Reviewed As To Form By
Legislative Service Commission

I_136_0954-7

136th General Assembly
Regular Session
2025-2026

Sub. S. B. No. 175

To amend section 1345.51 and to enact sections 1349.07, 1349.071, 1349.072, 1349.073, and 1349.074 of the Revised Code to establish age verification requirements for software applications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1345.51 be amended and sections 1349.07, 1349.071, 1349.072, 1349.073, and 1349.074 of the Revised Code be enacted to read as follows:

Sec. 1345.51. There is hereby created in the state treasury the consumer protection enforcement fund. The fund shall include civil penalties ordered pursuant to divisions (A) and (D) of section 1345.07 of the Revised Code and paid as provided in division (G) of that section, all civil penalties ordered pursuant to divisions (D) and (E) of section 1349.074 of the Revised Code and paid as provided in division (F) of that section, all civil penalties assessed under division (A) of section 1349.192 of the Revised Code, all costs awarded to the attorney general and all penalties imposed under section 4549.48 of the Revised Code, and all money unclaimed under section

4549.50 of the Revised Code. The money in the consumer protection enforcement fund shall be used for the sole purpose of paying expenses incurred by the consumer protection section of the office of the attorney general.

Sec. 1349.07. As used in sections 1349.07 to 1349.074 of the Revised Code:

(A)(1) "Account holder" means any of the following:

(a) An individual in this state who is at least eighteen years of age;

(b) A parent or legal guardian of a minor user in this state;

(c) An emancipated minor.

(2) "Account holder" does not include any of the following:

(a) A parent of an emancipated minor;

(b) A parent or legal guardian who does not own or control an account associated with a minor user's device;

(c) A parent of a minor user to whom both of the following apply:

(i) The court has not issued a shared parenting decree.

(ii) The parent is not the residential parent of the minor user, and the court has denied a motion for reasonable companionship or visitation rights.

(3) For the purpose of this section, a minor is considered "emancipated" if the minor has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care

and control of the minor's parent, guardian, or custodian.

(B) "Age bracket data" means data derived from a user's date of birth or age, that is not personal data, for the purpose of sharing with developers and that indicates the user's age range, including, at a minimum, the following:

(1) Whether a user is under thirteen years of age;

(2) Whether the user is at least thirteen years of age and under sixteen years of age;

(3) Whether the user is at least sixteen years of age and under eighteen years of age;

(4) Whether the user is at least eighteen years of age.

(C) "Age signal" means age bracket data sent by a secure application programming interface or similar method to an application.

(D) "Application" means a software application that is designed to be run on a computer, a mobile device, or any other general purpose computing device and to perform, or help the user perform, a specific task on the device and that is distributed through a covered applicable store.

"Application" does not include an internet web site or internet browser extension, or software with a primary purpose of extending the functionality of an internet browser.

(E)(1) "Broadband internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access

service.

(2) "Broadband internet access service" includes any service that the federal communications commission finds to be providing a functional equivalent of the service described in division (E)(1) of this section or that is used to evade the protections set forth in sections 1349.07 to 1349.074 of the Revised Code.

(F) "Child" means an individual who is under eighteen years of age.

(G)(1) "Covered application store" means a publicly available software application that distributes applications directly to consumers from third-party developers to users of a computer, a mobile device, a game console, or any other general purpose computing device.

(2) "Covered application store" does not mean an internet browser or an online service or platform that distributes extensions, plug-ins, add-ons, or other software applications that run exclusively within a separate host application.

(H) "Developer" means a person that owns, maintains, or controls an application.

(I) "Operating system" means software that manages applications on a computer, mobile device, or any other general purpose computing device, including those applications' access to the network, hardware, and other device resources.

(J) "Operating system provider" means a person or entity that owns, operates, or controls the operating system software on a computer, mobile device, or any other general purpose computing device.

(K) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable person in this state. "Personal data" does not include either of the following:

(1) Publicly available information;

(2) Personal data that has been de-identified or aggregated using commercially reasonable methods such that neither the associated person, nor a device linked to that person, can be reasonably identified.

(L) "Minor user" means a child that is the primary operator of the device.

Sec. 1349.071. (A)(1) An operating system provider shall do all of the following:

(a) Provide an accessible interface at account setup that requires an account holder to indicate the date of birth, age, or both, of the user of that device for the purpose of providing an age signal regarding the user's age bracket data to applications available in a covered application store;

(b) Provide to the account holder information that the collected age bracket data may be shared with developers to enable developers to provide age-appropriate content for minor users;

(c) Provide the information disclosed under division (A)(1)(b) of this section to an account holder during account setup;

(d) Provide a developer who has requested an age signal with respect to a particular user with a digital signal via a reasonably consistent real-time application programming

interface that contains the user's age bracket data;

(e) Send only the minimum amount of information necessary to comply with sections 1349.07 to 1349.074 of the Revised Code.

(2) An operating system provider shall not share the age signal information with a third party for a purpose not required by sections 1349.07 to 1349.074 of the Revised Code, except where legally required, with user or parent consent, or within reasonable user expectations.

(B)(1) A developer shall request an age signal with respect to a particular user when an application is downloaded, launched, or undergoes significant updates.

(2)(a) A developer that receives an age signal pursuant to this section shall consider that age across all platforms of the application taking into account its own commercially reasonable digital signals of age.

(b) A developer shall not willfully disregard internal clear and convincing information otherwise available to the developer that indicates that a user's age is different than the age bracket data indicated by an age signal provided by an operating system provider or a covered application store and may primarily rely on reasonable internal digital signals of age where those signals are commercially reasonable.

(3)(a) Except as provided in division (B)(3)(b) of this section, a developer shall treat an age signal received pursuant to this section as the primary indicator of a user's age range for purposes of determining the user's age.

(b) If a developer has internal clear and convincing information that a user's age is different than the age indicated by an age signal received pursuant to this section,

the developer shall use the internal information as the primary indicator of the user's age.

(4) A developer that receives an age signal pursuant to this section shall use that signal to comply with applicable law, but shall not do either of the following:

(a) Request more information than the minimum amount of information necessary to comply with sections 1349.07 to 1349.074 of the Revised Code;

(b) Share the age signal with a third party for a purpose not required by sections 1349.07 to 1349.074 of the Revised Code.

Sec. 1349.072. (A) With respect to a device for which account setup was completed before January 1, 2028, an operating system provider shall, before July 1, 2028, provide an accessible interface that allows an account holder to affirmatively acknowledge the statement provided under division (A)(1)(b) of section 1349.071 of the Revised Code and to indicate the date of birth, age, or both, of the user of that device for the purpose of providing an age signal regarding the user's age bracket data to developers of applications available in a covered application store.

(B) If an application last updated with updates on or after January 1, 2027, was downloaded to a device before January 1, 2028, and the developer has not requested an age signal with respect to the user of the device on which the application was downloaded, the developer shall request an age signal with respect to that user before July 1, 2028.

Sec. 1349.073. (A) Nothing in sections 1349.07 to 1349.074 of the Revised Code shall be construed to modify, impair, or

supersede the operation of any provision of Chapter 1331. of the Revised Code.

(B) Nothing in sections 1349.07 to 1349.074 of the Revised Code requires the collection of additional personal information from device owners or device users other than that which is necessary to comply with section 1349.071 of the Revised Code.

(C) An operating system provider shall comply with sections 1349.07 to 1349.074 of the Revised Code in a nondiscriminatory manner.

(D) An operating system provider shall impose at least the same restrictions and obligations on its own applications and application distribution as it does on those from third-party applications or application distributors.

(E) An operating system provider shall not use data collected from a third party in the course of compliance with sections 1349.07 to 1349.074 of the Revised Code to compete against that third party or to otherwise use this data or consent mechanism in an anticompetitive manner.

(F) Sections 1349.07 to 1349.074 of the Revised Code do not apply to any of the following:

(1) A broadband internet access service;

(2) A telecommunications service, as defined in 47 U.S.C. 153;

(3) The delivery or use of a physical product.

(G) Sections 1349.07 to 1349.074 of the Revised Code do not impose liability on an operating system provider, a covered application store, or a developer that arises from the use of a device or application by a person who is not the user to whom a

signal pertains.

Sec. 1349.074. (A) Except as provided in division (H) of this section, no person shall fail to comply with the requirements of sections 1349.07 to 1349.074 of the Revised Code.

(B) The office of the attorney general has sole authority to enforce the provisions of sections 1349.07 to 1349.074 of the Revised Code. The remedies set forth in this section are the exclusive civil remedies for any violation of those sections.

(C) The attorney general shall file a civil enforcement action against a person that fails to comply with the requirements of sections 1349.07 to 1349.074 of the Revised Code in the court of common pleas of the county in which the alleged violation occurred, if known, or in the Franklin county court of common pleas if the location of the violation is unknown, against that person to seek injunctive relief and the imposition of a civil penalty pursuant to division (D) or (E) of this section.

(D) If a person negligently violates division (A) of this section, the attorney general shall request, and the court shall impose, both of the following:

(1) Injunctive relief;

(2) A civil penalty of up to two thousand five hundred dollars per affected child for each violation.

(E) If a person purposely violates division (A) of this section, the attorney general shall request, and the court shall impose, both of the following:

(1) Injunctive relief;

(2) A civil penalty of up to seven thousand five hundred dollars per affected child for each violation.

(F) A civil penalty collected under division (D) or (E) of this section shall be deposited into the consumer protection enforcement fund as described in section 1345.51 of the Revised Code.

(G) Nothing in this section shall be construed to provide a private right of action.

(H) An operating system provider or a covered application store that makes a good faith effort to comply with sections 1349.07 to 1349.074 of the Revised Code, taking into consideration available technology and any reasonable technical limitations or outages, is not liable for an erroneous digital signal indicating a user's age range data or any conduct by a developer that receives a digital signal indicating a user's age range data.

Section 2. That existing section 1345.51 of the Revised Code is hereby repealed.

Section 3. Sections 1 and 2 of this act take effect January 1, 2027.