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October 20, 2025

Chair Thaddeus J. Claggett
Vice Chair Heidi Workman
Technology and Innovation Committee
The Ohio House of Representatives

Re: CTA Testimony on H.B. No. 301, Enact the Digital Fair Repair Act

Chair Claggett, Vice Chair Workman, and Members of the Technology and Innovation Committee,

On behalf of the Consumer Technology Association (CTA), thank you for the opportunity to provide testimony to H.B. No. 301, to enact the Digital Fair Repair Act. CTA respectfully opposes H.B. No. 301 as written.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands to retailers – helping support more than 18 million American consumer technology jobs. Our members include manufacturers of the devices subject to the provisions of this legislation. CTA has concerns with H.B. No. 301 which presents significant security concerns for consumers and is extremely misaligned with industry's stance on repair.

Patchwork Concerns
Given eight states have enacted repair legislation, CTA is concerned about a patchwork of varying repair requirements emerging across the United States. CTA supports a national repair approach that will ensure that consumers and independent repair providers receive the same or equivalent treatment as manufacturer-authorized repair providers for purposes of repairing consumer technology devices. CTA also stands ready to work with repair advocates to establish a national Memorandum of Understanding to facilitate repair nationally.

Enactment of varying state repair laws with different requirements and definitions subject to differing interpretations by state courts and regulators is a major concern for our industry. **We strongly encourage Ohio not to move forward with the H.B. No. 301 given the security concerns it raises as well as the drastic differences with existing state laws.**

CTA has developed model legislation on repair in conjunction with TechNet. We would welcome the opportunity to discuss this language as a path forward for repair in Ohio.

Concerns Specific to H.B. No. 301

CTA has identified several areas of concern for members where the language will create confusion for producers and/or doesn't ensure reasonable accommodation for industry that other states have recognized and put into law while ensuring both that repairs can be made by consumers and independent repair shops without substantially compromising safety and security concerns.

CTA's top concern is the language in Sec. 1350.02(B) requiring manufacturers to provide security lock bypass. The language states:

> "For digital electronic equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer shall make available to the owner and to independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to disable the lock or function, and to reset it when disabled in the course of diagnosis, maintenance, or repair of the digital electronic equipment."

The owner – and only the owner – of a product is able to grant access to any security lock or other security-related functions, not the manufacturer of the product. This is the equivalent of handing over the keys to your house – requiring a manufacturer to hand over the documentation, embedded software, parts or tools to enable anyone to override consumer-set security locks/passwords and access secure and restricted information on a device. These tools could be used not only by independent repair providers to hack consumer devices (or sell to third parties) but could also allow individual consumers to hack into others' devices (including in domestic violence or other sensitive situations where the potential recipient may use the tools to access devices of close associates). Disabling these locks should be the right and responsibility of device owners and users – not the government nor manufacturers.

The situation is even more crucial given critical infrastructure such as networking and telecommunication devices are in scope of this proposal. The language in this section would mean manufacturers must provide security codes and passwords, sensitive software, and any additional documentation and tools that could be accessed by an entity wishing to cause harm and leave critical infrastructure systems vulnerable to cybersecurity attacks. These provisions put all Ohio residents at risk.

It is crucial that the owner of a product grants explicit permission and has knowledge that the product they owned will be accessed; this is not nor should it be the responsibility of the manufacturer. In the model legislation referenced earlier, CTA addresses this issue by providing the following:

> "…nothing in this bill shall:
>
> > Require an original equipment manufacturer to make available parts, tools, or documentation to an independent repair provider or owner that would disable, reset, or override electronic security locks or other security-related measures or functions, or disable or override anti-theft security measures set by the owner of the digital electronic equipment."

The CTA language above should be incorporated into H.B. No. 301 and Sec. 1350.02(B) must be removed.

CTA has several other concerns:

- Enforcement: If CTA understands correctly, the language in Sec. 1350.04 would classify a violation as a deceptive trade practice under existing Ohio law which enables private enforcement (aka private right of action). This enforcement language should be struck out. No state repair law allows for private right of action (limited or otherwise). CTA strongly recommends the replacement of this language with language providing the Attorney General with enforcement authority. This is consistent with the eight other repair laws in passed in the U.S.

- Definition of "Digital Electronic Equipment": This definition captures a multitude of products including critical infrastructure devices (electric grid, networking equipment, etc.) and devices that could present a security risk if information on how to access is provided. Digital electronic equipment should only include items sold at retail for personal, household, family, or home office use, and should not include any product sold under a business-to-government or business-to-business contract that is not typically offered for sale directly by a retail seller**.**

- Definition of "Documentation": The definition of documentation should be amended to the following to ensure that manufacturers aren't required to divulge information that might otherwise be considered a trade secret or for the security concerns raised previously.

  "Documentation" means any manual, diagram, reporting output, service code description, ~~schematic, security code, password or other guidance or information~~ used in effecting the services of diagnosis, maintenance, or repair digital electronic equipment or parts for such equipment.

- Implementation Date: The enforcement date must be at least one year from passage to ensure manufacturers have sufficient time to bring new products into compliance. Currently, the enforcement date is listed as 120 days, which would be approximately four months should the legislation pass in the 2025 legislative session.

- Fair and Reasonable Terms: Fair and reasonable should mean "fair and reasonable", not "most favorable costs and terms" as stated in Sec. 1350.03(C). CTA recommends the removal of the phrase "…that are equivalent to the most favorable costs and terms…" to ensure the integrity of the approach to fair and reasonable terms.

- Consumer Protection: H.B. No. 301 fails consumers. Consumers aren't protected in this legislation. Consumers should be provided with basic information about the repair provider and parts provided by the independent repair provider, and such independent repair provider should be required to protect consumer data and recycle responsibly. If the main point of this legislation is to expand consumer rights, there should be a concurrent expansion of disclosure to consumers of who is doing the repair.

The above challenges are just some of the examples we see in H.B. No. 301. Most repair bills focus on providing consumers with options to repair their products; H.B. No. 301 goes far beyond the typical consumer products in scope of these proposals and does little to provide reasonable accommodation for manufacturers which have invested heavily in supporting consumers as well as independent and authorized repair providers. H.B. No. 301 also opens the floodgates for security concerns by requiring manufacturers to “hand over the keys” to any device without the owner’s knowledge or permission.

Conclusion:
Given the multiple concerns outlined above, we strongly encourage Ohio not to move forward with H.B. No. 301 as written. As noted previously, CTA has developed model legislation on repair and would welcome the opportunity to discuss this language as a path forward for repair in Ohio. We look forward to engaging with the Committee on this issue.

Thank you again for the opportunity to testify. If you should have any questions, please do not hesitate to contact me at kreilly@cta.tech.

Sincerely,

Katie Reilly
VP, Environmental Affairs and Industry Sustainability
Consumer Technology Association