

HOUSE BILL NO. 4429

May 06, 2025, Introduced by Reps. Paquette, Woolford, DeBoyer, Johnsen and Fox and referred to Committee on Communications and Technology.

A bill to regulate mature content provided on websites, applications, and online services; to regulate covered manufacturers; to provide for the powers and duties of certain state and local governmental officers and entities; to provide for the promulgation of rules; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "digital age assurance
2 act".

3 Sec. 3. As used in this act:

4 (a) "Application programming interface" means a set of rules

1 that allows programmers to develop a software for a particular
2 operating system without having to be completely familiar with that
3 operating system.

4 (b) "Application store" means a publicly available website,
5 application, or online service that distributes third-party
6 platforms' software applications to a computer, mobile device, or
7 any other general purpose computing device.

8 (c) "Covered manufacturer" means a manufacturer of a device,
9 an operating system for a device, or an application store.

10 (d) "Department" means the department of the attorney general.

11 (e) "Device" means a digital equipment or a portion of a
12 digital equipment that is designed for and capable of communicating
13 across a computer network with other digital equipment for the
14 purpose of transmitting, receiving, or storing data. Device
15 includes, but not limited to, a desktop, laptop, cellular
16 telephone, tablet, or other digital equipment designed for and
17 capable of communicating with or across a computer network and that
18 is used for that purpose.

19 (f) "Mature content" means sexually explicit content as that
20 term is defined in 18 USC 2256.

21 (g) "Minor" means an individual who is less than 18 years of
22 age.

23 (h) "Substantial portion" means that more than 33.33% of the
24 total material on a website, application, or online service is
25 mature content.

26 Sec. 5. (1) A covered manufacturer shall take commercially
27 reasonable and technically feasible steps to do all of the
28 following:

29 (a) On activation of a device, determine or estimate the age

1 of the device's user or users.

2 (b) Using an application programming interface, provide an
3 application store, website, application, and online service with a
4 digital signal regarding the age of the device's user or users,
5 specifically whether the user is any of the following:

6 (i) Less than 13 years of age.

7 (ii) 13 years of age or older but less than 16 years of age.

8 (iii) 16 years of age or older but less than 18 years of age.

9 (iv) 18 years of age or older.

10 (c) If the covered manufacturer is an application store and a
11 user who is less than 16 years of age is seeking to download an
12 application from the application store, do both of the following:

13 (i) Obtain consent from a parent or guardian of the user before
14 permitting that user to download an application from the
15 application store.

16 (ii) Provide a parent or guardian of the user with the option
17 to connect with the developer of the application for the purpose of
18 facilitating parental supervision tools.

19 (2) For a device sold before the effective date of this act, a
20 covered manufacturer shall ensure that the requirements under
21 subsection (1) are included by default in any version or update to
22 the device's operating system and application store that occurs
23 after the effective date of this act.

24 Sec. 7. (1) A website, application, or online service that
25 makes mature content available must do all of the following:

26 (a) Recognize and allow the receipt of a digital age signal
27 from a covered manufacturer.

28 (b) If the website, application, or online service knowingly
29 makes available a substantial portion of mature content, block

1 access to the website, application, or online service if a digital
2 age signal is received under section 5(1) that indicates an
3 individual is not 18 years of age or older.

4 (c) If the website, application, or online service knowingly
5 makes available less than a substantial portion of mature content,
6 do both of the following:

7 (i) Block access to known mature content if a digital age
8 signal is received under section 5(1) that indicates an individual
9 is not 18 years of age or older.

10 (ii) Provide a disclaimer to a user or visitor before
11 displaying known mature content.

12 (2) If a website, application, or online service has actual
13 knowledge that a user is less than 18 years of age from a digital
14 age signal received under section 5(1), the website, application,
15 or online service must, to the extent applicable and technically
16 feasible, provide readily available features for a parent or
17 guardian to support a minor with using the website, application, or
18 online service, including features that do all of the following:

19 (a) Help manage which individuals or accounts are
20 affirmatively linked to the minor.

21 (b) Help manage the delivery of age-appropriate content.

22 (c) Limit the amount of time that the minor spends daily on
23 the website, application, or online service.

24 Sec. 9. A covered manufacturer shall comply with this act in a
25 nondiscriminatory manner including, but not limited to, by doing
26 both of the following:

27 (a) Imposing at least the same restrictions and obligations on
28 the covered manufacturer's own website, application, or online
29 service as the restrictions and obligations the covered

1 manufacturer imposes on a third party.

2 (b) Not using data collected from a third party, or consent
3 mechanisms deployed for a third party, to do any of the following:

4 (i) Compete against that third party.

5 (ii) Give the covered manufacturer's services preference
6 relative to those of a third party.

7 (iii) Act in an anticompetitive manner.

8 Sec. 11 The department may promulgate rules under the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328, to establish the processes covered manufacturers must use
11 to comply with this act.

12 Sec. 13. (1) The department has exclusive authority to enforce
13 this act. There is no private right of action under this act.

14 (2) Before initiating a civil action, the department shall
15 provide an entity alleged with violating this act with 45 days'
16 written notice identifying the specific provisions of this act the
17 department alleges the entity is violating. If within 45 days after
18 receiving the written notice the entity cures the noticed violation
19 and provides the department with an express written statement that
20 the alleged violations have been cured, the department shall not
21 initiate a civil action.

22 (3) If an entity continues to violate this act in breach of an
23 express written statement provided to the department under
24 subsection (2) or fails to provide an express written statement
25 under (2), the department may initiate a civil action seeking
26 damages of not more than \$10,000.00 per violation. Damages under
27 this subsection begin accruing after the completion of the 45 day
28 period to cure under subsection (2).

29 (4) A covered manufacturer is not liable for failure to comply

1 with this act if the covered manufacturer has taken commercially
2 reasonable and technically feasible steps to determine or estimate
3 the age of the user of the device as provided in section 5(1).