~ ONLINE PROTECTIONS FOR MINORS

PART I. PROTECTION OF CHILDREN'S INTERNET DATA

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

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PART II. PROTECTION OF CHILDREN ON APPLICATIONS

§1771. Definitions

As used in this Part, the following terms have the following meanings:

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

(a) "Child" means an individual who is under thirteen years old.

(b) "Younger teenager" means an individual who is at least thirteen years old and under sixteen years old.

(c) "Older teenager" means an individual who is at least sixteen years old and under eighteen years old.

(d) "Adult" means an individual who is at least eighteen years old.

(2) "Age category data" means information about a user's age that is collected by a covered application store provider and shared with a developer.

(3) "Age rating" means a classification that provides an assessment of the suitability of an application's content for different age groups.

(4) "Application" means a software program that is designed to run on a connected device or a mobile device.

(5) "Connected device" means a smartphone, tablet, computer, gaming console, or virtual reality device that enables users to connect to the internet and download software applications.

(6) "Content description" means a description of the specific content elements that informed an application's age rating.

(7) "Covered application store" means a publicly available website, software application, or electronic service that allows users to download applications from third-party developers onto a mobile device.

(8) "Covered application store provider" means a person who owns, operates, or controls a covered application store that allows users in this state to download applications.

(9) "Developer" means a person who owns or controls an application made available through a covered application store in this state.

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(10) "Minor" means an individual under the age of eighteen and is not emancipated or married.

(11) "Minor account" means an account with a covered application store provider that is established by an individual who the covered application store provider has determined is under eighteen years of age, and is not emancipated or married, through the covered application store provider's age verification methods and requires affiliation with a parent account.

(12) "Mobile device" means a phone or general purpose tablet that does all of the following:

(a) Provides cellular or wireless connectivity.

(b) Is capable of connecting to the internet.

(c) Runs a mobile operating system.

(d) Is capable of running applications through the mobile operating system.

(13) "Mobile operating system" means software that does all of the following:

(a) Manages mobile device hardware resources.

(b) Provides common services for mobile device programs.

(c) Controls memory allocation.

(d) Provides interfaces for applications to access device functionality.

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

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

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

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

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

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

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

(c) A description of:

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

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

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

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

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

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

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

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

(18) "Verifiable parental consent" means authorization that is all of the following:

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

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

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

§1772. Application stores

A. A covered application store provider shall:

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

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(a) Request age information from the individual.

(b)(i) Verify the individual's age category using commercially available methods that are reasonably designed to ensure accuracy, including but not limited to a means of verification provided through the use of a real-time age verification system authorized by the commissioner of the office of motor vehicles.

(ii) For individuals under eighteen years of age, a method is commercially available if it includes affirmative age attestation by someone who is reasonably believed to be the parent or legal guardian, along with other information collected in the ordinary course of account creation or use.

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

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

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

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

(4) Provide to a developer, in response to a request authorized pursuant to R.S. 51:1773:

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

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

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

(6) Protect personal age verification data by doing all of the following:

(a) Limiting collection and processing to data necessary for:

(i) Verifying a user's age.

(ii) Obtaining parental consent.

(iii) Maintaining compliance records.

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(b) Transmitting personal age verification data using industry-standard encryption protocols that ensure data integrity and data confidentiality.

B. A covered application store provider shall not do any of the following:

(1) Enforce a contract or terms of service against a minor unless a covered application store provider has obtained verifiable parental consent.

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

(3) Share age verification data except between a covered application store provider and a developer as required by this Part or as required by law.

§1773. Developer requirements

A. A developer shall do all of the following:

(1) Verify through the covered application store's data sharing methods the age category of users located in this state and any other source of data or information that the developer determines is recommended or appropriate to comply with applicable law.

(2) If the data shared from a covered application store described in Paragraph (1) of this Subsection determines the individual to be a minor, the developer shall do both of the following:

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

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

(3) Notify covered application store providers of a significant change to the application.

(4) Enforce all age-related restrictions.

(5) Enforce any developer-created age-related restrictions.

(6) Ensure compliance with applicable laws and regulations. Any developer required by law to age verify users at the application level shall continue to be responsible for age verification. No provision in this Part shall be construed to remove this responsibility.

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(7) Implement any developer-created safety-related features or defaults.

(8) Request personal age verification data or parental consent:

(a) At the time a user downloads an application or purchases an application.

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

(c) To comply with applicable law. Any developer required by law to age verify users at the application level shall continue to be responsible for age verification. No provision in this Part shall be construed to remove this responsibility.

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

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

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

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

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

D. A developer shall not do any of the following:

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

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

(3) Share age category data with any person.

E. Developers and covered application store providers shall each be separately responsible for any data each chose to rely on in their independent judgment for compliance with age verification requirements of law.

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§1774. Protections

A. A developer is not liable for a violation of this Part if the developer demonstrates that the developer complied with the requirements described in R.S. 51:1773.

B. 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 R.S. 51:1773(C) 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.

C. The protection described in this Section applies only to actions brought pursuant to this Part and shall not limit a developer of covered application store provider's liability under any applicable law.

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

E. Nothing in this Part shall be construed to do any of the following:

(1) Prevent a covered application store provider or developer from taking reasonable measures to do any of the following:

(a) Block, detect, or prevent distribution to minors of unlawful material, obscene material, or other harmful material.

(b) Block or filter spam.

(c) Prevent criminal activity.

(d) Protect the application store or application security.

(2) Require a covered application store provider to disclose user information to a developer beyond age category or verification of parental consent status.

(3) Allow a covered application store provider or developer to implement measures required by this Part in a manner that is arbitrary, capricious, anticompetitive, or unlawful.

(4) Require a covered application store provider or developer to obtain parental consent for an application that meets all of the following conditions:

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(a) Provides direct access to emergency services, including:

(i) 911.

(ii) Crisis hotlines.

(iii) Emergency assistance services legally available to minors.

(b) Limits data collection to information necessary to provide emergency services in compliance with 15 U.S.C. 6501 et seq., Children's Online Privacy Protection Act.

(c) Provides access without requiring account creation or collection of unnecessary personal information.

(d) Is operated by or in partnership with any of the following:

(i) A government entity.

(ii) A nonprofit organization.

(iii) An authorized emergency service provider.

(5) Require a developer to collect, retain, reidentify, or link any information beyond any of the following:

(a) What is necessary to verify age categories and parental consent status as required by this Chapter.

(b) What is collected, retained, reidentified, or linked in the developer's ordinary course of business.

(6) Relieve a developer of its obligation to conduct age verification as otherwise required by law.

§1775. Enforcement; penalties

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

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

C.(1) At least forty-five days before the day on which the attorney general initiates an enforcement action against a person who is subject to the requirements

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of this Part, the attorney general shall provide the person with a written notice that identifies each alleged violation and an explanation of the basis for each allegation.

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

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

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

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

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

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

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

Section 3. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

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Section 4. The Louisiana State Law Institute is authorized and directed to amend Act No. 656 of the 2024 Regular Session to change every reference from Chapter to Part.

Section 5. This Act shall become effective on July 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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