As Introduced

136th General Assembly

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Representatives Cockley, Miller, J.

Cosponsors: Representatives Brennan, McNally, Piccolantonio, Lett, Synenberg, Brownlee, Brent, Russo

To enact sections 1349.12, 1349.13, 1349.14, 1349.15, and 1349.16 of the Revised Code to require AI-generated products have a watermark and to require disclosure when AI-systems are acting as humans.

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

Section 1. That sections 1349.12, 1349.13, 1349.14, 1349.15, and 1349.16 of the Revised Code be enacted to read as follows:

Sec. 1349.12. As used in sections 1349.12 to 1349.16 of the Revised Code:

"Artificial intelligence system" means an engineered or machine-based system that, for explicit or implicit objectives, infers from the input it receives how to generate an AI-product.

"AI-generated product" or "AI-product" means content that is substantially created or modified by an artificial intelligence system such that the use of the artificial intelligence system materially alters the content. "AI-generated product" or "AI-product" does not include content where part or

all of the original digital data is compressed or encoded through software algorithms for the purpose of optimization in storage, transmission, or encryption if the software or algorithm does not alter the original meaning of the content.

"Content" means any image, video, audio, multimedia, or text data or information uploaded to, generated by, or stored with any internet web site, application, or service by any person, program, system, or other application.

Sec. 1349.13. (A) Artificial intelligence systems shall be programmed to provide a distinctive watermark on any AI-generated product that informs the user that the particular content was generated using an artificial intelligence system.

(B) No person, business, or organization shall distribute for public or commercial use any AI-generated product that does not include a distinctive watermark that indicates the particular content was generated using an artificial intelligence system.

(C) Any person, business, or organization that utilizes an artificial intelligence system shall clearly and conspicuously inform any user whenever the artificial intelligence system is acting as or emulating a human person.

(D) This section does not apply to AI-generated product that is generated at the prompting of a user solely for personal, noncommercial use.

Sec. 1349.14. (A) Any person that believes that a person, business, or organization is violating or is not in compliance with the provisions of section 1349.13 of the Revised Code may submit a complaint to the attorney general through a form on an internet web site maintained by the office of the attorney

general.

(B) The attorney general may conduct an investigation if the attorney general, based on complaints submitted pursuant to division (A) of this section or the attorney general's own inquiries, has reason to believe that a person, business, or organization is violating or failing to comply with section 1349.13 of the Revised Code.

(C) If the attorney general determines that a person, business, or organization is violating or failing to comply with section 1349.13 of the Revised Code, the attorney general shall provide written notice to the person, business, or organization identifying and explaining the basis for each instance of alleged violation or noncompliance.

Sec. 1349.15. (A) Any person aggrieved by a violation or failure to comply with section 1349.13 of the Revised Code has and may commence a civil action against the person committing the violation or failing to comply for damages that result from the violation or noncompliance.

(B) In addition to the civil action authorized under division (A) of this section, the attorney general may commence a civil action against a person that violates or fails to comply with section 1349.13 of the Revised Code for injunctive relief and a civil penalty of not less than two thousand five hundred dollars per instance of noncompliance, but not more than ten thousand dollars per violation or instance of noncompliance.

(C) Except as otherwise provided in division (D) of this section, the attorney general shall not commence a civil action under division (B) of this section if the person, business, or organization, within seven days after receiving notice of the

alleged noncompliance, does both of the following:

(1) Cures all violations or instances of noncompliance described in the notice;

(2) Provides the attorney general with a written statement indicating that all violations or instances of noncompliance are cured and agreeing to refrain from further violation or noncompliance of the requirements under section 1349.13 of the Revised Code.

(D) If the person, business, or organization does not timely respond or continues to violate or fail to comply with the requirements of section 1349.13 of the Revised Code after receiving the notice, the attorney general may initiate a civil action under division (B) of this section.

(E) Division (C) of this section does not apply if the person, business, or organization fails to timely cease violation or comply with all of the requirements described in the notice or commits subsequent violations or instances of noncompliance of the same type after curing the initial violation or noncompliance under that division. Notwithstanding division (D) of this section, if a person, business, or organization engages in subsequent violation or noncompliance of the same type after reporting that the initial violation or noncompliance is cured, the attorney general may bring a civil action at any time after sending notice under division (C) of section 1349.14 of the Revised Code.

Sec. 1349.16. In determining the amount of a civil penalty under division (B) of section 1349.15 of the Revised Code, the court shall consider the nature and seriousness of the violation or noncompliance, the intent of the person committing the

violation or failing to comply, any history of prior violations or noncompliance, and the degree of harm caused by the person.

The attorney general shall collect all civil penalties imposed under division (B) of section 1349.15 of the Revised Code and deposit them in the consumer protection enforcement fund created by section 1345.51 of the Revised Code.