

As Introduced

135th General Assembly
Regular Session
2023-2024

S. B. No. 212

Senators Kunze, DeMora

A BILL

To enact section 1349.10 of the Revised Code to 1
prohibit businesses from distributing 2
pornographic material over the internet without 3
verifying that the persons accessing that 4
material are not juveniles. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1349.10 of the Revised Code be 6
enacted to read as follows: 7

Sec. 1349.10. (A) As used in this section: 8

(1) "Business" means a firm, company, business trust, 9
estate, trust, partnership, limited liability company, 10
association, corporation, sole proprietorship, general 11
partnership, or other business entity. "Business" includes an 12
agent, employee, or independent contractor of any of the 13
foregoing. 14

(2) "Cloud service provider" means a third-party provider 15
of computing resources that a business may access on demand over 16
the internet, including cloud-based application, infrastructure, 17
platform, and storage services. 18

(3) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means. 19
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(4) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code. 22
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(5) "Internet service provider" means a provider of internet services, including all of the following: 24
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(a) Broadband service, however defined or classified by the federal communications commission; 26
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(b) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996," 47 U.S.C. 153, as amended; 28
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(c) Internet protocol-enabled services, as defined in section 4927.01 of the Revised Code. 31
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(6) "Juvenile" means a person under eighteen years of age. 33

(7) "News-gathering organization" means a newspaper, magazine, press association, news agency, news wire service, radio or television station, or similar media. "News-gathering organization" includes a person employed or contracted by any of the foregoing to gather, process, transmit, compile, edit, or disseminate information for the general public. 34
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(8) "Publish" means to communicate or make information available to another person or entity. 40
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(9) "Publicly available online web site, service, or product" means communications, content, materials, or other information that is accessible, whether free of charge, for a fee, or as part of a subscription-based or other members-only model, over, on, or through the internet, a computer or mobile 42
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application, or other type of virtual or digital platform. 47

(10) "Reasonable age verification methods" means verifying 48
that the person seeking to access material is not a juvenile by 49
using any of the following methods: 50

(a) Verification through an independent, third-party 51
verification service that compares the personal information 52
entered by the individual seeking access to the material to the 53
information that is available from a commercially available 54
database, or aggregate of databases, that is regularly used by 55
businesses and government agencies for the purpose of age and 56
identity verification; 57

(b) Any commercially reasonable method that relies on 58
public or private transactional data to verify the age of the 59
person attempting to access the material; 60

(c) A state-issued identification card. 61

(11) "Search engine" means a web site, service, or product 62
the predominant or exclusive function of which is to search the 63
internet for other web sites, services, or products, or for 64
information based on a user's query. "Search engine" does not 65
include web sites, services, or products the predominant or 66
exclusive function of which is to conduct an internal search for 67
content on a web site, service, or product that includes a 68
substantial portion of materials that are harmful to juveniles. 69

(12) "Substantial portion" means more than one-third of 70
the total material on an online web site, service, or product. 71

(13) "Transactional data" means a sequence of information 72
that documents an exchange, agreement, or transfer between an 73
individual and a business or third party used for the purpose of 74
satisfying a request or event, including records from mortgage, 75

education, and employment entities. 76

(B) (1) A business that publishes, distributes, or 77
otherwise makes available a substantial portion of materials 78
that are harmful to juveniles on a publicly available online web 79
site, service, or product, shall perform reasonable age 80
verification methods to verify the age of any individual 81
attempting to access any material that is harmful to juveniles 82
on that web site, service, or product. 83

(2) A business or third party that performs age 84
verification, as required by division (B) (1) of this section, 85
shall not retain any identifying information of the individual 86
after access to the material has been granted or denied. 87

(C) A violation of division (B) (1) or (2) of this section 88
is an unfair or deceptive act or practice in violation of 89
section 1345.02 of the Revised Code. All powers and remedies 90
available to the attorney general to enforce sections 1345.01 to 91
1345.13 of the Revised Code are available to the attorney 92
general to enforce this section. 93

(D) No internet service provider, search engine, cloud 94
service provider, or affiliate or subsidiary of any of the 95
foregoing shall be held to have violated this section solely for 96
providing access or connection to or from a publicly available 97
online web site, service, or product not under the internet 98
service provider's, search engine's, or cloud service 99
provider's, affiliate's, or subsidiary's control, including 100
transmission, downloading, storing, or providing access, to the 101
extent that such internet service provider, search engine, cloud 102
service provider, affiliate, or subsidiary is not responsible 103
for the publication or distribution of the content that 104
constitutes material harmful to juveniles. 105

(E) This section does not apply to any bona fide news or 106
public interest broadcast, web site video, report, or event and 107
shall not be construed to affect the rights of a news-gathering 108
organization. 109