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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 379  
(1\_136\_2780-2)  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 379's Bill Analysis](#)

**Version:** In Senate General Government

**Primary Sponsors:** Sens. Reynolds and Roegner

**Local Impact Statement Procedure Required:** No

Jessica Murphy, Senior Budget Analyst, and other LBO staff

### Highlights

- The Attorney General will incur information technology costs to establish and maintain a statewide camera footage registry system. Overall, investigative efficiencies may result statewide if more information is obtained by law enforcement to assist in criminal investigations.
- The costs for the Office of the Attorney General's Consumer Protection Section to investigate matters related to violations of the bill's prohibitions on gaming platform providers and video game developers will depend on the number of complaints filed/reported, investigations performed, and enforcement actions taken. To some degree, any related increase in operating costs might be offset by the collection of civil penalties credited to the Consumer Protection Enforcement Fund (Fund 6310).
- The bill provides that a minor or the parent of a minor harmed by a violation of the bill's prohibitions has a cause of action against the gaming platform provider or developer. The number of additional civil actions is expected to be relatively small in the context of a court's total caseload. Any costs, likely minimal, would be absorbed utilizing existing staff and resources and partially offset if any civil penalties are assessed and recouped.
- The administrative workload of local law enforcement agencies may be minimally impacted to initiate an alert under the Emergency Pink Alert Program, created by the bill. The alert will likely operate in a manner similar to other existing alerts administered by the Attorney General. The Department of Public Safety will incur negligible costs to comply with annual reporting requirements.
- School districts and other public schools may incur likely minimal costs to incorporate developmentally appropriate grooming awareness and prevention instruction into the

curriculum for grades 3-12 while the Department of Education and Workforce may incur minimal costs to develop and maintain a list of instructional materials and strategies that districts and schools may use in providing that instruction.

## **Detailed Analysis**

### **Statewide camera footage registry system; digital crime enforcement parameters**

The bill requires the Attorney General to establish and maintain a statewide camera footage registry system. Any person may voluntarily submit camera footage to the Attorney General for placement in the system and the Attorney General is required to place submitted footage in the system if the Attorney General determines that it depicts or may depict a crime. Camera footage will be available upon request to any law enforcement agency.

The Attorney General will incur information technology costs related to the registry and administrative costs to adopt rules to implement the registry. However, investigative efficiencies may result statewide if more information is obtained by law enforcement to assist in criminal investigations including assisting local law enforcement in successfully obtaining warrants to obtain digitally stored information.

### **Video game platforms and developers**

The bill imposes various duties on gaming platform providers. The Director of Commerce will incur minimal administrative costs to adopt rules, in consultation with the Director of Children and Youth, to implement the bill. The rules must establish processes and means by which a gaming platform provider may verify whether an account holder is a minor and verify a parent contact method.

A complete description of all regulations is available in the [LSC bill analysis](#). For example, gaming platforms must request and verify an individual's age category when an account is created with the provider, require that a minor's account be affiliated with a parent contact method, and obtain verifiable parental consent prior to allowing a minor to download or purchase a video game. The bill also imposes various duties on video game developers, including verifying the age category of users located in Ohio and determining, for minor accounts, whether verifiable parental consent has been obtained. Developers must also request personal age category verification data or verifiable parental consent whenever a user downloads or purchases a video game, when implementing a significant change to the video game, and whenever necessary to comply with applicable laws or regulations. The bill prohibits gaming platform providers and developers from engaging in certain conduct, such as knowingly misrepresenting any information in a parental consent disclosure.

Under the bill, gaming platform providers and video game developers that violate the bill commit an unfair or deceptive act or practice under the Consumer Sales Practices Act (CSPA). The Attorney General has broad authority to enforce the CSPA, including suing for injunctive relief and civil penalties. Depending upon the nature of the violation, the court is permitted to impose a civil penalty of up to between \$5,000 and \$25,000. Pursuant to current law, the civil penalties are distributed as follows: three-fourths, or 75%, to the state's existing Consumer Protection Enforcement Fund (Fund 6310) and one-fourth, or 25%, to the treasury of the county where the action is brought.

Any civil penalties accessed and recouped would partially offset enforcement costs. The amount and timing of any enforcement costs will depend on the compliance of businesses, the Attorney General's discretion on pursuing enforcement, and the outcomes of any civil actions brought. Presumably, the Consumer Protection Section will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive practice complaints and available resources. Typically, there is an attempt to try to negotiate a settlement and taking a matter to trial is a last resort.

Additionally, the bill provides a civil remedy limited to a minor, or the parent of a minor, who is harmed when a gaming platform provider or developer violates a prohibition applicable to that entity. Those prohibitions include, as applicable, (1) enforcing a contract or terms of service against a minor without verifiable parental consent, (2) knowingly misrepresenting information in a parental consent disclosure, (3) sharing personal age category data unless an exception applies, and (4) failing to verify an account as a minor's account when the user is a minor. In the event a minor or parent prevails, the court must award actual damages, or \$1,000 per violation, whichever is greater, reasonable attorney's fees, and litigation costs. The number of new civil case filings, either from individuals or the Attorney General, that may result is uncertain but likely will be minimal for any single jurisdiction and court. The costs related to these new filings will be at least partially offset by the collection of a filing fee.

## **Grooming awareness and prevention instruction**

The bill requires school districts and other public schools to incorporate developmentally appropriate grooming awareness and prevention instruction into the curriculum for grades 3-12 and to annually certify their compliance to the Department of Education and Workforce (DEW). Each school and district must develop and periodically update instruction in consultation with child safety experts and a law enforcement agency. Prior to providing instruction, each district and school must notify parents or guardians of the upcoming instruction and must excuse a student from instruction upon a parent or guardian's written request.

To assist school districts with this requirement, the bill also requires DEW to conduct a review of available resources and develop a list of curricula, materials, programs, and instructional strategies related to grooming awareness and prevention instruction that districts and schools may use in providing that instruction. DEW must review and update the list periodically. These provisions may minimally increase DEW's administrative costs.

Districts and schools may incur costs, likely minimal, to purchase instructional materials or other resources, depending on the grooming awareness and prevention curriculum chosen and how districts and schools choose to incorporate the required instruction into their existing curricula. Some districts and schools may already be satisfying the bill's requirements as part of the instruction required by current law on child sexual abuse, dating violence, and sexual violence prevention. Additionally, some providers offer grooming awareness and prevention resources that could satisfy the bill's requirements at little to no cost. For example, the Staying Safe from Online Harm instructional module offered by a partnership between Childhelp and Meta is available to any user for free to provide instruction to youth aged 10-15.<sup>1</sup> Districts and schools

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<sup>1</sup> [Childhelp and Meta Staying Safe from Online Harm](#) module website.

will incur some additional administrative workload, likely at no more than minimal cost, to notify parents and guardians of instruction and meet the bill's certification requirement.

## **Emergency Pink Alert Program**

The bill creates a statewide "Emergency Pink Alert Program" ("Pink Alerts") to aid in the identification and location of any missing individual, when certain credible risk factors are present, and a law enforcement agency determines that the disappearance poses a credible threat of immediate danger of serious harm or death to the missing individual. Unlike AMBER Alerts, the Pink Alerts apply to an individual at any age and are designed for broader application beyond possible abductions. The activation criteria, among other things, requires credible risk factors to exist such as evidence of online grooming or coercive digital communication made to that individual.

The Pink Alerts are designed to operate in a manner similar to the current law AMBER Alerts (for abducted children), Blue Alerts (for finding a person suspected of killing or seriously injuring a law enforcement officer or find a missing law enforcement officer), and a statewide alert system to find a missing individual who has a mental impairment, autism spectrum disorder, or another developmental disability. Such alerts are typically initiated by local law enforcement through the Ohio Law Enforcement Gateway (OHLEG), which is a free service provided to criminal justice agencies by the Ohio Attorney General. Assuming the same will apply to Pink Alerts, the bill may minimally impact the administrative workload of law enforcement agencies to initiate an alert in response to a notice of a missing person that meets the bill's criteria.

The Department of Public Safety will also incur administrative costs to submit an annual report to the Governor and the General Assembly. The Department expects any cost to be negligible.