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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 212
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 212's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Kunze and DeMora

Local Impact Statement Procedure Required: No

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Highlights

- The cost for the Attorney General's Consumer Protection Section to investigate and enforce violations of the bill's age verification requirements will depend on the level of compliance from impacted businesses and the number of complaints filed alleging a violation. Any increase in enforcement actions, including civil actions, pursued by the Attorney General are expected to be relatively small within the context of overall caseloads and partially offset by any civil penalties collected.
- 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. There is no private cause of action.

Detailed Analysis

The bill regulates the distribution of pornographic material by requiring certain businesses to implement reasonable age verification methods to prevent individuals under the age of 18 from accessing "material harmful to juveniles." The age verification methods that may be used include a third-party verification service, public and private transactional data, or state-issued identification (ID) card. In addition, the bill prohibits those businesses from retaining identifying information obtained for the purpose of age verification. The Attorney General is authorized to enforce the bill through civil action against entities that violate its provisions. Exemptions are provided for news gathering organizations, as well as internet service providers (ISPs), search engines, and cloud service providers that facilitate access to a publicly available website.

Enforcement costs

Businesses that fail to use reasonable age verification methods or retain identifying information 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 depends 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 as a last resort. The number of additional civil actions is expected to be relatively small in context of a court's total caseload with any costs absorbed utilizing existing staff and resources.