

**As Reported by the Senate Financial Institutions, Insurance and
Technology Committee**

136th General Assembly

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Sub. S. B. No. 175

Senator Patton

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
4549.50 of the Revised Code. The money in the consumer 20

protection enforcement fund shall be used for the sole purpose 21
of paying expenses incurred by the consumer protection section 22
of the office of the attorney general. 23

Sec. 1349.07. As used in sections 1349.07 to 1349.074 of 24
the Revised Code: 25

(A) (1) "Account holder" means any of the following: 26

(a) An individual in this state who is at least eighteen 27
years of age; 28

(b) A parent or legal guardian of a minor user in this 29
state; 30

(c) An emancipated minor. 31

(2) "Account holder" does not include any of the 32
following: 33

(a) A parent of an emancipated minor; 34

(b) A parent or legal guardian who does not own or control 35
an account associated with a minor user's device; 36

(c) A parent of a minor user to whom both of the following 37
apply: 38

(i) The court has not issued a shared parenting decree. 39

(ii) The parent is not the residential parent of the minor 40
user, and the court has denied a motion for reasonable 41
companionship or visitation rights. 42

(3) For the purpose of this section, a minor is considered 43
"emancipated" if the minor has married, entered the armed 44
services of the United States, become employed and self- 45
subsisting, or has otherwise become independent from the care 46
and control of the minor's parent, guardian, or custodian. 47

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

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

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

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

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

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

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

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

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

(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 Code requires the collection of additional personal information from device owners or device users other than that which is necessary to comply with section 1349.071 of the Revised Code. 191
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(C) An operating system provider shall comply with sections 1349.07 to 1349.074 of the Revised Code in a nondiscriminatory manner. 195
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(D) An operating system provider shall impose at least the same restrictions and obligations on its own applications and application distribution as it does on those from third-party applications or application distributors. 198
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(E) An operating system provider shall not use data collected from a third party in the course of compliance with sections 1349.07 to 1349.074 of the Revised Code to compete against that third party or to otherwise use this data or consent mechanism in an anticompetitive manner. 202
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(F) Sections 1349.07 to 1349.074 of the Revised Code do not apply to any of the following: 207
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(1) A broadband internet access service; 209

(2) A telecommunications service, as defined in 47 U.S.C. 153; 210
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(3) The delivery or use of a physical product. 212

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

(2) A civil penalty of up to seven thousand five hundred 245
dollars per affected child for each violation. 246

(F) A civil penalty collected under division (D) or (E) of 247
this section shall be deposited into the consumer protection 248
enforcement fund as described in section 1345.51 of the Revised 249
Code. 250

(G) Nothing in this section shall be construed to provide 251
a private right of action. 252

(H) An operating system provider or a covered application 253
store that makes a good faith effort to comply with sections 254
1349.07 to 1349.074 of the Revised Code, taking into 255
consideration available technology and any reasonable technical 256
limitations or outages, is not liable for an erroneous digital 257
signal indicating a user's age range data or any conduct by a 258
developer that receives a digital signal indicating a user's age 259
range data. 260

Section 2. That existing section 1345.51 of the Revised 261
Code is hereby repealed. 262

Section 3. Sections 1 and 2 of this act take effect 263
January 1, 2027. 264