

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1119

Introduced by Bosn, 25.

Read first time January 16, 2026

Committee:

- 1 A BILL FOR AN ACT relating to the Age-Appropriate Online Design Code Act;
- 2 to amend sections 87-1301, 87-1302, 87-1305, and 87-1308, Revised
- 3 Statutes Supplement, 2025; to redefine terms; to change provisions
- 4 relating to the collection and use of personal data and prohibited
- 5 acts; to provide additional duties and prohibitions for a covered
- 6 online service; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 87-1301, Revised Statutes Supplement, 2025, is
2 amended to read:

3 87-1301 Sections 87-1301 to 87-1309 and sections 3 and 4 of this act
4 shall be known and may be cited as the Age-Appropriate Online Design Code
5 Act.

6 **Sec. 2.** Section 87-1302, Revised Statutes Supplement, 2025, is
7 amended to read:

8 87-1302 For purposes of the Age-Appropriate Online Design Code Act:

9 (1) Actual knowledge includes all information and inferences known
10 to the covered online service relating to the age of the individual,
11 including, but not limited to, self-identified age, and any age the
12 covered online service has attributed or associated with the individual
13 for any purpose, including marketing, advertising, or product
14 development. If a covered online service's classification of an
15 individual for purposes of marketing or advertising is inconsistent with
16 the individual's self-identified age, a covered online service shall
17 disregard self-identified age for purposes of the act;

18 (2) Child means an individual younger than thirteen years of age;

19 (3) Covered design feature means any feature or component of a
20 covered online service that will encourage or increase the frequency,
21 time spent, or activity of a user on the covered online service and
22 includes:

23 (a) Infinite scroll or a design feature where content automatically
24 and continuously loads at the bottom of a screen, other than what the
25 user explicitly prompted, requested, or searched for;

26 (b) Auto-playing video or audio, or a design feature in which a
27 video or audio automatically begins playing when a user navigates to or
28 scrolls through a set of videos without any explicit action on the part
29 of a user indicating the user's desire to watch that specific video or
30 listen to that audio;

31 (c) Quantification of engagement, including, but not limited to,

1 providing a visible count of how many likes, comments, clicks, views, or
2 reactions a user-generated item has received;

3 (d) Gamification, or a design feature that emulates gameplay,
4 including, but not limited to, a streak, badge, or reward that motivates
5 or causes more frequent or more extensive use of an online service
6 through incentives or frequency of use;

7 (e) The use of clustering, timing, or volume of notifications or
8 push alerts, irrespective of content;

9 (f) A design feature in which virtual currencies are used or where
10 digital items are purchased;

11 (g) Image-altering filters or a design feature that facilitates a
12 false perception of an image;

13 (h) Requiring or repeatedly prompting for account creation in order
14 to access publicly available user-generated content;

15 (i) Using ephemerality to prompt the urgent use of an online
16 service;

17 (j) Creating barriers to deleting an account or to removing
18 connections to other users of the service; or

19 (k) A feature that increases usage through the illusion of talking
20 with a human being that seeks to elicit feelings of intimacy from the
21 user;

22 ~~(a) Infinite scroll;~~

23 ~~(b) Rewards or incentives for frequency of visits or time spent on~~
24 ~~the covered online service;~~

25 ~~(c) Notifications or push alerts;~~

26 ~~(d) In-game purchases; or~~

27 ~~(e) Appearance-altering filters;~~

28 (4) Covered minor means a user that a covered online service knows
29 to be a minor;

30 (5)(a) Covered online service means a sole proprietorship, a limited
31 liability company, a corporation, an association, or any other legal

1 entity that owns, operates, controls, or provides an online service that:

2 (i) Conducts business in this state;

3 (ii) Alone, or jointly with its affiliates, subsidiaries, or parent
4 companies, determines the purposes and means of the processing of
5 consumers' personal data; and

6 (iii) Satisfies at least one of the following:

7 (A) ~~(iii)~~ Has annual gross revenue in excess of twenty-five million
8 dollars, adjusted every odd-numbered year to reflect changes in the
9 Consumer Price Index for All Urban Consumers published by the Federal
10 Bureau of Labor Statistics for the two-year period preceding the
11 adjustment date. The amount shall be rounded to the next highest one-
12 thousand-dollar amount; or

13 (B) ~~(iv)~~ Annually processes ~~buys, receives, sells, or shares~~ the
14 personal data of fifty thousand or more consumers, households, or
15 devices, alone or in combination with its affiliates, subsidiaries, or
16 parent companies. ~~;~~ and

17 ~~(v) Derives at least fifty percent of its annual revenue from the~~
18 ~~sale or sharing of consumers' personal data.~~

19 (b) A covered online service includes:

20 (i) An entity that controls or is controlled by a business that
21 meets the definition of covered online service if the entity and business
22 share a name, service mark, or trademark that would cause a reasonable
23 consumer to understand that the entity and business are commonly owned;
24 and

25 (ii) For a covered online service that is a joint venture or
26 partnership, any person with an ownership interest of forty percent or
27 more in such venture or partnership.

28 (c) A covered online service does not include an online service with
29 actual knowledge that fewer than two percent of its users are minors,
30 provided that, in making such assessment, an online service shall not be
31 required to collect personal data of users, and if an online service

1 collects personal data of users for such purpose, it shall not use such
2 personal data for other purposes ~~and shall delete such personal data~~
3 ~~after using it to make the assessment;~~

4 (6) Dark pattern means a user interface designed or manipulated with
5 the effect of substantially subverting or impairing user autonomy,
6 decisionmaking, or choice. Dark pattern includes any practice determined
7 to be a dark pattern by the Federal Trade Commission ~~as of January 1,~~
8 ~~2024;~~

9 (7) Knows to be a child or knows to be a minor means actual
10 knowledge that the user is a child or minor, as applicable;

11 (8) Minor means an individual younger than eighteen years of age;

12 (9) Online service means any service, product, or feature that is
13 accessible to the public via the Internet, including a website or
14 application. An online service does not include any of the following:

15 (a) A telecommunications service as defined in 47 U.S.C. 153;

16 (b) A broadband Internet access service as defined in 47 C.F.R.
17 8.1(b); or

18 (c) The sale, delivery, or use of a physical device;

19 (10) Parent has the same meaning as in the federal Children's Online
20 Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq., and the Federal
21 Trade Commission rules implementing such act;

22 (11) Personal data means any information, including derived data and
23 unique identifiers, that is linked or reasonably linkable, alone or in
24 combination with other information, to an identified or identifiable
25 individual or to a device that identifies, is linked to, or is reasonably
26 linkable to one or more identified or identifiable individuals in a
27 household. Personal data does not include publicly available data;

28 (12) Personalized recommendation system means a fully or partially
29 automated system used to suggest, promote, or rank content, including
30 other users, hashtags, or posts, based on the personal data of users;

31 (13) Precise geolocation information means any data that identifies

1 within a radius of one thousand seven hundred fifty feet a covered
2 minor's present or past location or the present or past location of a
3 device that links or is linkable to a covered minor or any data that is
4 derived from a device that is used or intended to be used to locate a
5 covered minor within a radius of one thousand seven hundred fifty feet by
6 means of technology that includes a global positioning system that
7 provides latitude and longitude coordinates. Precise geolocation
8 information does not include the content of communications or any data
9 generated or connected to advanced utility metering infrastructure
10 systems or equipment for use by a utility;

11 (14) Process means to perform an operation or set of operations by
12 manual or automated means on personal data. Process includes collecting,
13 using, storing, disclosing, sharing, analyzing, deleting, or modifying
14 personal data;

15 (15) Profile means any form of automated processing of personal data
16 to evaluate, analyze, or predict certain aspects relating to a covered
17 minor, including a covered minor's economic situation, health, personal
18 preferences, interests, reliability, behavior, location, or movements;

19 (16) Publicly available data means data (a) that is lawfully made
20 available from federal, state, or local government records, (b) that a
21 business has a reasonable basis to believe is lawfully made available to
22 the general public by the individual or from widely distributed media, or
23 (c) that is made available by a person to whom the individual has
24 disclosed the data if the individual has not restricted the data to a
25 specific audience. Publicly available data does not mean biometric data
26 collected by a covered online service about a covered minor without the
27 covered minor's knowledge;

28 (17) Targeted advertising means displaying advertisements to an
29 individual when the advertisement is selected based on personal data
30 obtained or inferred from that individual's activities over time and
31 across nonaffiliated websites or online applications to predict the

1 individual's preferences or interest. Targeted advertising does not
2 include:

3 (a) Advertisements based on activities within a covered online
4 service's own Internet websites or online applications;

5 (b) Advertisements based on the context of an individual's current
6 search query, visit to an Internet website, or use of an online
7 application;

8 (c) Advertisements directed to an individual in response to the
9 individual's request for information or feedback; or

10 (d) Processing personal data solely to measure or report advertising
11 frequency, performance, or reach; and

12 (18) User means, with respect to a covered online service, an
13 individual who registers an account or creates a profile on the covered
14 online service.

15 **Sec. 3.** A covered online service shall not:

16 (1) Provide a covered minor with a single setting that makes all of
17 the default privacy settings less protective at once; or

18 (2) Request or prompt a covered minor to make the covered minor's
19 privacy settings less protective, unless the change is strictly necessary
20 for the covered minor to access a service or feature that such covered
21 minor has expressly and unambiguously requested.

22 **Sec. 4.** A covered online service shall:

23 (1) Provide a prominent, accessible, and responsive tool to allow a
24 covered minor to request that the covered minor's account be unpublished
25 or deleted; and

26 (2) Honor a request under subdivision (1) of this section no later
27 than fifteen days after the covered online service receives the request.

28 **Sec. 5.** Section 87-1305, Revised Statutes Supplement, 2025, is
29 amended to read:

30 87-1305 (1) A covered online service shall only collect and use the
31 minimum amount of a covered minor's personal data necessary to provide

1 the specific elements of an online service with which the covered minor
2 has knowingly engaged. Such personal data shall not be used for reasons
3 other than those for which it was collected.

4 (2) A covered online service shall not be required to collect the
5 personal data of a user to comply with the Age-Appropriate Online Design
6 Code Act. A covered online service that collects personal data of a user
7 for age verification cannot use such personal data for other purposes and
8 ~~shall delete such personal data after use for age verification.~~

9 (3) A covered online service shall only retain the personal data of
10 a covered minor as long as necessary to provide the specific elements of
11 an online service with which the covered minor has knowingly engaged.

12 (4) A covered online service shall not facilitate targeted
13 advertising to a covered minor.

14 (5) A covered online service shall provide an obvious sign to a
15 covered minor when precise geolocation information is being collected or
16 used.

17 (6) The use of notifications and push alerts to a covered minor is
18 prohibited between the hours of 10 p.m. and 6 a.m. and between the hours
19 of 8 a.m. and 4 p.m. on week days during the school year in the covered
20 minor's local time zone.

21 (7) A covered online service shall not profile a covered minor
22 unless profiling is necessary to provide a covered online service
23 requested by such covered minor, and only with respect to the aspects of
24 the covered online service with which the covered minor is actively and
25 knowingly engaged.

26 (8) A covered online service shall ensure that the default settings
27 for the protections required pursuant to this section are set at the
28 highest protection available for the safety of the covered minor.

29 (9) If a covered online service allows parental monitoring, the
30 covered online service shall provide an obvious signal to a covered minor
31 when such minor is being monitored.

1 **Sec. 6.** Section 87-1308, Revised Statutes Supplement, 2025, is
2 amended to read:

3 87-1308 (1) A covered online service is prohibited from facilitating
4 advertisements for prohibited products, such as narcotic drugs, tobacco
5 products, gambling, and alcohol, to covered minors.

6 (2) A covered online service is prohibited from using dark patterns
7 ~~to subvert or impair covered minor autonomy, decisionmaking, or choice.~~

8 **Sec. 7.** Original sections 87-1301, 87-1302, 87-1305, and 87-1308,
9 Revised Statutes Supplement, 2025, are repealed.