

HB 1658-FN - AS INTRODUCED

2026 SESSION

26-3005

07/06

HOUSE BILL ***1658-FN***

AN ACT relative to parental consent and age verification for digital application platforms.

SPONSORS: Rep. Drye, Sull. 7; Rep. Freeman, Belk. 8; Rep. Litchfield, Rock. 32; Rep. Thibault, Merr. 25; Rep. Bennett, Rock. 4; Rep. Rhodes, Ches. 17; Rep. Harvey-Bolia, Belk. 3; Rep. Bjelobrk, Graf. 5; Rep. Korzen, Coos 7; Rep. Reinfurt, Hills. 29; Sen. Ward, Dist 8

COMMITTEE: Commerce and Consumer Affairs

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ANALYSIS

This bill enacts provisions governing app store operations and creates requirements for age verification and parental consent.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to parental consent and age verification for digital application platforms.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; App Store Accountability. Amend RSA by inserting after chapter 359-U the  
2 following new chapter:

3 CHAPTER 359-V

4 APP STORE ACCOUNTABILITY

5 359-V:1 Definitions. As used in this chapter:

6 I. "Age category" means one of the following categories of individuals based on age:

7 (a) "Child" which means an individual who is under 13 years old;

8 (b) "Younger teenager" which means an individual who is at least 13 years old and  
9 under 16 years old;

10 (c) "Older teenager" which means an individual who is at least 16 years old and under 18  
11 years old; or

12 (d) "Adult" which means an individual who is at least 18 years old.

13 II. "Age category data" means information about a user's age category that is:

14 (a) Collected by an app store provider; and

15 (b) Shared with a developer.

16 III. "Age rating" means a classification that provides an assessment of the suitability of an  
17 app's content for different age groups.

18 IV. "App" means a software application or electronic service that a user may run or direct on  
19 a mobile device.

20 V. "App store" means a publicly available website, software application, or electronic service  
21 that allows users to download apps from third-party developers onto a mobile device.

22 VI. "App store provider" means a person that owns, operates, or controls an app store that  
23 allows users in the state to download apps onto a mobile device.

24 VII. "Content description" means a description of the specific content elements that  
25 informed an app's age rating.

26 VIII. "Developer" means a person that owns or controls an app made available through an  
27 app store in the state.

28 IX. "Division," "bureau," or "consumer protection division of the department of justice"  
29 means the consumer protection and antitrust bureau of the department of justice.

30 X. "Knowingly" means to act with actual knowledge or to act with knowledge fairly inferred  
31 based on objective circumstances.

- 1 XI. "Minor" means an individual under 18 years old.
- 2 XII. "Minor account" means an account with an app store provider that:
- 3 (a) Is established by an individual who the app store provider has determined is under
- 4 18 years old through the app store provider's age verification methods; and
- 5 (b) Requires affiliation with a parent account.
- 6 XIII. "Mobile device" means a phone or general purpose tablet that:
- 7 (a) Provides cellular or wireless connectivity;
- 8 (b) Is capable of connecting to the Internet;
- 9 (c) Runs a mobile operating system; and
- 10 (d) Is capable of running apps through the mobile operating system.
- 11 XIV. "Mobile operating system" means software that:
- 12 (a) Manages mobile device hardware resources;
- 13 (b) Provides common services for mobile device programs;
- 14 (c) Controls memory allocation; and
- 15 (d) Provides interfaces for applications to access device functionality.
- 16 XV. "Parent" means, with respect to a minor, any of the following individuals who have legal
- 17 authority to make decisions on behalf of the minor:
- 18 (a) An individual with a parent-child relationship;
- 19 (b) A legal guardian; or
- 20 (c) An individual with legal custody.
- 21 XVI. "Parent account" means an account with an app store provider that:
- 22 (a) Is verified to be established by an individual who the app store provider has
- 23 determined is at least 18 years old through the app store provider's age verification methods; and
- 24 (b) May be affiliated with one or more minor accounts.
- 25 XVII. "Parental consent disclosure" means the following information that an app store
- 26 provider is required to provide to a parent before obtaining parental consent:
- 27 (a) If the app store provider has an age rating for the app or in-app purchase, the app's
- 28 or in-app purchase's age rating;
- 29 (b) If the app store provider has a content description for the app or in-app purchase, the
- 30 app's or in-app purchase's content description;
- 31 (c) A description of:
- 32 (1) The personal data collected by the app from a user; and
- 33 (2) The personal data shared by the app with a third party; and
- 34 (d) If personal data is collected by the app, the methods implemented by the developer to
- 35 protect the personal data.
- 36 XVIII. "Significant change" means a material modification to an app's terms of service or
- 37 privacy policy that:

- 1 (a) Changes the categories of data collected, stored, or shared;
- 2 (b) Alters the app's age rating or content descriptions;
- 3 (c) Adds new monetization features, including:
  - 4 (1) In-app purchases; or
  - 5 (2) Advertisements; or
- 6 (d) Materially changes the app's:
  - 7 (1) Functionality; or
  - 8 (2) User experience.

9 XIX. "Verifiable parental consent" means authorization that:

- 10 (a) Is provided by an individual who the app store provider has verified is an adult;
- 11 (b) Is given after the app store provider has clearly and conspicuously provided the  
12 parental consent disclosure to the individual; and
- 13 (c) Requires the parent to make an affirmative choice to:
  - 14 (1) Grant consent; or
  - 15 (2) Decline consent.

16 359-V:2 App Store Provider Requirements.

17 I. An app store provider shall:

- 18 (a) At the time an individual who is located in the state creates an account with the app  
19 store provider:
  - 20 (1) Request age information from the individual; and
  - 21 (2) Verify the individual's age category using:
    - 22 (A) Commercially available methods that are reasonably designed to ensure  
23 accuracy; or
    - 24 (B) An age verification method or process that complies with rules made by the  
25 division pursuant to RSA 541-A;
- 26 (b) If the age verification method or process described in this chapter determines the  
27 individual is a minor:
  - 28 (1) Require the account to be affiliated with a parent account; and
  - 29 (2) Obtain verifiable parental consent from the holder of the affiliated parent  
30 account before allowing the minor to:
    - 31 (A) Download an app;
    - 32 (B) Purchase an app; or
    - 33 (C) Make an in-app purchase;
- 34 (c) After receiving notice of a significant change from a developer:
  - 35 (1) Notify the user of the significant change; and
  - 36 (2) For a minor account:
    - 37 (A) Notify the holder of the affiliated parent account; and

- 1 (B) Obtain renewed verifiable parental consent;
- 2 (d) Provide to a developer, in response to an authorized request:
- 3 (1) Age category data for a user located in the state; and
- 4 (2) The status of verified parental consent for a minor located in the state;
- 5 (e) Notify a developer when a parent revokes parental consent; and
- 6 (f) Protect personal age verification data by:
- 7 (1) Limiting collection and processing to data necessary for:
- 8 (A) Verifying a user's age;
- 9 (B) Obtaining parental consent; or
- 10 (C) Maintaining compliance records; and
- 11 (2) Transmitting personal age verification data using industry-standard encryption
- 12 protocols that ensure:
- 13 (A) Data integrity; and
- 14 (B) Data confidentiality.

15 II. An app store provider shall not:

- 16 (a) Enforce a contract or terms of service against a minor unless the app store provider
- 17 has obtained verifiable parental consent;
- 18 (b) Knowingly misrepresent the information in the parental consent disclosure; or
- 19 (c) Share personal age verification data except:
- 20 (1) Between an app store provider and a developer as required by this chapter; or
- 21 (2) As required by law.

22 359-V:3 Developer Requirements.

23 I. A developer shall:

- 24 (a) Verify through the app store's data sharing methods:
- 25 (1) The age category of users located in the state; and
- 26 (2) For a minor account, whether verifiable parental consent has been obtained;
- 27 (b) Notify app store providers of a significant change to the app;
- 28 (c) Use age category data received from an app store provider to:
- 29 (1) Enforce any developer-created age-related restrictions;
- 30 (2) Ensure compliance with applicable laws and regulations; and
- 31 (3) Implement any developer-created safety-related features or defaults;
- 32 (d) Request personal age verification data or parental consent:
- 33 (1) At the time a user:
- 34 (A) Downloads an app; or
- 35 (B) Purchases an app;
- 36 (2) When implementing a significant change to the app; or
- 37 (3) To comply with applicable laws or regulations.

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

2 (a) No more than once during each 12-month period to verify:

3 (1) Accuracy of user age verification data; or

4 (2) Continued account use within the verified age category;

5 (b) When there is reasonable suspicion of:

6 (1) Account transfer; or

7 (2) Misuse outside the verified age category; or

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

9 III. When implementing any developer-created safety-related features or defaults, a  
10 developer shall use the lowest age category indicated by:

11 (a) Age verification data provided by an app store provider; or

12 (b) Age data independently collected by the developer.

13 IV. A developer shall not:

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

16 (b) Knowingly misrepresent any information in the parental consent disclosure; or

17 (c) Share age category data with any person.

18 359-V:4 Division Rulemaking. In accordance with RSA 541-A, the division shall make rules  
19 establishing processes and means by which an app store provider may verify whether an account  
20 holder is a minor in accordance with this chapter.

21 359-V:5 Enforcement.

22 I. A violation of this chapter shall constitute a false, misleading, or deceptive act or practice.

23 II. In addition to any other remedy available under state law, the attorney general may  
24 bring an action against an app store provider or a developer to:

25 (a) Recover a civil penalty not to exceed \$7,500 for each violation;

26 (b) Restrain or enjoin the app store provider or developer from violating this chapter;

27 (c) Seek injunctive relief;

28 (d) Recover reasonable attorneys' fees; and

29 (e) Recover litigation costs and the costs of investigating the violation.

30 359-V:6 Safe Harbor.

31 I. A developer shall not be liable for a violation of this chapter if the developer demonstrates  
32 that the developer:

33 (a) Relied in good faith on:

34 (1) Personal age verification data provided by an app store provider; and

35 (2) Notification from an app store provider that verifiable parental consent was  
36 obtained if the personal age verification data indicates that the user is a minor; and

37 (b) Complied with the requirements described in this chapter.

1           II. For purposes of setting the age category of an app and providing content description  
2 disclosures to an app store provider, a developer shall comply with this chapter if the developer:

3           (a) Uses widely adopted industry standards to determine:

4                 (1) The app's age category; and

5                 (2) The content description disclosures; and

6           (b) Applies those standards consistently and in good faith.

7           III. The safe harbor described in this section shall:

8           (a) Apply only to actions brought under this chapter; and

9           (b) Not limit a developer or app store provider's liability under any other applicable law.

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

12          359-V:7 Severability.

13           I. If any provision of this chapter or the application of any provision to any person or  
14 circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of  
15 this chapter shall be given effect without the invalid provision or application.

16           II. The provisions of this chapter shall be severable.

17          359-V:8 Application and Limitations. Nothing in this chapter shall be construed to:

18           I. Prevent an app store provider or developer from taking reasonable measures to:

19                 (a) Block, detect, or prevent distribution to minors of:

20                     (1) Unlawful material;

21                     (2) Obscene material; or

22                     (3) Other harmful material;

23                 (b) Block or filter spam;

24                 (c) Prevent criminal activity; or

25                 (d) Protect app store or app security;

26           II. Require an app store provider to disclose user information to a developer beyond:

27                 (a) Age category; or

28                 (b) Verification of parental consent status;

29           III. Allow an app store provider or developer to implement measures required by this  
30 chapter in a manner that is:

31                 (a) Arbitrary;

32                 (b) Capricious;

33                 (c) Anticompetitive; or

34                 (d) Unlawful;

35           IV. Require an app store provider or developer to obtain parental consent for an app that:

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

37                     (1) 911;

- 1                   (2) Crisis hotlines; or
- 2                   (3) Emergency assistance services legally available to minors;
- 3                   (b) Limits data collection to information necessary to provide emergency services in
- 4 compliance with 15 U.S.C. Sec. 6501;
- 5                   (c) Provides access without requiring:
- 6                   (1) Account creation; or
- 7                   (2) Collection of unnecessary personal information; and
- 8                   (d) Is operated by or in partnership with:
- 9                   (1) A government entity;
- 10                  (2) A nonprofit organization; or
- 11                  (3) An authorized emergency service provider; or
- 12                  V. Require a developer to collect, retain, reidentify, or link any information beyond what is:
- 13                  (a) Necessary to verify age categories and parental consent status as required by this
- 14 chapter; and
- 15                  (b) Collected, retained, reidentified, or linked in the developer's ordinary course of
- 16 business.
- 17                  2 Effective Date. This act shall take effect January 1, 2027.

**HB 1658-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to parental consent and age verification for digital application platforms.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill      \*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill establishes provisions governing app store operations and allows those harmed by violations of the chapter to bring civil actions. Although there is no way of knowing how many cases may be brought, the Judicial Branch has provided the following cost estimates for civil cases, as well as common civil case fees:

**NH Judicial Branch Average Civil Case Estimates**

<b>Judicial Branch Average Cost</b>	<b>FY 2026</b>	<b>FY 2027</b>
Superior Court Complex Civil Case	\$1,283	\$1,342
Superior Court Routine Civil Case	\$476	\$495

**Common Civil Case Fees**

<b>Superior Court Fees</b>	<b>As of 07/01/25</b>
Original Entry Fee	\$325
Third-Party Claim	\$325
Motion to Reopen	\$195

**AGENCIES CONTACTED:**

Judicial Branch