

**As Introduced**

**136th General Assembly**

**Regular Session**

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**H. B. No. 302**

**Representatives Workman, Plummer**

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To enact sections 1349.07, 1349.071, 1349.072, 1  
1349.073, 1349.074, 1349.075, and 1349.076 of 2  
the Revised Code to establish age verification 3  
and parental consent requirements for certain 4  
developers and application stores. 5

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

**Section 1.** That sections 1349.07, 1349.071, 1349.072, 6  
1349.073, 1349.074, 1349.075, and 1349.076 of the Revised Code 7  
be enacted to read as follows: 8

**Sec. 1349.07.** As used in sections 1349.07 to 1349.076 of 9  
the Revised Code: 10

(A) "Adult" means an account holder who is or is estimated 11  
to be eighteen years of age or older. 12

(B) "Age category" means one of the following categories 13  
based on age: 14

(1) Minor; 15

(2) Adult. 16

(C) "Age signal" means a signal that indicates an account 17  
holder's age category and the methods by which that information 18  
has been assured, which the account holder or the account 19

holder's parent has agreed to share. 20

(D) "Application" means a software program distributed 21  
through an application distribution provider and that is 22  
designed to be run on a connected device and to perform, or to 23  
help the user perform, a specific task on the connected device. 24  
"Application" does not include web sites, internet browser 25  
extensions, or software with a primary purpose of extending the 26  
functionality of an internet browser. 27

(E) "Application distributor" means a software application 28  
that distributes applications from developers to users of a 29  
connected device. "Application distributor" does not include 30  
internet browsers. 31

(F) "Application distribution provider" means a person 32  
that owns, operates, or controls an application distributor. 33

(G) "Connected device" means a smartphone, tablet, gaming 34  
console, or virtual reality device that enables users to connect 35  
to the internet and download software applications. 36

(H) "Covered application" means an application that is not 37  
an application distributor and that provides a different 38  
experience for adults than for minors, such as different account 39  
types, content, features, or advertising or data practices 40  
depending on the user's age. "Covered application" does not 41  
include internet browsers or search engines. 42

(I) "Developer" means any person that creates, owns, or 43  
controls an application. 44

(J) "Filter" means a generally accepted and commercially 45  
reasonable technology used on a connected device that is capable 46  
of preventing the connected device from accessing or displaying 47  
obscene material, through internet browsers or search engines, 48

in accordance with prevailing industry standards, including 49  
blocking known web sites primarily intended for the distribution 50  
of obscene material via mobile data networks, wired internet 51  
networks, and wireless internet networks. 52

(K) "Internet browser" means a software program that 53  
allows users to access and display web sites on the internet. 54

(L) "Minor" means an account holder who is or is estimated 55  
to be under the age of eighteen. 56

(M) "Obscene" and "material" have the same meanings as in 57  
section 2907.01 of the Revised Code. 58

(N) "Operating system" means software that manages 59  
applications on a connected device, including those 60  
applications' access to the network, hardware, and other device 61  
resources. 62

(O) "Operating system provider" means the company that 63  
owns, operates, or controls the operating system on a connected 64  
device. 65

(P) "Parent" includes a legal guardian. 66

(Q) "Search engine" means software that allows users to 67  
input queries in order to perform searches of content on web 68  
sites on the basis of a query in the form of a keyword, voice 69  
request, phrase, or other input, and returns results in any 70  
format in which information related to the query can be found. 71

(R) "Verifiable parental consent" means obtaining the 72  
consent of a minor's parent in such a manner that is reasonably 73  
calculated, in light of available technology, to ensure that the 74  
person providing consent is the minor's parent. "Verifiable 75  
parental consent" includes complying with the verifiable 76

<u>parental consent requirements of the "Children's Online Privacy</u>	77
<u>Protection Act of 1998," 15 U.S.C. 6501, et seq.</u>	78
<u>Sec. 1349.071. (A) An application distribution provider</u>	79
<u>shall do all of the following:</u>	80
<u>(1) Request that a prospective account holder declares the</u>	81
<u>prospective account holder's age when creating an account with</u>	82
<u>the application distribution provider;</u>	83
<u>(2) Provide an account holder who is not estimated to be</u>	84
<u>an adult with the opportunity to verify that the account holder</u>	85
<u>is an adult;</u>	86
<u>(3) Provide the developer of a covered application with</u>	87
<u>the technical ability to request an age signal in which the</u>	88
<u>account holder or the account holder's parent has agreed to</u>	89
<u>share that information;</u>	90
<u>(4) Provide the developer of a covered application with</u>	91
<u>the ability to prevent account holders who are not adults from</u>	92
<u>acquiring the developer's covered application from the</u>	93
<u>application distributor, at the developer's request;</u>	94
<u>(5) Provide the capability to developers to view relevant</u>	95
<u>parental controls for covered applications through a centralized</u>	96
<u>parental controls interface and offer the developer of a covered</u>	97
<u>application the technical ability to integrate parental controls</u>	98
<u>for the developer's covered application into that centralized</u>	99
<u>interface;</u>	100
<u>(6) Impose the same, substantially the same, or greater</u>	101
<u>restrictions and obligations on covered applications for which</u>	102
<u>the application distribution provider is also the developer as</u>	103
<u>it does on third-party covered applications or application</u>	104
<u>distribution providers in complying with sections 1349.07 to</u>	105

1349.076 of the Revised Code; 106

(7) Not use data collected from third parties in the 107  
course of compliance with sections 1349.07 to 1349.076 of the 108  
Revised Code to give the application distribution provider 109  
preference relative to those of third parties, or to otherwise 110  
use the data in an anti-competitive manner. 111

(B) An application distribution provider may use 112  
commercially reasonable efforts to estimate the age category of 113  
an account holder with a reasonable level of certainty 114  
proportionate to the risks that arise from access to and use of 115  
the relevant service or portion thereof. 116

**Sec. 1349.072.** (A) A developer of a covered application 117  
shall do all of the following: 118

(1) Report to the application distribution provider 119  
whether the developer's applications provide a different 120  
experience for account holders that are adults than for account 121  
holders that are minors; 122

(2) Provide tools to help parents support minors using the 123  
developer's covered applications; 124

(3) Use commercially reasonable efforts to estimate the 125  
age category of an account holder with a reasonable level of 126  
certainty proportionate to the risks that arise from access to 127  
and use of the covered application or portion thereof; 128

(4) Make a reasonable effort, proportionate to the risks, 129  
to ensure that account holders who are minors cannot engage in 130  
any activity that is restricted for adults only; 131

(5) Obtain verifiable parental consent prior to permitting 132  
minor account holders to access content or features that the 133

developer has designated as unsuitable for minors without 134  
parental guidance or supervision; 135

(6) Not deliver personalized advertising to minors. 136

(B) If the developer requests an age signal facilitated by 137  
an application distributor, the developer shall do all of the 138  
following: 139

(1) Request the minimum amount of information needed for 140  
the purposes of complying with sections 1349.07 to 1349.076 of 141  
the Revised Code; 142

(2) Not share the information obtained from the age signal 143  
with third parties, unless necessary to implement safety 144  
measures or privacy protections for minors, or unless otherwise 145  
required to do so by law; 146

(3) Not use the age signal for any purpose beyond that 147  
required by sections 1349.07 to 1349.076 of the Revised Code. 148

**Sec. 1349.073.** (A) An operating system provider shall do 149  
all of the following: 150

(1) Request a prospective account holder to declare the 151  
prospective account holder's age when creating an account with 152  
the operating system provider; 153

(2) Provide an account holder who is estimated not to be 154  
an adult with the opportunity to verify that the account holder 155  
is an adult; 156

(3) Enable parents of a minor account holder to activate 157  
and control a filter setting for the minor account holder; 158

(4) Provide internet browsers and search engines with the 159  
technical ability to read a setting that indicates the state of 160

the filter. 161

(B) An operating system provider may use commercially 162  
reasonable efforts to estimate the age category of an account 163  
holder with a reasonable level of certainty proportionate to the 164  
risks that arise from access to and use of the relevant service 165  
or portion thereof. 166

**Sec. 1349.074.** An internet browser or search engine shall 167  
do all of the following: 168

(A) Provide a filter that may be enabled by an account 169  
holder or the account holder's parent; 170

(B) Where available, read the filter setting required by 171  
division (A) (4) of section 1349.073 of the Revised Code; 172

(C) Activate the filter when enabled by an account holder 173  
or the account holder's parent via the filter settings on a 174  
connected device; 175

(D) Notify the account holder when the filter blocks 176  
access to obscene material through the internet browser or 177  
search engine. 178

**Sec. 1349.075.** (A) An application distribution provider or 179  
operating system provider that makes a good faith effort to 180  
comply with sections 1349.07 to 1349.076 of the Revised Code, 181  
taking into consideration available technology, is not liable 182  
for attempts to comply with those sections, including any of the 183  
following with regard to the provision of an age signal: 184

(1) Any erroneous age signal; 185

(2) Any conduct by a developer of a covered application 186  
that receives any age signal; 187

(3) Failing to provide an age signal due to any reasonable 188  
technical limitations or outages that prevent the provision of 189  
the age signal upon request; 190

(4) Not providing the age signal to developers that do not 191  
adhere to reasonable safety standards and application 192  
distributor policies. 193

(B) (1) The developer is solely liable for correctly 194  
identifying whether an application is a covered application. No 195  
application distributor is required to proactively identify 196  
covered applications, and an application distributor is not 197  
liable under sections 1349.07 to 1349.076 of the Revised Code in 198  
cases in which a developer provides inaccurate information about 199  
an application. 200

(2) The developer is not liable for an erroneous age 201  
signal provided by an application distribution provider if the 202  
developer makes a reasonable effort, taking into consideration 203  
available technology, to properly use the age signal and carry 204  
out other age assurance, if needed, as proportionate to the 205  
risks presented to users by use of the developer's application. 206

**Sec. 1349.076.** (A) The attorney general may initiate an 207  
action and seek a civil penalty of up to one thousand dollars 208  
for each violation of sections 1349.07 to 1349.076 of the 209  
Revised Code. 210

(B) The attorney general has exclusive authority to 211  
enforce sections 1349.07 to 1349.076 of the Revised Code. 212

(C) Sections 1349.07 to 1349.076 of the Revised Code shall 213  
not be construed to provide a private right of action with 214  
respect to any act or practice described under those sections. 215

**Section 2.** Section 1 of this act takes effect one year 216



after the effective date of this section.

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