



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
Phone: (614) 466-8064
Reynolds@ohiosenate.gov

MICHELE REYNOLDS

State Senator
3rd Senate District

Chair Wilson, Vice Chair Lang, Ranking Member Craig, and members of the Committee, thank you for the opportunity to present sponsor testimony on Senate Bill 167. SB 167 creates clear requirements for App Stores to verify the age of users, obtain parental consent to download apps, and send that information to app developers upon download, enabling apps to place children in age-appropriate experiences.

When a parent buys a phone or tablet for their child, they are often the one setting up the device. Unless specific settings are activated, the app store assumes that account belongs to an adult. This means children are downloading apps, making in-app purchases, and at times, interacting with strangers or emergency services, without their parent's knowing. This bill will solve that problem in a way that is simple for app stores and families to implement.

SB 167 requires the option to indicate if the user is a minor when setting up a phone. If they do, the child's account is then linked to the parents'. From there, parental consent is required each time a minor attempts to download a new app or make an in-app purchase. The bill also requires parental consent before downloading any app with direct access to emergency services or hotlines to ensure that minors aren't unknowingly engaging with high-risk services without guidance. SB 167 strictly limits data collection to what is necessary: age, parental consent, and compliance records. Once passed, the Department of Commerce would oversee rulemaking for this legislation.

Ohio is currently evaluating two different approaches – an app store approach vs an app-by-app approach to age verification and parental consent. With an app store approach, parents would only have to age verify their teen once, when they help set up their phones. By contrast, an app-by-app approach would require parents to do this over and over again on each of the 40+ apps that their teens use per week (according to a University of Michigan study). Ohio parents overwhelmingly prefer this approach. A recent poll from Ohio Women Lead Right found that 80% of Ohioan parents—across political and ideological spectrums support app-store legislation that would require parental approval for children to download apps.

An app store approach effectively reduces barriers for new and smaller developers. Since app stores like Apple App Store and Google Play would be responsible for verifying age and consent, smaller and newer app developers with fewer resources will be spared from steep liability costs associated with enforcement and litigation of setting up their own age verification processes or enlisting other third parties to do so on their behalf. This solution to age verification online has already been formally introduced in 20 states and similar legislation has been signed into law in Utah, Texas, and Louisiana

This bill is backed by groups that represent parents, law enforcement, mental health, and faith, with the Ohio Fraternal Order of Police, Center for Christian Virtue and the Ohio Suicide Prevention Foundation all voicing their support. Colleagues, SB 167 is not about micromanaging technology. It's about giving families the tools they need to effectively parent in a digital age. I ask for your support on SB 167. Thank you, and I'm happy to answer any questions.

The Strengths of HB 226 / SB 167 and Weaknesses of SB 175 / HB 302

	HB 226 / SB 167	SB 175 / HB 302	Litigation Considerations
Which Apps Are Covered?	Any app downloadable from an app-store. (Broader)	Apps that provide different experiences for adults and children. This creates a loophole for apps to avoid the law by removing or not building teen experiences. (Narrower)	The narrower and more arbitrary the scoping mechanism is, the more likely the law is to be found to be unconstitutional as a speaker- or content-based restriction on speech. SB 175 / HB 302 includes scoping ambiguity similar to laws that have been successfully challenged in other contexts. <i>See, e.g., NetChoice, LLC v. Yost, 2025 WL 1137485, at *19 (S.D. Ohio Apr. 16, 2025) (same: statutes that are limited in scope to websites based on whether they “allow users to . . . interact socially” are content-based because allowing such content “convey[s] a message about the type of community the platform seeks to foster”).</i> <i>See, e.g., NetChoice, LLC v. Griffin, 2025 WL 978607, at *9 (W.D. Ark. Mar. 31, 2025) (concluding that AC/PV law was unconstitutional because of its content-based and narrower scoping: exemption favoring “news” services was content-based as “news” is a “certain type[] of content”).</i> <i>See also Sorrell v. IMS Health, Inc., 564 U.S. 552, 563, 567 (2011) (contrasting a narrowly scoped law that narrowly “enacts content- and speaker-based restrictions” on protected expression as likely unconstitutional under the First Amendment, and distinguishing it “from [neutral] restrictions on economic activity . . . more generally”).</i>
Age Up Front?	Commercially reasonable age determination for users at setup. (Stronger) What this would mean: Age signal is reliable.	Ask for stated age and provide minors with optional verification. (Weaker) What this would mean: It would be much easier for teen users to lie about their age to access age-inappropriate apps and experiences.	Optional requirements, such as the age verification and signal transmission requirements in SB 175 / HB 302, raise legitimate issues with regard to businesses not knowing how and whether to comply with these laws. Similar ambiguity has been challenged on vagueness grounds in other emerging youth laws: <i>See, e.g., NetChoice, LLC v. Yost, 2025 WL 1137485, at *19 (S.D. Ohio Apr. 16, 2025) (finding language in youth AV/PC law to be unconstitutionally vague).</i> <i>See, e.g., NetChoice, LLC v. Griffin, 2023 WL 5660155, at *14 (W.D. Ark. 2023) (same: “[t]he statute . . . leave[s] companies to choose between risking unpredictable and arbitrary enforcement . . . and trying to implement the Act’s . . . requirements”).</i> <i>See also Johnson v. United States, 576 U.S. 591, 595 (2015) (the Due Process Clause prohibits a “law so vague that it fails to give . . . fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement”).</i>

Sending Age to Apps?	Age sent to all covered apps. (Stronger)	Allows apps to ask the app store for age. (Weaker)	
Consent for App Downloads?	Parental consent <u>required</u> for U18. (Stronger)	None. Only allows apps the option to block all minors. (Weaker)	
App Developer Obligations?	Provide parental controls for delivery of content and time limits. (Durable framework)	Commercially reasonable age estimation and requiring apps to prohibit content they deem inappropriate for teens. This retreads litigation requiring app-by app age estimation instead of centralizing it at the App Store. It also discourages apps from deeming <i>any</i> content inappropriate for teens. (Constitutionally suspect and creates loopholes)	