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136th General Assembly  
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Sub. H. B. No. 302

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To amend section 1345.51 and to enact sections 1  
1349.07, 1349.071, 1349.072, 1349.073, and 2  
1349.074 of the Revised Code to establish age 3  
verification requirements for software 4  
applications. 5

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

**Section 1.** That section 1345.51 be amended and sections 6  
1349.07, 1349.071, 1349.072, 1349.073, and 1349.074 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 1345.51.** There is hereby created in the state 9  
treasury the consumer protection enforcement fund. The fund 10  
shall include civil penalties ordered pursuant to divisions (A) 11  
and (D) of section 1345.07 of the Revised Code and paid as 12  
provided in division (G) of that section, all civil penalties 13  
ordered pursuant to divisions (D) and (E) of section 1349.074 of 14  
the Revised Code and paid as provided in division (F) of that 15  
section, all civil penalties assessed under division (A) of 16  
section 1349.192 of the Revised Code, all costs awarded to the 17  
attorney general and all penalties imposed under section 4549.48 18  
of the Revised Code, and all money unclaimed under section 19



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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. 47

(B) "Age bracket data" means data derived from a user's 48  
date of birth or age, that is not personal data, for the purpose 49  
of sharing with developers and that indicates the user's age 50  
range, including, at a minimum, the following: 51

(1) Whether a user is under thirteen years of age; 52

(2) Whether the user is at least thirteen years of age and 53  
under sixteen years of age; 54

(3) Whether the user is at least sixteen years of age and 55  
under eighteen years of age; 56

(4) Whether the user is at least eighteen years of age. 57

(C) "Age signal" means age bracket data sent by a secure 58  
application programming interface or similar method to an 59  
application. 60

(D) "Application" means a software application that is 61  
designed to be run on a computer, a mobile device, or any other 62  
general purpose computing device and to perform, or help the 63  
user perform, a specific task on the device and that is 64  
distributed through a covered applicable store. 65

"Application" does not include an internet web site or 66  
internet browser extension, or software with a primary purpose 67  
of extending the functionality of an internet browser. 68

(E) (1) "Broadband internet access service" means a mass- 69  
market retail service by wire or radio that provides the 70  
capability to transmit data to and receive data from all or 71  
substantially all internet endpoints, including any capabilities 72  
that are incidental to and enable the operation of the 73  
communications service, but excluding dial-up internet access 74

service. 75

(2) "Broadband internet access service" includes any 76  
service that the federal communications commission finds to be 77  
providing a functional equivalent of the service described in 78  
division (E) (1) of this section or that is used to evade the 79  
protections set forth in sections 1349.07 to 1349.074 of the 80  
Revised Code. 81

(F) "Child" means an individual who is under eighteen 82  
years of age. 83

(G) (1) "Covered application store" means a publicly 84  
available software application that distributes applications 85  
directly to consumers from third-party developers to users of a 86  
computer, a mobile device, a game console, or any other general 87  
purpose computing device. 88

(2) "Covered application store" does not mean an internet 89  
browser or an online service or platform that distributes 90  
extensions, plug-ins, add-ons, or other software applications 91  
that run exclusively within a separate host application. 92

(H) "Developer" means a person that owns, maintains, or 93  
controls an application. 94

(I) "Operating system" means software that manages 95  
applications on a computer, mobile device, or any other general 96  
purpose computing device, including those applications' access 97  
to the network, hardware, and other device resources. 98

(J) "Operating system provider" means a person or entity 99  
that owns, operates, or controls the operating system software 100  
on a computer, mobile device, or any other general purpose 101  
computing device. 102

(K) "Personal data" means any information that is linked 103  
or reasonably linkable to an identified or identifiable person 104  
in this state. "Personal data" does not include either of the 105  
following: 106

(1) Publicly available information; 107

(2) Personal data that has been de-identified or 108  
aggregated using commercially reasonable methods such that 109  
neither the associated person, nor a device linked to that 110  
person, can be reasonably identified. 111

(L) "Minor user" means a child that is the primary 112  
operator of the device. 113

**Sec. 1349.071.** (A) (1) An operating system provider shall 114  
do all of the following: 115

(a) Provide an accessible interface at account setup that 116  
requires an account holder to indicate the date of birth, age, 117  
or both, of the user of that device for the purpose of providing 118  
an age signal regarding the user's age bracket data to 119  
applications available in a covered application store; 120

(b) Provide to the account holder information that the 121  
collected age bracket data may be shared with developers to 122  
enable developers to provide age-appropriate content for minor 123  
users; 124

(c) Provide the information disclosed under division (A) 125  
(1) (b) of this section to an account holder during account 126  
setup; 127

(d) Provide a developer who has requested an age signal 128  
with respect to a particular user with a digital signal via a 129  
reasonably consistent real-time application programming 130

interface that contains the user's age bracket data; 131

(e) Send only the minimum amount of information necessary 132  
to comply with sections 1349.07 to 1349.074 of the Revised Code. 133

(2) An operating system provider shall not share the age 134  
signal information with a third party for a purpose not required 135  
by sections 1349.07 to 1349.074 of the Revised Code, except 136  
where legally required, with user or parent consent, or within 137  
reasonable user expectations. 138

(B) (1) A developer shall request an age signal with 139  
respect to a particular user when an application is downloaded, 140  
launched, or undergoes significant updates. 141

(2) (a) A developer that receives an age signal pursuant to 142  
this section shall consider that age across all platforms of the 143  
application taking into account its own commercially reasonable 144  
digital signals of age. 145

(b) A developer shall not willfully disregard internal 146  
clear and convincing information otherwise available to the 147  
developer that indicates that a user's age is different than the 148  
age bracket data indicated by an age signal provided by an 149  
operating system provider or a covered application store and may 150  
primarily rely on reasonable internal digital signals of age 151  
where those signals are commercially reasonable. 152

(3) (a) Except as provided in division (B) (3) (b) of this 153  
section, a developer shall treat an age signal received pursuant 154  
to this section as the primary indicator of a user's age range 155  
for purposes of determining the user's age. 156

(b) If a developer has internal clear and convincing 157  
information that a user's age is different than the age 158  
indicated by an age signal received pursuant to this section, 159

the developer shall use the internal information as the primary 160  
indicator of the user's age. 161

(4) A developer that receives an age signal pursuant to 162  
this section shall use that signal to comply with applicable 163  
law, but shall not do either of the following: 164

(a) Request more information than the minimum amount of 165  
information necessary to comply with sections 1349.07 to 166  
1349.074 of the Revised Code; 167

(b) Share the age signal with a third party for a purpose 168  
not required by sections 1349.07 to 1349.074 of the Revised 169  
Code. 170

**Sec. 1349.072.** (A) With respect to a device for which 171  
account setup was completed before January 1, 2028, an operating 172  
system provider shall, before July 1, 2028, provide an 173  
accessible interface that allows an account holder to 174  
affirmatively acknowledge the statement provided under division 175  
(A) (1) (b) of section 1349.071 of the Revised Code and to 176  
indicate the date of birth, age, or both, of the user of that 177  
device for the purpose of providing an age signal regarding the 178  
user's age bracket data to developers of applications available 179  
in a covered application store. 180

(B) If an application last updated with updates on or 181  
after January 1, 2027, was downloaded to a device before January 182  
1, 2028, and the developer has not requested an age signal with 183  
respect to the user of the device on which the application was 184  
downloaded, the developer shall request an age signal with 185  
respect to that user before July 1, 2028. 186

**Sec. 1349.073.** (A) Nothing in sections 1349.07 to 1349.074 187  
of the Revised Code shall be construed to modify, impair, or 188

supersede the operation of any provision of Chapter 1331. of the 189  
Revised Code. 190

(B) Nothing in sections 1349.07 to 1349.074 of the Revised 191  
Code requires the collection of additional personal information 192  
from device owners or device users other than that which is 193  
necessary to comply with section 1349.071 of the Revised Code. 194

(C) An operating system provider shall comply with 195  
sections 1349.07 to 1349.074 of the Revised Code in a 196  
nondiscriminatory manner. 197

(D) An operating system provider shall impose at least the 198  
same restrictions and obligations on its own applications and 199  
application distribution as it does on those from third-party 200  
applications or application distributors. 201

(E) An operating system provider shall not use data 202  
collected from a third party in the course of compliance with 203  
sections 1349.07 to 1349.074 of the Revised Code to compete 204  
against that third party or to otherwise use this data or 205  
consent mechanism in an anticompetitive manner. 206

(F) Sections 1349.07 to 1349.074 of the Revised Code do 207  
not apply to any of the following: 208

(1) A broadband internet access service; 209

(2) A telecommunications service, as defined in 47 U.S.C. 210  
153; 211

(3) The delivery or use of a physical product. 212

(G) Sections 1349.07 to 1349.074 of the Revised Code do 213  
not impose liability on an operating system provider, a covered 214  
application store, or a developer that arises from the use of a 215  
device or application by a person who is not the user to whom a 216

signal pertains. 217

Sec. 1349.074. (A) Except as provided in division (H) of 218  
this section, no person shall fail to comply with the 219  
requirements of sections 1349.07 to 1349.074 of the Revised 220  
Code. 221

(B) The office of the attorney general has sole authority 222  
to enforce the provisions of sections 1349.07 to 1349.074 of the 223  
Revised Code. The remedies set forth in this section are the 224  
exclusive civil remedies for any violation of those sections. 225

(C) The attorney general shall file a civil enforcement 226  
action against a person that fails to comply with the 227  
requirements of sections 1349.07 to 1349.074 of the Revised Code 228  
in the court of common pleas of the county in which the alleged 229  
violation occurred, if known, or in the Franklin county court of 230  
common pleas if the location of the violation is unknown, 231  
against that person to seek injunctive relief and the imposition 232  
of a civil penalty pursuant to division (D) or (E) of this 233  
section. 234

(D) If a person negligently violates division (A) of this 235  
section, the attorney general shall request, and the court shall 236  
impose, both of the following: 237

(1) Injunctive relief; 238

(2) A civil penalty of up to two thousand five hundred 239  
dollars per affected child for each violation. 240

(E) If a person purposely violates division (A) of this 241  
section, the attorney general shall request, and the court shall 242  
impose, both of the following: 243

(1) Injunctive relief; 244

<u>(2) A civil penalty of up to seven thousand five hundred</u>	245
<u>dollars per affected child for each violation.</u>	246
<u>(F) A civil penalty collected under division (D) or (E) of</u>	247
<u>this section shall be deposited into the consumer protection</u>	248
<u>enforcement fund as described in section 1345.51 of the Revised</u>	249
<u>Code.</u>	250
<u>(G) Nothing in this section shall be construed to provide</u>	251
<u>a private right of action.</u>	252
<u>(H) An operating system provider or a covered application</u>	253
<u>store that makes a good faith effort to comply with sections</u>	254
<u>1349.07 to 1349.074 of the Revised Code, taking into</u>	255
<u>consideration available technology and any reasonable technical</u>	256
<u>limitations or outages, is not liable for an erroneous digital</u>	257
<u>signal indicating a user's age range data or any conduct by a</u>	258
<u>developer that receives a digital signal indicating a user's age</u>	259
<u>range data.</u>	260
<b>Section 2.</b> That existing section 1345.51 of the Revised	261
Code is hereby repealed.	262
<b>Section 3.</b> Sections 1 and 2 of this act take effect	263
January 1, 2027.	264