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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Reynolds

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SUMMARY

- Requires developers, beginning January 1, 2026, to determine if their application (“app”) is likely to be used by children and, if so, to inform the app stores in which the app is distributed.
- Requires, on or after January 1, 2026, device manufacturers, upon initial activation, to take commercially reasonable and technically feasible steps to determine or estimate the age of a device’s primary user.
- Requires an operating system (OS) manufacturer, for devices sold prior to January 1, 2026, to determine the primary user’s age following the first OS update that occurs after January 1, 2027.
- Requires an app store manufacturer, on and after January 1, 2026, to take steps related to parental consent and notice including, for example, providing a mechanism for app developers to provide notice that children may access the app, and obtaining parental consent before allowing certain underage Ohio users from downloading the app.
- Requires device, OS, and app store manufacturers to provide covered app developers with a digital signal regarding whether the manufacturer knows or estimates the age of the user.
- Requires developers to provide certain parental control features to parents of users under the age of 18 such as, for example, managing which accounts are linked to the child and the delivery of age-appropriate content.
- Specifies that the bill’s provisions are not to be construed to: (1) require a device, OS, or app store, or covered app developer to access or link information it would not otherwise access or link in the ordinary course of business (except to comply with the bill’s provisions), or (2) modify, impair, or supersede state or federal antitrust law.

- Provides that a covered entity does not need to implement new account controls or safety settings if the existing controls and settings comply with the bill's provisions.
- Requires an app store to comply with the bill's provisions in a nondiscriminatory manner, including, for example, imposing the same restrictions and obligations on the app store's products as the app store does on third-party developers.
- Allows the Attorney General, 45 days after providing written notice, to file suit against violators of the bill's provisions, and gives the Attorney General the exclusive authority to enforce the bill's provisions by civil action.
- Provides certain affirmative defenses for violations of the bill's provisions.

DETAILED ANALYSIS

Developer regulations

Beginning January 1, 2026, the bill requires application ("app") developers to, prior to distributing or maintaining an app, determine whether the app is "likely to be accessed by children." In making that determination, developers may use either competent and reliable evidence regarding audience composition demonstrating the app is routinely accessed by children or internal research findings determining such routine child access. If a developer determines that their app is likely to be accessed by children, the developer must notify app stores that distribute the app to users in Ohio.

App developers are also required to provide certain parental controls under the bill. Beginning on January 1, 2026, developers must provide applicable parental controls that allow parents (which includes legal guardians) to manage which accounts are linked to the child, manage the delivery of age-appropriate content, and limit the daily amount of time a child may spend on the app.

Under the bill, a "developer" means any person, entity, or organization that creates, owns, or controls an app and is responsible for the design, development, maintenance, and distribution of the app to users through an app store. An "app store" is a publicly available website, software app, or online service that distributes a third-party platform's apps to a computer, mobile device, or any other general purpose computing device.¹

Manufacturer regulations

Device manufacturers

The bill requires that manufacturers of devices sold in Ohio on or after January 1, 2026, take commercially reasonable and technically feasible steps to determine or estimate the age of the device's primary user upon the device's initial activation.

¹ R.C. 1349.07(A)(1), (7), (9), and (10), (B), and (F).

For the purposes of the bill, “**device**” is defined as “a device or portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including a desktop computer, laptop, cellular telephone, tablet, or other device designed for and capable of communicating with or across a computer network and used for such purpose.” Modems, routers, managed set-top boxes, or physical objects that only support communications within a closed user group or private network available to a limited set of users are not considered “devices” under the bill.²

Operating system manufacturers

For devices sold in Ohio before January 1, 2026, the bill requires that the manufacturer of the device’s operating system (“OS”) take commercially reasonable and technically feasible steps to determine or estimate the age of the device’s primary user following the first OS update that occurs after January 1, 2027.³

Application store manufacturers

The bill establishes, beginning January 1, 2026, that manufacturers of app stores with users in Ohio must take commercially reasonable and technically feasible steps to do the following:

- Provide a mechanism for developers to provide notice that an app is likely to be accessed by children;
- Obtain parental consent before permitting a user in Ohio who the device, OS, or app store manufacturer knows or should know is under 16 years old to download a covered app from the app store;
- Provide developers of covered apps in the app store with a signal regarding whether a parent has consented to the download;
- Provide a parent who consents to such a download with the option to connect with the app developer to facilitate parental supervision tools.

Under the bill, a “covered app” is a software application, website, or other online service that is likely to be accessed by children and that is intended to be run or directed by a user on a computer, mobile device, or other general purpose computing device. A “covered app” does not include a broadband internet access service, a telecommunication service, or the delivery or use of a physical product unconnected to the internet.⁴

General

In addition to the specific regulations detailed above, the bill requires device, OS, and app store manufacturers to take commercially reasonable and technically feasible steps to provide

² R.C. 1349.07(C)(1) and (A)(8).

³ R.C. 1349.07(C)(2).

⁴ R.C. 1349.07(A)(4) and (6) and (D).

developers of covered apps with a digital signal via a real-time app programming interface regarding whether the device, OS, or app store manufacturer knows or estimates a user's age to be under 13, at least 13 and under 16, at least 16 and under 18, or at least 18.⁵

Ordinary course of business exception

The bill provides that its provisions must not be construed to require a device, OS, app store manufacturer, or a covered app developer to access, collect, retain, re-identify, or link information that the manufacturer or developer would not otherwise do in the ordinary course of business, except as absolutely necessary to comply with the bill's provisions.

The bill further provides that a manufacturer or developer is not required to implement new account controls or safety settings if the existing account controls and safety settings are sufficient to comply with the bill's provisions.⁶

Antitrust law

The bill specifies that it does not modify, impair, or supersede the operation of any federal or state antitrust law. Additionally, the bill requires an app store to comply with the bill's provisions in a nondiscriminatory way by imposing at least the same restrictions on their own apps as they do on third-party apps and by not using data collected from third parties to compete against the third parties or to otherwise act in a manner adverse to competition.⁷

Enforcement

The bill grants exclusive authority to the Attorney General to bring a civil action against alleged violators of the bill's provisions for damages of up to \$2,500 per violation. The bill specifies that it does not create a private right of action. Prior to bringing an action, the Attorney General is required to provide the alleged violator with written notice identifying and explaining the alleged violations. If the alleged violator, within 45 days of the notice being sent, cures all violations described in the notice, confirms in writing the violations are cured, and agrees in writing to refrain from committing further violations, the Attorney General cannot bring an action. If the alleged violator fails to cure the violation in that time, the Attorney General may initiate the action. Damages also begin to accrue on the 46th day. If, however, the alleged violator has previously committed a violation of the same type, the Attorney General may bring an action immediately after sending notice.

The bill provides that it is an affirmative defense to an action described above if a device, OS, or app store manufacturer or developer "takes commercially reasonable and technically feasible steps" to comply with the bill. In addition, a manufacturer's or developer's reasonable

⁵ R.C. 1349.07(E).

⁶ R.C. 1349.07(A)(4) to (7) and (G).

⁷ R.C. 1349.07(H); Chapter 1331 of the Revised Code, 15 United States Code 1, *et seq.*, not in the bill.

reliance on age or parental consent signals sent by a manufacturer is an affirmative defense of a violation of the requirement for a manufacturer to provide a developer age and consent signals.⁸

HISTORY

Action	Date
Introduced	04-01-25

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⁸ R.C. 1349.07(I).