As Introduced

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Representative Miller, M.

Cosponsors: Representatives King, Salvo, Robb Blasdel, Ritter

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To enact section 1349.07 of the Revised Code to	1
require application stores to offer parental	2
control options and to obtain parental consent	3
before permitting individuals under 16 years of	4
age to download certain applications.	5

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

Section 1. That section 1349.07 of the Revised Code be	6
enacted to read as follows:	7
Sec. 1349.07. (A) As used in this section:	8
(1) "Application store" means a publicly available web	9
site, software application, or online service that distributes a	10
third-party platform's software applications to a computer,	11
mobile device, or any other general purpose computing device.	12
(2)(a) "Broadband internet access service" means a mass-	13
market retail service by wire or radio that provides the	14
capability to transmit data to and receive data from all or	15
substantially all internet endpoints, including any capabilities	16
that are incidental to and enable the operation of the	17
communications service, but excluding dial-up internet access	18
service.	19

(b) "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 (A)(2)(a) of this section or that is used to evade the protections set forth in this section.

(3) "Child" means an individual consumer known to be under eighteen years of age.

(4)(a) "Covered application" means a software application, web site, or other online service that is likely to be accessed by children and that is intended to be run or directed by a user on a computer, mobile device, or other general purpose computing device.

(b) "Covered application" does not include any of the following:

(i) A broadband internet access service;

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

(iii) The delivery or use of a physical product unconnected to the internet.

(5) "Covered entity" means a covered manufacturer or developer of a covered application.

(6) "Covered manufacturer" means a manufacturer of a device, an operating system for a device, or an application store.

(7) "Developer" means any person, entity, or organization that creates, owns, or controls an application and is responsible for the design, development, maintenance, and distribution of the application to users through an application

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store.   48

(8)(a) "Device" means a device or portion of a device that   49
is designed for and capable of communicating across a computer   50
network with other computers or devices for the purpose of   51
transmitting, receiving, or storing data, including a desktop   52
computer, laptop, cellular telephone, tablet, or other device   53
designed for and capable of communicating with or across a   54
computer network and that is used for such purpose.   55

(b) "Device" does not include any of the following: 56

(i) Cable, fiber, or wireless modems;   57

(ii) Home routers, whether standalone or combined with   58
cable, fiber, or a wireless modem;   59

(iii) Managed set-top boxes;   60

(iv) Any physical object that only supports communications   61
within a closed user group or private network available to a   62
limited set of users.   63

(9) "Likely to be accessed by children" means, in the   64
context of an application, that either or both of the following   65
apply: 66

(a) Competent and reliable evidence regarding audience   67
composition demonstrates that the application is routinely   68
accessed by children;   69

(b) Internal research findings determine that the   70
application is routinely accessed by children.   71

(10) "Parent" includes a legal guardian.   72

(11) "User" means an individual consumer.   73

(B) Beginning January 1, 2026, no developer shall   74

distribute an application to users in this state or design, 75

develop, or maintain an application distributed to users in this 76

state without first determining whether the application is 77

likely to be accessed by children and, if so, providing notice 78

of that determination to each application store that distributes 79

the application to users in this state. 80

(C)(1) The covered manufacturer of a device sold in this 81

state on or after January 1, 2026, shall, upon the initial 82

activation of the device, take commercially reasonable and 83

technically feasible steps to determine or estimate the age of 84

the primary user of the device. 85

(2) The covered manufacturer of an operating system for a 86

device sold in this state before January 1, 2026, shall take 87

commercially reasonable and technically feasible steps to 88

determine or estimate the age of the primary user of the device 89

following the first update to the operating system that occurs 90

after January 1, 2027. 91

(D) On and after January 1, 2026, the covered manufacturer 92

of an application store with users in this state shall take 93

commercially reasonable and technically feasible steps to do all 94

of the following: 95

(1) Provide a mechanism for developers to provide notice 96

that an application is likely to be accessed by children; 97

(2) Obtain parental consent before permitting a user in 98

this state who the covered manufacturer knows or should know is 99

under sixteen years of age to download a covered application 100

from the application store; 101

(3) Provide developers of covered applications in the 102

application store with a signal regarding whether a parent has 103

provided consent when required under division (D)(2) of this section; 104 105

(4) Provide a parent who consents to a child downloading an application under division (D)(2) of this section with the option to connect with the developer of the application for the purpose of facilitating parental supervision tools. 106 107 108 109

(E) On and after January 1, 2026, a covered manufacturer shall take commercially reasonable and technically feasible steps to provide developers of covered applications with a digital signal via a real-time application programming interface regarding whether the covered manufacturer knows or estimates a user to be: 110 111 112 113 114 115

(1) Under thirteen years of age; 116

(2) At least thirteen years of age, and under sixteen years of age; 117 118

(3) At least sixteen years of age, and under eighteen years of age; 119 120

(4) At least eighteen years of age. 121

(F) On and after January 1, 2026, a developer of a covered application shall, to the extent applicable and technically feasible, provide readily available features for parents to support a child's use of the covered application. Such features shall, at minimum, do all of the following: 122 123 124 125 126

(1) Manage which accounts are affirmatively linked to the child; 127 128

(2) Manage the delivery of age appropriate content; 129

(3) Limit the amount of time that the child spends daily 130

on the covered application. 131

(G)(1) This section shall not be construed to require a 132
covered entity to access, collect, retain, re-identify, or link 133
information that the covered entity would not otherwise access, 134
collect, retain, re-identify, or link in the ordinary course of 135
business, except as absolutely necessary to comply with 136
divisions (C), (D), and (E) of this section. 137

(2) A covered entity is not required to implement new 138
account controls or safety settings if the covered entity's 139
existing account controls and safety settings are sufficient to 140
comply with this section. 141

(H)(1) Nothing in this section shall be construed to 142
modify, impair, or supersede the operation of any antitrust law, 143
including Chapter 1331. of the Revised Code and 15 U.S.C. 1, et 144
seq. 145

(2) An application store shall comply with this section in 146
a nondiscriminatory manner, including by: 147

(a) Imposing at least the same restrictions and 148
obligations on the application store's own applications and 149
application distribution as the application store does on third- 150
party applications or application distributors; 151

(b) Not using data collected from third parties, or 152
consent mechanisms deployed for third parties, in the course of 153
compliance with this section, for any of the following: 154

(i) To compete against those third parties; 155

(ii) To give the application store's services preference 156
relative to those of third parties; 157

(iii) To act in a manner adverse to competition. 158

(I)(1) The attorney general may bring a civil action   159
against a covered entity that the attorney general believes to   160
have violated this section. Before initiating such an   161
enforcement action, the attorney general shall provide written   162
notice to the covered entity identifying and explaining the   163
basis for each alleged violation.   164

(2) Except as otherwise provided in division (I)(4) of   165
this section, the attorney general shall not commence an   166
enforcement action if the covered entity, within forty-five days   167
after notice of the alleged violations is sent, does both of the   168
following: 169

(a) Cures all violations described in the notice;   170

(b) Provides the attorney general with a written statement   171
indicating that the violations are cured and agreeing to refrain   172
from further violations of this section.   173

(3) If the covered entity does not timely respond or   174
continues to violate this section after receiving the notice,   175
the attorney general may initiate the enforcement action and   176
seek damages of up to two thousand five hundred dollars for each   177
violation. Except as otherwise provided in division (I)(4) of   178
this section, damages begin to accrue on the forty-sixth day   179
following the date the attorney general sends notice of the   180
violation.   181

(4) Division (I)(2) of this section does not apply if the   182
covered entity fails to timely cure all of the violations   183
described in the notice or commits a subsequent violation of the   184
same type after curing the initial violation under that   185
division. Notwithstanding division (I)(3) of this section, if a   186
covered entity commits a subsequent violation of the same type   187

after reporting that the initial violation is cured, the 188

attorney general may bring a civil action at any time after 189

sending notice of the violation under division (I)(1) of this 190

section. Damages for the subsequent violation begin to accrue on 191

the date the violation occurs. 192

(5) It is an affirmative defense to a violation of 193

division (F) of this section if the covered entity acted in 194

reasonable reliance on a covered manufacturer's signals 195

regarding a user's age or parental consent. 196

(6) It is an affirmative defense to a violation of this 197

section if the covered entity took commercially reasonable and 198

technically feasible steps to comply. 199

(7) Nothing in this section shall be construed to provide 200

a private right of action. The attorney general has the 201

exclusive authority to enforce this section. 202