OHIO ALLIANCE FOR CIVIL JUSTICE

March 25, 2026

Before the Ohio Senate Judiciary Committee
Interested Party Testimony, Senate Bill 163

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, good morning and thank you for this opportunity to testify as an interested party on Senate Bill 163. My name is Tony Long and I serve as Chairman of the Ohio Alliance for Civil Justice (OACJ).

The OACJ formed in 1987 is a non-profit, broad-based coalition that includes many Ohio trade and professional associations — small and large businesses, hospitals, medical groups, farmers, and others. Leadership of the OACJ includes representatives from the Ohio Manufacturers' Association, the National Federation of Independent Businesses of Ohio, the Ohio Society of CPAs, the Ohio State Medical Association, the Ohio Council of Retail Merchants, the Ohio Hospital Association, and the Ohio Chamber of Commerce.

The purpose of the OACJ is to help promote a healthy economic climate in Ohio by stopping lawsuit abuse and to promote a common-sense civil justice system in Ohio. The OACJ supports the provisions of SB 163 that pertain to the protection of minors from exploitation and those that protect individuals from misuse of their likeness. The OACJ only offers this testimony to raise its concern about allowing private rights of action for the removal of watermarks that identify the image or video as AI generated. As written, such legal actions take away from a common sense, stable and predictable civil justice system.

Considering the recently released National Policy Framework for Artificial Intelligence by the White House, the OACJ would ask that a conservative approach to jurisprudence for AI products and tools be used. Enforcement of requirements contained in SB 163 should rest with the Attorney General and the expert regulatory agencies. Thank you again for the opportunity to present this testimony on behalf of the OACJ.

EXHIBIT

LEGISLATIVE RECOMMENDATIONS

National Policy Framework

Artificial Intelligence

MARCH 2026

A National Policy Framework for Artificial Intelligence

I.

Protecting Children and Empowering Parents

AI services and platforms must take measures to protect children, while empowering parents to control their children's digital environment and upbringing.

- Congress should build on actions to date by the Trump Administration to protect children, including the historic signing of the Take It Down Act, a key initiative of First Lady Melania Trump to protect children and adult victims from deepfake abuse.
- Congress should empower parents and guardians with robust tools to manage their children's privacy settings, screen time, content exposure, and account controls.
- Congress should establish commercially reasonable, privacy protective, age-assurance requirements (such as parental attestation) for AI platforms and services likely to be accessed by minors.
- Congress should require AI platforms and services likely to be accessed by minors to implement features that reduce the risks of sexual exploitation and self-harm to minors.
- Congress should affirm that existing child privacy protections apply to AI systems, including limits on data collection for model training and targeted advertising.
- Congress should avoid setting ambiguous standards about permissible content, or open-ended liability, that could give rise to excessive litigation.
- Congress should ensure that it does not preempt states from enforcing their own generally applicable laws protecting children, such as prohibitions on child sexual abuse material, even where such material is generated by AI.

II.

Safeguarding and Strengthening American Communities

AI development, including data infrastructure buildout, should strengthen American communities and small businesses through economic growth and energy dominance, while ensuring communities are protected from harmful impacts.

- In accordance with the Ratepayer Protection Pledge, Congress should ensure that residential ratepayers do not experience increased electricity costs as a result of new AI data center construction and operation.
- At the same time, Congress should streamline federal permitting for AI infrastructure construction and operation so AI developers can develop or procure on-site and behind-the-meter power generation to accelerate AI infrastructure buildout and enhance grid reliability.
- Congress should augment existing law enforcement efforts to combat AI-enabled impersonation scams and fraud that target vulnerable populations such as seniors.
- Congress should ensure that the appropriate agencies within the national security enterprise possess sufficient technical capacity to understand frontier AI model capabilities and any associated national security considerations and establish plans to mitigate potential concerns, including through consultation with frontier AI model developers.
- Congress should provide AI resources to small businesses, such as grants, tax incentives, and technical assistance programs, to support wider deployment of AI tools across American industry.

III.

Respecting Intellectual Property Rights and Supporting Creators

American creators, publishers, and innovators should be protected from AI-generated outputs that infringe their protected content, without undermining lawful innovation and free expression.

- Although the Administration believes that training of AI models on copyrighted material does not violate copyright laws, it acknowledges arguments to the contrary exist and therefore supports allowing the Courts to resolve this issue. Similarly, Congress should not take any actions that would impact the judiciary's resolution of whether training on copyrighted material constitutes fair use.

- Congress should consider enabling licensing frameworks or collective rights systems for rights holders to collectively negotiate compensation from AI providers, without incurring antitrust liability. Any such legislation, however, should not address when or whether such licensing is required.

- Congress should consider establishing a federal framework protecting individuals from the unauthorized distribution or commercial use of AI-generated digital replicas of their voice, likeness, or other identifiable attributes, while providing clear exceptions for parody, satire, news reporting, and other expressive works protected by the First Amendment. Congress should prevent persons from abusing such a framework to stifle free speech online.

- Congress should continue to carefully monitor the development of copyright precedents and enforcement in the courts and evaluate whether, due to novel AI considerations, additional action beyond that proposed here is needed to fill potential gaps or provide additional protections for content creators.

IV.

Preventing Censorship and Protecting Free Speech

The federal government must defend free speech and First Amendment protections, while preventing AI systems from being used to silence or censor lawful political expression or dissent.

- Congress should prevent the United States government from coercing technology providers, including AI providers, to ban, compel, or alter content based on partisan or ideological agendas.

- Congress should provide an effective means for Americans to seek redress from the Federal Government for agency efforts to censor expression on AI platforms or dictate the information provided by an AI platform.

V.

Enabling Innovation and Ensuring American AI Dominance

The United States must lead the world in AI by removing barriers to innovation, accelerating deployment of AI applications across sectors, and ensuring broad access to the testing environments needed to build world-class AI systems.

- Congress should establish regulatory sandboxes for AI applications that help unleash American ingenuity and further American leadership in AI development and deployment.

- Congress should provide resources to make federal datasets accessible to industry and academia in AI-ready formats for use in training AI models and systems.

- Congress should not create any new federal rulemaking body to regulate AI, and should instead support development and deployment of sector-specific AI applications through existing regulatory bodies with subject matter expertise and through industry-led standards.

VI.

Educating Americans and Developing an AI-Ready Workforce

American workers must benefit from AI-driven growth, not just the outputs of AI development, through youth development and skills training, the creation of new jobs in an AI-powered economy, and expanded opportunities across sectors.

- Congress should use non-regulatory methods to ensure that existing education programs and workforce training and support programs, including apprenticeships, affirmatively incorporate AI training.
- Congress should expand Federal efforts to study trends in task-level workforce realignment driven by AI in order to inform policies supporting the American workforce.
- Congress should bolster capabilities at land-grant institutions to provide technical assistance, launch demonstration projects, and develop AI youth development programs.

VII.

Establishing a Federal Policy Framework, Preempting Cumbersome State AI Laws

The federal government must establish a federal AI policy framework to protect American rights, support innovation, and prevent a fragmented patchwork of state regulations that would hinder our national competitiveness, while respecting federalism and State rights.

- Congress should preempt state AI laws that impose undue burdens to ensure a minimally burdensome national standard consistent with these recommendations, not fifty discordant ones.
- This national standard should respect key principles of federalism and not preempt:
    - The traditional police powers retained by the states to enforce laws of general applicability against AI developers and users, including particular laws to protect children, prevent fraud, and protect consumers.
    - State zoning laws, including state authorities, to determine the placement of AI infrastructure.
    - Requirements governing a state's own use of AI, whether through procurement or services they provide like law enforcement and public education.
- Preemption must ensure that State laws do not govern areas better suited to the Federal Government or act contrary to the United States' national strategy to achieve global AI dominance.
    - States should not be permitted to regulate AI development, because it is an inherently interstate phenomenon with key foreign policy and national security implications.
    - States should not unduly burden Americans' use of AI for activity that would be lawful if performed without AI.
    - States should not be permitted to penalize AI developers for a third party's unlawful conduct involving their models.