

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 applicability; to
7 provide for enforcement; to provide for severability; to provide for an effective date;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

15 CHAPTER 20-A. ~~PROTECTION OF CHILDREN'S INTERNET DATA~~ ONLINE
16 PROTECTIONS FOR MINORS
17 PART I. PROTECTION OF CHILDREN'S INTERNET DATA

18 * * *

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

1 PART II. PROTECTION OF CHILDREN ON APPLICATIONS

2 §1771. Definitions

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

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

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

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

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

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

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

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

16 (4) "Application" means a software application or electronic service that a
17 user may run or direct on a mobile device.

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

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

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

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

1 (9) "Minor" means an individual under circumstances where a covered
2 application store or developer has actual knowledge that the individual is under the
3 age of eighteen and is not emancipated or married.

4 (10) "Minor account" means an account with a covered application store
5 provider that is established by an individual who the covered application store
6 provider has determined is under eighteen years of age through the covered
7 application store provider's age verification methods and requires affiliation with a
8 parent account.

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

11 (a) Provides cellular or wireless connectivity.

12 (b) Is capable of connecting to the internet.

13 (c) Runs a mobile operating system.

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

15 (12) "Mobile operating system" means software that does all of the
16 following:

17 (a) Manages mobile device hardware resources.

18 (b) Provides common services for mobile device programs.

19 (c) Controls memory allocation.

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

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

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

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

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

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

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

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

10 (c) A description of:

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

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

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

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

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

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

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

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

22 (17) "Verifiable parental consent" means authorization that:

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

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

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

1 §1772. Application stores

2 A. A covered application store provider shall:

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

5 (a) Request age information from the individual.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Verifying a user's age.

1 (ii) Obtaining parental consent.

2 (iii) Maintaining compliance records.

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

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

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

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

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

12 §1773. Developer requirements

13 A. A developer shall do all of the following:

14 (1) Verify through the covered application store's data sharing methods:

15 (a) The age category of users located in this state.

16 (b) For a minor account, whether verifiable parental consent has been
17 obtained.

18 (2) Notify covered application store providers of a significant change to the
19 application.

20 (3) Use age category data received from the covered application store
21 provider to do the following:

22 (a) Enforce any developer-created age-related restrictions.

23 (b) Ensure compliance with applicable laws and regulations and also use age
24 verification from the developer to do so. Any developer required by law to age
25 verify users at the application level shall continue to be responsible for age
26 verification. No provision in this Part shall be construed to remove this
27 responsibility.

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

29 (4) Request personal age verification data or parental consent:

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

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

3 (c) To comply with applicable laws or regulations and also use age
4 verification from the developer to do so. Any developer required by law to age
5 verify users at the application level shall continue to be responsible for age
6 verification. No provision in this Part shall be construed to remove this
7 responsibility.

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

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

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

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

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

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

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

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

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

27 §1774. Protections

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

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

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

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

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

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

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

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

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

22 (b) Block or filter spam.

23 (c) Prevent criminal activity.

24 (d) Protect the application store or application security.

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

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

1 §1775. Enforcement; penalties

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

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

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

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

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

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

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

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

25 (5) A person who violates an administrative order or court order issued for
26 a violation of this Part shall be subject to a civil penalty of not more than five
27 thousand dollars for each violation. A civil penalty in accordance with this Section
28 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 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.

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.

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 Engrossed

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", "application", "content description", "covered application store", "covered application store provider", "developer", "minor", "minor account", "mobile device", "mobile operating system", "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 and from the developer 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 category 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 proposed law shall not be construed to prevent a covered application store provider or developer from taking certain actions.

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.

Proposed law provides for severability.

Proposed law directs the La. Law Institute to make technical changes.

Effective July 1, 2026.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Add definitions for application, content description, minor, minor account, mobile device, and mobile operating system.
3. Amend the definitions for covered application store and developer.
4. Add that for individuals under 18, 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.
5. Clarify language regarding a covered application store provider and age categories.
6. Add that a developer shall also use age verification methods when complying with applicable laws and regulations.
7. Add that 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 alleviate said responsibility.
8. Add that proposed law shall not be construed to prevent a covered application store provider or developer from taking certain actions.
9. Add severability.
10. Direct the La. Law Institute to make technical changes.
11. Add an effective date of July 1, 2026.