

H. B. No. 211  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 9.27 and"; after "121.22" insert "and to enact sections 9.042 and 9.271" 1 2

In line 2 of the title, delete "and" and insert "," 3

In line 4 of the title, delete "about matters of public" 4

In line 5 of the title, delete "concern before the public body"; delete "its" 5 6

In line 6 of the title, delete "meeting" and insert "meetings, and to prohibit the use of state funds for certain purposes" 7 8

In line 7, delete "section" and insert "sections 9.27 and"; after "121.22" insert "be amended and sections 9.042 and 9.271" 9 10

In line 8, delete "amended" and insert "enacted" 11

After line 8, insert: 12

"Sec. 9.042. (A) Funds of the state shall not be expended for either of the following purposes: 13 14

(1) To enter into a contract or other agreement with an 15



entity described in division (B) of this section or with an 16  
advertising or marketing agency that uses the functions 17  
described in division (B)(3) of this section; 18

(2) To provide any form of support to an entity described 19  
in division (B) of this section. 20

(B) The entities described in this division are the 21  
following: 22

(1) NewsGuard Technologies Inc., or any company owned or 23  
controlled by such entity; 24

(2) The Global Disinformation Index, incorporated in the 25  
United Kingdom as Disinformation Index LTD.; 26

(3) Any other entity the function of which is to advise on 27  
the censorship, blacklisting, or placement of advertisements 28  
based on personal or institutional political preferences or 29  
biases, content-based ratings or rankings, or any other content- 30  
based criteria, or under the stated function of fact-checking or 31  
otherwise removing or identifying misinformation. 32

**Sec. 9.27.** (A) As used in this section and section 9.271 33  
of the Revised Code, "state" and "state agency" mean the state 34  
of Ohio, including the governor, lieutenant governor, secretary 35  
of state, auditor of state, attorney general, and treasurer of 36  
state, and all departments, boards, offices, commissions, 37  
agencies, institutions, and other instrumentalities of the state 38  
of Ohio, but not including the general assembly or any 39  
legislative agency, or any court or judicial agency. 40

(B) Except as otherwise required or permitted by state or 41  
federal law, a contract entered into by the state for the 42  
procurement of goods or services shall not include any of the 43

following:	44
(1) A provision that requires the state to indemnify or hold harmless another person.	45 46
(2) A provision by which the state agrees to binding arbitration or any other binding extra-judicial dispute resolution process.	47 48 49
(3) A provision that names a venue for any action or dispute against the state other than a court of proper jurisdiction in Franklin county, Ohio.	50 51 52
(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state.	53 54 55 56 57 58 59
(5) A provision that requires the state to be bound by a term or condition that is unknown to the state at the time of signing a contract, that is not specifically negotiated with the state, that may be unilaterally changed by the other party, or that is electronically accepted by a state employee.	60 61 62 63 64
(6) A provision that provides for a person other than the attorney general to serve as legal counsel for the state or for any state agency, unless allowed for under the process set forth in section 109.07 of the Revised Code.	65 66 67 68
(7) A provision that is inconsistent with the state's obligations under section 149.43 of the Revised Code.	69 70
(8) A provision for automatic renewal such that state	71

funds are or would be obligated in subsequent fiscal years. 72

(9) A provision that limits the state's ability to recover 73  
the cost of cover for a replacement contractor. 74

(C) If a contract contains a term or condition described 75  
in division (B) of this section, the term or condition is void 76  
ab initio, and the contract containing that term or condition 77  
otherwise shall be enforceable as if it did not contain such 78  
term or condition. 79

(D) A contract that contains a term or condition described 80  
in division (B) of this section shall be governed by and 81  
construed in accordance with Ohio law notwithstanding any term 82  
or condition to the contrary in the contract. 83

(E) This section does not apply to a contract in effect 84  
before ~~the effective date of this section~~ September 30, 2021, or 85  
to the renewal or extension of a contract in effect before ~~the~~ 86  
~~effective date of this section~~ that date. 87

**Sec. 9.271. A contract or other agreement, or an** 88  
**extension, renewal, or other modification of an existing** 89  
**contract or other agreement, between a state agency and an** 90  
**entity for the purpose of the entity implementing advertisements** 91  
**on behalf of the state agency shall include, as a condition of** 92  
**such contract or agreement, that the entity certify that the** 93  
**entity is not described in division (B) of section 9.042 of the** 94  
**Revised Code.**" 95

In line 365, delete "section" and insert "sections 9.27 and" 96

In line 366, delete "is" and insert "are" 97

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	98
<b>State funds and certain entities</b>	99
<b>R.C. 9.042</b>	100
Prohibits the use of state funds for entering into a	101
contract with, or otherwise providing support to, the following:	102
-NewsGuard Technologies Inc., or any company owned or	103
controlled by them;	104
-The Global Disinformation Index, incorporated in the	105
United Kingdom as Disinformation Index LTD.;	106
-Any other entity that advises on the censorship,	107
blacklisting, or placement of advertisements based on personal	108
or institutional political preferences or biases, content-based	109
ratings or rankings, or any other content-based criteria, or	110
under the stated function of fact-checking or otherwise removing	111
or identifying misinformation.	112
<b>State contracts to require certification</b>	113
<b>R.C. 9.27 and 9.271</b>	114
Requires a state contract that involves an entity	115
implementing advertisements on behalf of the state to include a	116
requirement that the entity certify that it is not any of the	117
above listed entities.	118