1	A bill to be entitled
2	An act relating to online access to materials harmful
3	to minors; creating s. 282.803, F.S.; providing
4	definitions; requiring a developer to, beginning on a
5	specified date, make specific determination about
6	covered applications, provide notice to application
7	stores about such applications, and provide certain
8	features for parents to protect a user that is a
9	child; requiring a covered manufacturer to, beginning
10	on a specified date, take certain steps to determine
11	specified information about the user, provide certain
12	notices, and provide developers of covered
13	applications with a specified means to verify the age
14	of a user; providing requirements for devices sold
15	before a specified date; providing construction;
16	requiring an application store to establish
17	nondiscriminatory practices; providing for enforcement
18	actions by the Attorney General; providing an
19	affirmative defense; providing a limitation on
20	liability for a covered manufacturer under certain
21	circumstances; amending s. 501.1737, F.S.; revising
22	and providing definitions; revising the age
23	verification method used by certain commercial
24	entities to verify the age of a person accessing
25	certain material; providing an exception; requiring a
26	covered manufacturer to ensure certain statutory
	Page 1 of 22

Page 1 of 22

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2025

27	requirements are met; authorizing the Department of
28	Legal Affairs to bring an action against covered
29	manufacturers; authorizing the imposition of civil
30	penalties against covered manufacturers; removing
31	certain liability and damage provisions for certain
32	commercial entities; removing provisions relating to
33	public records exemptions and the Open Government
34	Sunset Review Act; removing the definition of the term
35	"proprietary information"; creating s. 501.1741, F.S.;
36	requiring covered manufactures to take certain steps
37	upon activation of a device; requiring certain
38	websites, applications, or online services to take
39	certain actions based on the amount of material
40	harmful to minors found on such website, application,
41	or online service; requiring covered manufacturers to
42	comply with statutory requirements in a
43	nondiscriminatory manner; prohibiting covered
44	manufacturers from taking certain actions; authorizing
45	the Department of Legal Affairs to adopt rules and
46	regulations; providing preemption; providing an
47	effective date.
48	
49	Be It Enacted by the Legislature of the State of Florida:
50	
51	Section 1. Section 282.803, Florida Statutes, is created
52	to read:
ļ	Page 2 of 22

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53	282.803 Online application store
54	(1) As used in this section, the term:
55	(a) "Application store" means a publicly available
56	website, software application, or online service that
57	distributes third-party platform software applications to a
58	computer, a mobile device, or any other general purpose
59	computing device.
60	(b) "Child" means an individual consumer under 18 years of
61	age.
62	(c) "Covered application" means a software application,
63	website, or other online service that is likely to be accessed
64	by children and that is intended to be run or directed by a user
65	on a computer, mobile device, or any other general purpose
66	computing device. The term does not include a broadband Internet
67	access service as defined in 47 C.F.R. s. 8.1(B); a
68	telecommunications service as defined in 47 U.S.C. s. 153; or
69	the delivery or use of a physical product unconnected to the
70	Internet.
71	(d) "Covered entity" means a covered manufacturer or
72	developer of a covered application.
73	(e) "Covered manufacturer" means a manufacturer of a
74	device, an operating system for a device, or an application
75	store.
76	(f) "Developer" means any person, entity, or organization
77	that creates, owns, or controls an application and is
78	responsible for the design, development, maintenance, and
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79 distribution of the application to users through an application 80 store. "Device" means a device or a portion of a device that 81 (q) 82 is designed for and capable of communicating across a computer 83 network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not 84 limited to, a desktop, a laptop, a cellular telephone, a tablet, 85 or any other device designed for and capable of communicating 86 87 with or across a computer network and that is used for such 88 purpose. The term does not include cable, fiber, or wireless 89 modems, and home routers whether standalone or combined with the 90 aforementioned modems; managed set-top boxes; and any physical 91 object that only supports communications within a closed user 92 group or private network available to a limited set of users. 93 (h) "Likely to be accessed by children" means it is reasonable to expect that an application would be accessed by 94 95 children, based on satisfying any of the following criteria: 96 1. The application is determined, based on competent and 97 reliable evidence regarding audience composition, to be routinely accessed by children; or 98 99 2. Internal research findings determine that the 100 application is routinely accessed by children. 101 "Parent" means a biological, foster, or adoptive (i) 102 parent; a stepparent; or a legal guardian. (j) "User" means an individual consumer of covered 103 104 applications.

Page 4 of 22

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105 (2) Beginning January 1, 2026: 106 (a) A developer of a covered application shall: 1. Determine whether an application the developer provides 107 108 is likely to be accessed by children and, if the application is 109 provided for distribution via an application store, provide 110 notice to such application store that the application is likely 111 to be accessed by children. 112 2. To the extent applicable and technically feasible, 113 provide readily available features for parents to protect a user 114 that is a child as appropriate to the risks that arise from the 115 child's use of the developer's covered application. This 116 includes providing features to help manage which accounts are 117 affirmatively linked to the user under the age of 18, to help 118 manage the delivery of age appropriate content, and to limit the amount of time that the user under the age of 18 spends daily on 119 120 the developer's covered application. 121 (b) A covered manufacturer shall take commercially 122 reasonable and technically feasible steps to: 123 1. Upon initial activation of a device, determine or 124 estimate the age of the device's primary user. 125 2. If the covered manufacturer is an application store: 126 a. Provide a mechanism for a developer to provide notice 127 that an application is likely to be accessed by children. 128 b. Obtain parental consent before permitting a known child 129 under 16 years of age to download a covered application from the 130 application store.

Page 5 of 22

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131 c. Provide developers of covered applications in the 132 application store a signal regarding whether a parent has 133 provided consent when required under this subsection. 134 Provide the parent with the option to connect the d. 135 developer of such a covered application with the approving 136 parent for the purpose of facilitating parental supervision 137 tools. 138 3. Provide developers of covered applications with a 139 digital signal via a real time application programming interface 140 regarding whether a user is: 141 a. Under 13 years of age. 142 b. At least 13 years of age and under 16 years of age. 143 c. At least 16 years of age and under 18 years of age. 144 d. At least 18 years of age. 145 4. Developers of covered applications may rely on age signals and parental consent provided under subparagraph 2. for 146 147 purposes of complying with this paragraph. (c) For devices sold before January 1, 2026, covered 148 149 manufacturers shall ensure that the requirements under paragraph 150 (b) are included in its operating system and app store versions 151 and updates by default after January 1, 2027. 152 (3) (a) Except for the requirements provided in 153 subparagraph (2) (b) 2., this section does not: 154 (b) Require a covered entity to access, collect, retain, 155 reidentify, or link information, that in the ordinary course of 156 business, would not otherwise be accessed, collected, retained,

Page 6 of 22

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157	reidentified, or linked.
158	
159	controls or safety settings if it is not necessary to comply
160	with this act.
161	(d) Modify, impair, or supersede the operation of any
162	antitrust law, including chapter 1331 of the Revised Code and 15
163	<u>U.S.C. 1, et seq.</u>
164	(4) An application store shall comply with this section in
165	a nondiscriminatory manner, including:
166	(a) Imposing at least the same restrictions and
167	obligations on its own applications and application distribution
168	as it does on those from third-party applications or application
169	distributors;
170	(b) Not using data collected from third parties, or
171	consent mechanisms deployed for third parties, in the course of
172	compliance with this subsection, for any of the following:
173	1. To compete against those third parties.
174	2. To give the application store's services preference
175	relative to those of third parties.
176	3. To otherwise use the data or consent mechanism in an
177	anticompetitive manner.
178	(5)(a) At least 45 days before the date on which the
179	Attorney General initiates an enforcement action against a
180	covered entity that is subject to the requirements of this
181	section, the Attorney General shall provide the covered entity
182	with a written notice that identifies each alleged violation and

Page 7 of 22

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2025

183	an explanation of the basis for each allegation.
184	(b) The Attorney General may not initiate an action if the
185	covered entity cures the violation or violations described in
186	the notice within 45 days after the notice is sent and provides
187	the Attorney General with a written statement indicating that
188	the violation is cured and that no further violations will
189	occur.
190	(c) If a covered entity continues to violate this section
191	in breach of an express written notice provided under paragraph
192	(6)(a), the Attorney General may bring a civil action and seek
193	damages for up to \$2,500 per violation of this section not to
194	exceed \$50,000. Damages shall begin accruing after completion of
195	the 45-day cure period in paragraph (6)(b).
196	(d) This subsection does not provide a private right of
197	action. The Attorney General has the exclusive authority to
198	enforce this section.
199	(e) Paragraph (a) does not apply if the covered entity
200	fails to timely cure all of the violations described in the
201	notice or commits a subsequent violation of the same type after
202	curing the initial violation under that paragraph.
203	(6) It is an affirmative defense to a violation of this
204	section if the developer acted in reasonable reliance on the
205	application store's determination or estimate that the user is
206	not a child.
207	(7) A covered manufacturer is not subject to liability for
208	failure to comply with this section if that covered manufacturer
	Page 8 of 22

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209	has taken commercially reasonable and technically feasible steps
210	to determine or estimate the age of the user of the device as
211	provided in paragraph (2)(b).
212	Section 2. Section 501.1737, Florida Statutes, is amended
213	to read:
214	501.1737 Age verification for online access to materials
215	harmful to minors
216	(1) As used in this section and s. 501.1741, the term:
217	(a) "Anonymous age verification" has the same meaning as
218	in s. 501.1738.
219	(b) "Application store" means a publicly available
220	website, software application, or online service that
221	distributes third-party platforms' software applications to a
222	computer, a mobile device, or any other general-purpose
223	computing device.
224	<u>(c)-(b)</u> "Commercial entity" includes a corporation, a
225	limited liability company, a partnership, a limited partnership,
226	a sole proprietorship, and any other legally recognized entity.
227	(d) "Covered manufacturer" means a manufacturer of a
228	device, an operating system for a device, or an application
229	store.
230	<u>(e)</u> "Department" means the Department of Legal Affairs.
231	(f) "Device" means equipment or a portion of equipment
232	that is designed for and capable of communicating across a
233	computer network with other computers or devices for the purpose
234	of transmitting, receiving, or storing data, including, but not

Page 9 of 22

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2025

235	limited to, a desktop, a laptop, a cellular telephone, a tablet,
236	or any other device designed for and capable of communicating
237	with or across a computer network and that is used for such
238	purpose.
239	(g) "Digital age verification" means either anonymous age
240	verification, standard age verification, or device-based age
241	verification.
242	<u>(h)</u> "Distribute" means to issue, sell, give, provide,
243	deliver, transfer, transmit, circulate, or disseminate by any
244	means.
245	<u>(i)</u> "Material harmful to minors" means any material
246	that:
247	1. The average person applying contemporary community
248	standards would find, taken as a whole, appeals to the prurient
249	interest;
250	2. Depicts or describes, in a patently offensive way,
251	sexual conduct as specifically defined in s. 847.001(19); and
252	3. When taken as a whole, lacks serious literary,
253	artistic, political, or scientific value for minors.
254	<u>(j)</u> "News-gathering organization" means any of the
255	following:
256	1. A newspaper, news publication, or news source, printed
257	or published online or on a mobile platform, engaged in
258	reporting current news and matters of public interest, and an
259	employee thereof who can provide documentation of such
260	employment.

Page 10 of 22

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261 2. A radio broadcast station, television broadcast
262 station, cable television operator, or wire service, and an
263 employee thereof who can provide documentation of such
264 employment.

(k) "Operating system provider" means an entity that
 develops, distributes, or maintains the operating system of, and
 provides common services for, a device. The term includes the
 design, programming, and supply of operating systems for various
 devices such as smartphones, tablets, and other digital
 equipment.

271 <u>(1)(g)</u> "Publish" means to communicate or make information 272 available to another person or entity on a publicly available 273 website or application.

274 <u>(m)-(h)</u> "Resident" means a person who lives in this state 275 for more than 6 months of the year.

276 <u>(n) (i)</u> "Standard age verification" means any commercially 277 reasonable method of age verification approved by the commercial 278 entity.

279 <u>(o) (j)</u> "Substantial portion" means more than 33.3 percent 280 of total material on a website or application.

(2) A commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on a website or application, if the website or application contains a substantial portion of material harmful to minors, must use <u>digital</u> either anonymous age verification or standard age verification to verify that the age of a person attempting to

Page 11 of 22

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access the material is 18 years of age or older and prevent access to the material by a person younger than 18 years of age. The commercial entity must offer anonymous age verification and standard age verification, and a person attempting to access the material may select which method will be used to verify his or her age <u>unless the commercial entity is relying on device-based</u> age verification pursuant to s. 501.1741.

(3) A commercial entity must ensure that the requirements
of s. 501.1738 are met <u>unless the commercial entity is relying</u>
<u>on device-based age verification pursuant to s. 501.1741. A</u>
<u>covered manufacturer must ensure that the requirements of s.</u>
501.1741 are met.

(4) (a) This section does not apply to any bona fide news
or public interest broadcast, website video, report, or event
and does not affect the rights of a news-gathering organization.

302 (b) An Internet service provider or its affiliates or 303 subsidiaries, a search engine, or a cloud service provider does not violate this section solely for providing access or 304 305 connection to or from a website or other information or content 306 on the Internet or a facility, system, or network not under the 307 provider's control, including transmission, downloading, 308 intermediate storage, or access software, to the extent the 309 provider is not responsible for the creation of the content of 310 the communication which constitutes material harmful to minors.

311 (5) (a) Any violation of subsection (2) or subsection (3)
312 is deemed an unfair and deceptive trade practice actionable

Page 12 of 22

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313 under part II of this chapter solely by the department on behalf 314 of a resident minor against a commercial entity or a covered manufacturer. If the department has reason to believe that a 315 316 commercial entity or a covered manufacturer is in violation of 317 subsection (2) or subsection (3), the department, as the 318 enforcing authority, may bring an action against the commercial 319 entity or a covered manufacturer for an unfair or deceptive act 320 or practice. For the purpose of bringing an action pursuant to 321 this section, ss. 501.211 and 501.212 do not apply. In addition 322 to any other remedy under part II of this chapter, the 323 department may collect a civil penalty of up to \$50,000 per 324 violation and reasonable attorney fees and court costs. When the 325 commercial entity's or a covered manufacturer's failure to 326 comply with subsection (2) or subsection (3) is a consistent 327 pattern of conduct of the commercial entity or covered 328 manufacturer, punitive damages may be assessed against the 329 commercial entity or covered manufacturer.

A third party that performs age verification for a 330 (b) 331 commercial entity or covered manufacturer in violation of s. 332 501.1738 is deemed to have committed an unfair and deceptive 333 trade practice actionable under part II of this chapter solely 334 by the department against such third party. If the department 335 has reason to believe that the third party is in violation of s. 336 501.1738, the department, as the enforcing authority, may bring 337 an action against such third party for an unfair or deceptive 338 act or practice. For the purpose of bringing an action pursuant

Page 13 of 22

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to this section, ss. 501.211 and 501.212 do not apply. In addition to other remedies under part II of this chapter, the department may collect a civil penalty of up to \$50,000 per violation and reasonable attorney fees and court costs.

343 (c) A commercial entity that violates subsection (2) for 344 failing to prohibit access or prohibit a minor from future access to material harmful to minors after a report of 345 346 unauthorized or unlawful access is liable to the minor for such 347 access, including court costs and reasonable attorney fees as 348 ordered by the court. Claimants may be awarded up to \$10,000 in 349 damages. A civil action for a claim under this paragraph must be 350 brought within 1 year from the date the complainant knew, or 351 reasonably should have known, of the alleged violation.

352 <u>(c) (d)</u> Any action under this subsection may only be 353 brought on behalf of or by a resident minor.

354 For purposes of bringing an action under subsection (6) 355 (5), a commercial entity or covered manufacturer that publishes 356 or distributes material harmful to minors on a website or 357 application, if the website or application contains a 358 substantial portion of material harmful to minors and such 359 website or application is available to be accessed in this 360 state, is considered to be both engaged in substantial and not 361 isolated activities within this state and operating, conducting, 362 engaging in, or carrying on a business and doing business in 363 this state, and is therefore subject to the jurisdiction of the 364 courts of this state.

Page 14 of 22

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365 (7) This section does not preclude any other available366 remedy at law or equity.

367 If, by its own inquiry or as a result of (8) (a) 368 complaints, the department has reason to believe that an entity 369 or person has engaged in, or is engaging in, an act or practice 370 that violates this section, the department may administer oaths 371 and affirmations, subpoena witnesses or matter, and collect 372 evidence. Within 5 days, excluding weekends and legal holidays, 373 after the service of a subpoena or at any time before the return 374 date specified therein, whichever is longer, the party served 375 may file in the circuit court in the county in which it resides 376 or in which it transacts business and serve upon the enforcing 377 authority a petition for an order modifying or setting aside the 378 subpoena. The petitioner may raise any objection or privilege 379 which would be available upon service of such subpoena in a 380 civil action. The subpoena shall inform the party served of its 381 rights under this subsection.

382 If the matter that the department seeks to obtain by (b) 383 subpoena is located outside the state, the entity or person 384 subpoenaed may make it available to the department or its 385 representative to examine the matter at the place where it is 386 located. The department may designate representatives, including officials of the state in which the matter is located, to 387 388 inspect the matter on its behalf and may respond to similar 389 requests from officials of other states.

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(c) Upon failure of an entity or person without lawful

Page 15 of 22

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391 excuse to obey a subpoena and upon reasonable notice to all 392 persons affected, the department may apply to the circuit court 393 for an order compelling compliance.

394 The department may request that an entity or person (d) 395 that refuses to comply with a subpoena on the ground that 396 testimony or matter may incriminate the entity or person be 397 ordered by the court to provide the testimony or matter. Except 398 in a prosecution for perjury, an entity or individual that 399 complies with a court order to provide testimony or matter after 400 asserting a valid privilege against self-incrimination shall not 401 have the testimony or matter so provided, or evidence derived 402 therefrom, received against the entity or person in any criminal 403 investigation or proceeding.

404 (e) Any entity or person upon whom a subpoena is served pursuant to this section shall comply with the terms thereof 405 unless otherwise provided by order of the court. Any entity or 406 407 person that fails to appear with the intent to avoid, evade, or prevent compliance in whole or in part with any investigation 408 409 under this part or that removes from any place, conceals, 410 withholds, mutilates, alters, or destroys, or by any other means 411 falsifies any documentary material in the possession, custody, 412 or control of any entity or person subject to any such subpoena, or knowingly conceals any relevant information with the intent 413 414 to avoid, evade, or prevent compliance, shall be liable for a 415 civil penalty of not more than \$5,000 per week in violation, 416 reasonable attorney fees, and costs.

Page 16 of 22

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417	(9) (a) All information held by the department pursuant to
418	a notification of a violation of this section or an
419	investigation of a violation of this section is confidential and
420	exempt from s. 119.07(1) and s. 24(a), Art. I of the State
421	Constitution, until such time as the investigation is completed
422	or ceases to be active. This exemption shall be construed in
423	conformity with s. 119.071(2)(c).
424	(b) During an active investigation, information made
425	confidential and exempt pursuant to paragraph (a) may be
426	disclosed by the department:
427	1. In the furtherance of its official duties and
428	responsibilities;
429	2. For print, publication, or broadcast if the department
430	determines that such release would assist in notifying the
431	public or locating or identifying a person whom the department
432	believes to be a victim of an improper use or disposal of
433	customer records, except that information made confidential and
434	exempt by paragraph (c) may not be released pursuant to this
435	subparagraph; or
436	3. To another governmental entity in the furtherance of
437	its official duties and responsibilities.
438	(c) Upon completion of an investigation or once an
439	investigation ceases to be active, the following information
440	held by the department shall remain confidential and exempt from
441	s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
442	1. Information that is otherwise confidential or exempt
	Page 17 of 22

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443 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution. 444 2. Personal identifying information. 445 3. A computer forensic report. 446 4. Information that would otherwise reveal weaknesses 447 the data security of the commercial entity. 448 5. Information that would disclose the proprietary 449 information of the commercial entity. (d) For purposes of this subsection, the term "proprietary 450 information" means information that: 451 452 1. Is owned or controlled by the commercial entity. 453 2. Is intended to be private and is treated by the 454 commercial entity as private because disclosure would harm the 455 commercial entity or its business operations. 456 3. Has not been disclosed except as required by law or a 457 private agreement that provides that the information will not be 458 released to the public. 459 4. Is not publicly available or otherwise readily 460 ascertainable through proper means from another source in the 461 same configuration as received by the department. 462 5. Reveals competitive interests, the disclosure of which 463 would impair the competitive advantage of the commercial entity 464 that is the subject of the information. 465 (e) This subsection is subject to the Open Government 466 Sunset Review Act in accordance with s. 119.15 and shall stand 467 repealed on October 2, 2029, unless reviewed and saved from 468 repeal through reenactment by the Legislature. Page 18 of 22

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469	(9) (10) The department may adopt rules to implement this
470	section.
471	Section 3. Section 501.1741, Florida Statutes, is created
472	to read:
473	501.1741 Device-based age verification
474	(1) Upon activation of a device, a covered manufacturer
475	must take commercially reasonable and technically feasible steps
476	to do all of the following:
477	(a) Determine or estimate the age of the user of the
478	device.
479	(b) Provide websites, applications, application stores,
480	and online services with a digital signal and a real-time
481	application programming interface to verify that a person is:
482	1. Younger than 13 years of age.
483	2. At least 13 years of age but younger than 16 years of
484	age.
485	3. At least 16 years of age but younger than 18 years of
486	age.
487	4. Eighteen years of age or older.
488	(c) If the covered manufacturer is an application store,
489	obtain parental or guardian consent before permitting a person
490	younger than 16 years of age to download an application from the
491	application store and provide the parent or guardian with the
492	option to connect the developer of the application with the
493	approving parent or guardian for the purpose of facilitating
494	parental supervision tools.

Page 19 of 22

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495 (d) Beginning July 1, 2026, ensure that the requirements 496 of this section are included by default in all operating systems 497 and application store versions and updates for devices sold 498 after July 1, 2026. 499 (2) A website, an application, or an online service that 500 makes available material harmful to minors must recognize and 501 allow for the receipt of digital age signals pursuant to this 502 section. 503 (3) A website, an application, or an online service that 504 makes available a substantial portion of material harmful to 505 minors must do all of the following: 506 Block access to the website, application, or online (a) 507 service if an age signal is received indicating that the person 508 using such website, application, or online service is under 18 509 years of age. (b) Provide a disclaimer to the user or visitors that the 510 511 website, application, or online service contains material 512 harmful to minors. 513 (c) Label itself as restricted to adults. 514 (4) A website, an application, or an online service that 515 knowingly makes available less than a substantial portion of 516 material harmful to minors must do all of the following: 517 (a) Block access to known material harmful to minors if an 518 age signal is received indicating that the person using such 519 website, application, or online service is under 18 years of 520 age.

Page 20 of 22

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Provide a disclaimer to users or visitors before (b) displaying known material harmful to minors. (5) A website, an application, or an online service with actual knowledge, through receipt of a signal regarding a user's age or otherwise, that a user is under 18 years of age must, to the extent commercially reasonable and technically feasible, provide readily available features for parents or quardians to support a minor with respect to the minor's use of the service, including features to help manage which persons or accounts are affirmatively linked to the minor, to help manage the delivery of age appropriate content, and to limit the amount of time that the minor spends daily on the website, application, or online service. (6) A covered manufacturer must comply with this section in a nondiscriminatory manner, specifically including, but not limited to imposing at least the same restrictions and obligations on its own websites, applications, and online services as it does on those from third parties. (7) A covered manufacturer may not: Use data collected from third parties, or consent (a) mechanisms deployed for third parties, in the course of compliance with this section to compete against such third parties; Give the covered manufacturer's services preference (b) relative to those of third parties; or (c) Otherwise use data collected from third parties or

Page 21 of 22

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547 consent mechanisms deployed by third parties in an 548 anticompetitive manner. 549 (8) After requisite notice and public comment, the 550 department may adopt such rules and regulations necessary to 551 establish the processes by which entities are to comply with 552 this section. 553 (9) This section is intended to provide uniformity of the 554 law. Any state law, regulation, or policy or any ordinance, 555 regulation, or policy adopted by a county, a municipality, an 556 administrative agency, or other political subdivision of this 557 state which are in conflict with this section are hereby 558 superseded and are deemed null and void to the extent of the 559 conflict with this section. 560 Section 4. This act shall take effect July 1, 2025.

Page 22 of 22

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