

As Introduced

136th General Assembly

Regular Session

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H. B. No. 524

Representatives Cockley, Mathews, T.

**Cosponsors: Representatives Brennan, Brewer, John, Salvo, Workman, Lett,
Russo, Brent, Sims, Somani, Abdullahi, Miller, J., Robinson, Jarrells, White, E.,
McNally, Hall, D., Synenberg**

To amend section 5119.84 and to enact sections	1
109.96, 109.961, 109.962, 109.963, 109.964,	2
109.965, 109.966, 109.967, 109.968, 109.969,	3
109.9610, 109.9611, 109.9612, 109.9613,	4
109.9614, 109.9615, and 109.9616 of the Revised	5
Code to impose penalties on entities whose AI	6
models suggest harming one's self or another	7
person.	8

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

Section 1. That section 5119.84 be amended and sections	9
109.96, 109.961, 109.962, 109.963, 109.964, 109.965, 109.966,	10
109.967, 109.968, 109.969, 109.9610, 109.9611, 109.9612,	11
109.9613, 109.9614, 109.9615, and 109.9616 of the Revised Code	12
be enacted to read as follows:	13

<u>Sec. 109.96. As used in this section and sections 109.961</u>	14
<u>to 109.9616 of the Revised Code:</u>	15

<u>(A) "Artificial intelligence application" means a software</u>	16
<u>program or system that uses artificial intelligence models to</u>	17
<u>perform tasks that typically require human intelligence.</u>	18

(B) "Artificial intelligence model" means an engineered or machine-based system that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. 19 20 21 22

(C) "Deploy" means either of the following: 23

(1) Integration of an artificial intelligence model or application into software or a business workflow; 24 25

(2) Making an artificial intelligence model or application available for use by consumers in this state. 26 27

(D) "Developer" means a person or entity who develops an artificial intelligence model or artificial intelligence application that is deployed in this state. 28 29 30

(E) "Self-harm" means any attempt to physically injure self. "Self-harm" includes suicide. 31 32

Sec. 109.961. No person shall develop or deploy in this state an artificial intelligence model or application that encourages any user of the model or application to engage in any form of self-harm or in harming another person. 33 34 35 36

Sec. 109.962. (A) If the attorney general, as a result of complaints or the attorney general's own inquiries, has reason to believe that a person has engaged, is engaging, or is preparing to engage in a violation of section 109.961 of the Revised Code, the attorney general may investigate the alleged violation. 37 38 39 40 41 42

(B) For purposes of such an investigation, the attorney general may administer oaths, subpoena witnesses, adduce evidence, and require the production of any relevant matter. 43 44 45

Sec. 109.963. Any person subpoenaed under section 109.962 46

of the Revised Code shall make the matter available to the attorney general at a convenient location within the state or pay the reasonable and necessary expenses for the attorney general or the attorney general's representative to examine the matter at the place where it is located, provided that those expenses shall not be charged to a party that subsequently is not found to have engaged in a violation of section 109.961 of the Revised Code.

Sec. 109.964. A person subpoenaed under section 109.962 of the Revised Code may file a motion to extend the day on which the subpoena is to be returned or to modify or quash the subpoena, for good cause shown, in the court of common pleas of Franklin county or of the county in this state in which the person resides or in which the person's principal place of business is located. Such a motion shall be filed not later than twenty days after the service of the subpoena.

Sec. 109.965. A person subpoenaed under section 109.962 of the Revised Code shall comply with the terms of the subpoena unless the parties agree to modify the terms of the subpoena or unless the court has modified or quashed the subpoena, extended the day on which the subpoena is to be returned, or issued any other order with respect to the subpoena prior to the day on which the subpoena is to be returned. If a person fails without lawful excuse to testify or produce relevant matter pursuant to a subpoena, the attorney general may apply to the court of common pleas of the county in which the person subpoenaed resides or in which the person's principal place of business is located for an order that compels compliance with the subpoena.

Sec. 109.966. If an individual subpoenaed under section 109.962 of the Revised Code refuses to testify or to produce

relevant matter pursuant to the subpoena on the ground that the 77
testimony or matter may incriminate the individual, the attorney 78
general may request the court to order the individual to provide 79
the testimony or matter. 80

With the exception of a prosecution for perjury or a civil 81
action for damages under section 109.9613 of the Revised Code, 82
an individual who complies with a court order to provide 83
testimony or matter, after asserting a privilege against self- 84
incrimination to which the individual is entitled by law, shall 85
not be subjected to a criminal proceeding or a civil penalty or 86
forfeiture on the basis of the testimony or matter required to 87
be disclosed or testimony or matter discovered through that 88
testimony or matter required to be disclosed. 89

Sec. 109.967. If the matter to be produced under an 90
investigation under section 109.962 of the Revised Code is 91
located outside this state, the attorney general may designate 92
any representative, including any official of the state in which 93
the matter is located, to inspect the matter on behalf of the 94
attorney general. 95

Sec. 109.968. In conducting an investigation under section 96
109.962 of the Revised Code, the attorney general shall not 97
publicly disclose the identity of persons or developers 98
investigated or the facts developed in the investigation unless 99
this information has become a matter of public record in 100
enforcement proceedings or if those being investigated have 101
consented in writing to public disclosure. 102

Sec. 109.969. In conducting an investigation under section 103
109.962 of the Revised Code, the attorney general shall 104
cooperate with state and local officials of other states and 105
officials of the federal government in the administration of 106

comparable laws and regulations. 107

Sec. 109.9610. (A) During an investigation under section 108
109.962 of the Revised Code, the attorney general may afford the 109
person who is the subject of the investigation, in a manner 110
considered appropriate to that person, an opportunity to cease 111
and desist from any suspected violation of section 109.961 of 112
the Revised Code. 113

(B) The attorney general may suspend the investigation 114
during the period that the attorney general permits the person 115
to cease and desist from the suspected violation. 116

(C) The suspension of the investigation or the affording 117
of an opportunity to cease and desist shall not prejudice or 118
prohibit any further investigation by the attorney general under 119
section 109.962 of the Revised Code. 120

Sec. 109.9611. (A) The attorney general may terminate an 121
investigation under section 109.962 of the Revised Code upon 122
acceptance of a written assurance of voluntary compliance from a 123
person who is suspected of a violation of section 109.961 of the 124
Revised Code. 125

(B) The acceptance of such an assurance may be conditioned 126
upon an undertaking to reimburse or to take other appropriate 127
corrective action with respect to consumers who are damaged by 128
an alleged violation of section 109.961 of the Revised Code. 129

(C) Such an assurance of compliance is not evidence of a 130
violation of section 109.961 of the Revised Code. 131

(D) The attorney general, at any time, may reopen an 132
investigation terminated by the acceptance of an assurance of 133
voluntary compliance, if the attorney general believes that 134
further proceedings are in the public interest. 135

(E) Evidence of a violation of an assurance of voluntary 136
compliance is prima facie evidence of an act or practice in 137
violation of section 109.961 of the Revised Code if the evidence 138
is presented in a civil action brought under section 109.9613 of 139
the Revised Code. 140

(F) An assurance of voluntary compliance may be filed with 141
the court and, if approved by the court, entered as a consent 142
judgment in the action. 143

Sec. 109.9612. The procedures that are available to the 144
attorney general under sections 109.962 to 109.9611 of the 145
Revised Code are cumulative and concurrent, and the exercise of 146
one procedure by the attorney general does not preclude or 147
require the exercise of any other procedure. 148

Sec. 109.9613. If, by the attorney general's own inquiries 149
or as a result of complaints or an investigation conducted under 150
section 109.962 of the Revised Code, the attorney general has 151
reasonable cause to believe that a person has engaged or is 152
engaging in a violation of section 109.961 of the Revised Code, 153
the attorney general, subject to section 109.9615 of the Revised 154
Code, may bring in the appropriate court of common pleas of this 155
state a civil action against the alleged violator for injunctive 156
relief, damages, and civil penalties on behalf of the residents 157
of this state who have been subjected to acts or practices in 158
violation of section 109.961 of the Revised Code. 159

Sec. 109.9614. On the motion of the attorney general or on 160
its own motion, a court may impose a civil penalty of up to 161
fifty thousand dollars for each violation of section 109.961 of 162
the Revised Code. 163

Sec. 109.9615. No action may be brought by the attorney 164

general under section 109.9613 of the Revised Code for damages 165
or a civil penalty more than six years after the occurrence of 166
the violation. 167

Sec. 109.9616. The attorney general shall deposit any 168
civil penalties that are imposed under section 109.9614 of the 169
Revised Code to the credit of the 9-8-8 fund created under 170
section 5119.84 of the Revised Code. 171

Sec. 5119.84. (A) There is hereby created in the state 172
treasury the 9-8-8 fund. The fund shall consist of all money 173
from the following sources: 174

(1) Appropriations made by the general assembly; 175

(2) Money awarded to the state by donation, gift, or 176
bequest, and other money received for purposes of this section; 177

(3) Penalties imposed under section 109.9614 of the 178
Revised Code; 179

(4) Interest or other earnings on the fund. 180

(B) Money in the fund shall be used to oversee and 181
administer the 9-8-8 suicide prevention and mental health crisis 182
hotline system. 183

Section 2. That existing section 5119.84 of the Revised 184
Code is hereby repealed. 185