April 14, 2026

The Honorable Steve Wilson
Chairman
Financial Institutions and Technology Committee
Ohio Senate
1 Capitol Square
Columbus OH, 43215

RE: Interested Party Testimony – Senate Bills 167 & 175

Chairman Wilson:

On behalf of the Ohio Council of Retail Merchants, which proudly represents over 7,000 businesses across Ohio, thank you for the opportunity to provide written interested party testimony regarding Senate Bills 167 and 175.

At the outset, we acknowledge and appreciate the intent behind these pieces of legislation—to enhance protections for children online. This is a goal we share. However, we have significant concerns with the approach taken in S.B. 167, particularly as it relates to the scope of the bill and the entities responsible for compliance.

While sub. S.B. 167 appropriately places core obligations on app stores, it is a critical improvement over the as-introduced version. It still creates new compliance expectations for developers, including requirements tied to age-category data, parental consent verification, and ongoing operational obligations. These provisions, while more targeted than prior versions, still introduce complexity and potential liability—particularly for smaller businesses and retailers that offer digital platforms or applications as part of their operations. Additionally, the bill risks contributing to a fragmented regulatory landscape that complicates operations for interstate businesses. Our members operate across multiple states, and we have consistently advocated against a patchwork of state-specific regulatory frameworks. A uniform approach to these issues—preferably at the federal level—is the most effective way to ensure consistency, reduce compliance burdens, and protect both consumers and businesses.

We also note that competing legislation—S. B. 175—is before the General Assembly and takes a similarly structured approach; however, in our view, it is more streamlined and targeted, clearly centering responsibility on app stores without creating unnecessary downstream burdens. We believe that framework better aligns accountability with the entities that control access, are best positioned to verify age, and maintain platform ecosystems.

Finally, should the state consider moving forward with legislation in this space, we strongly recommend the inclusion of a clear exemption for intra-application retail transactions. Specifically, the statute should clarify that "purchases" do not include the sale, delivery, or use of a physical or digital product sold by an online retailer. This distinction is critical to ensure that traditional retail transactions conducted

through digital platforms are not inadvertently swept into a regulatory framework that was not designed for them.

In closing, we appreciate the Committee's efforts to consider these important pieces of legislation and to better align responsibility with app store providers. However, we respectfully encourage continued refinement to ensure that any final policy is narrowly tailored, avoids unintended consequences for retailers and small businesses, and aligns with a more uniform regulatory approach.

Sincerely,

Alex T. Boehnke
Vice President
Ohio Council of Retail Merchants