

March 6, 2026

The Honorable Kris Valderrama
Chair
House Economic Matters Committee
Maryland House of Delegates
231 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: HB 1179 (Nkongolo) - Consumer Protection - Application Store Accountability Act – Unfavorable

Dear Chair Valderrama and Members of the Committee,

On behalf of TechNet, I'm writing to share concerns on HB 1179.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 104 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We appreciate the intent of this bill and share the commitment to providing a safe and secure online experience for children. TechNet members strongly believe that children deserve a heightened level of security and privacy online, and the industry is actively working to incorporate protective design features into apps, websites, and platforms. For example, some platforms allow minors to set reminders to take breaks or establish settings that protect them from potential threats or unwanted contact. TechNet members are also including parents and guardians in their child's experiences via parental supervision tools. We believe that empowering parents and guardians and their children to have an informed dialogue about navigating the internet and social media, accompanied with providing them with necessary safety and security tools and features, is a strong approach to children's online wellbeing. TechNet is concerned about HB 1179 for several reasons.

Age Verification

HB 1179 requires app store providers to verify the age of every user before granting access to app downloads, purchases, or usage, regardless of the nature of the app the user seeks to access. This bill does not simply encompass app stores; it

places significant requirements on apps. Because app store is defined so broadly, HB 1179 will encapsulate any application that distributes third-party content (i.e., gaming platforms, video streaming services, voice assistants, and curated content providers). Because most app stores are connected to larger services, this will require age verification at the account-creation stage for more than just app stores – it is effectively age verification for the internet accounts of some of the largest tech brands in the United States, far reaching beyond apps.

Age verification is a complex challenge to address and requires consideration of how to properly balance the interests of privacy and security. Stringent age verification measures could necessitate the collection, processing, and storage of sensitive personal information, such as birth dates and government-issued identification. This could conflict with data privacy principles like privacy-by-design and data minimization, and create new vectors for fraud, as every user in the state would have to prove whether or not they are a minor.

Parental Consent and Controls

Additionally, there are privacy concerns associated with the bill's parental consent requirements. Parental consent entails verifying parental relationships and parental rights, which will likely lead to privacy-invasive processes beyond collecting and verifying the age of an individual. For example, even with a birth certificate, there are custody agreements and other issues that could prevent a caregiver listed on that certificate from exercising parental rights to provide consent. Additionally, the bill is silent on the specific methodologies that would be sufficient to obtain and verify parental consent as well as parental relationships and rights, leading to compliance uncertainty and potential legal vulnerabilities.

Constitutionality

We believe that there are likely constitutional issues with the bill that are similar to those identified by courts with other age verification and parental consent bills. A number of other states that have passed legislation with age verification requirements have had those laws challenged and enjoined due to constitutional concerns. Ohio's *Social Media Parental Notification Act* and Arkansas' SB 396 are recent examples where courts have enjoined the laws from going into effect due to constitutional deficiencies.

In the case of Texas' SB 2420, a federal court found that the law was a content-based restriction on speech that failed strict scrutiny under the First Amendment. The court concluded that SB 2420 "is akin to a law that would require every bookstore to verify the age of every customer at the door, and for minors, require parental consent before the child or teen could enter and again when they try to purchase a book."¹ HB 1179 would likely suffer the same fate.

¹ *Order Granting Motion for Preliminary Injunction, CCIA v. Paxton*, No. 1:25-cv-01660 (W.D. Tex. Dec. 23, 2025) (Pitman, J.).

Enforcement

HB 1179 empowers the Attorney General to enforce compliance and allows individuals to file civil lawsuits, via the state's unfair and deceptive trade practices statute, against those who fail to meet the bill's requirements. These provisions create significant legal and financial risks, particularly for smaller developers who may be less equipped to handle litigation. The cumulative impact of new legal obligations, uncertainty in how to comply, and the potential for litigation threatens to stifle innovation. Despite the safe harbor provisions in the bill, TechNet remains concerned about the enforcement provisions.

For these reasons, TechNet respectfully opposes HB 1179. Thank you for considering our concerns, and please feel free to reach out if you have any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic