

As Introduced

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Regular Session

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H. B. No. 813

Representatives Cockley, Miller, J.

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

To enact sections 1349.12, 1349.13, 1349.14, 1
1349.15, and 1349.16 of the Revised Code to 2
require AI-generated products have a watermark 3
and to require disclosure when AI-systems are 4
acting as humans. 5

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

Section 1. That sections 1349.12, 1349.13, 1349.14, 6
1349.15, and 1349.16 of the Revised Code be enacted to read as 7
follows: 8

Sec. 1349.12. As used in sections 1349.12 to 1349.16 of 9
the Revised Code: 10

"Artificial intelligence system" means an engineered or 11
machine-based system that, for explicit or implicit objectives, 12
infers from the input it receives how to generate an AI-product. 13

"AI-generated product" or "AI-product" means content that 14
is substantially created or modified by an artificial 15
intelligence system such that the use of the artificial 16
intelligence system materially alters the content. "AI-generated 17
product" or "AI-product" does not include content where part or 18

all of the original digital data is compressed or encoded 19
through software algorithms for the purpose of optimization in 20
storage, transmission, or encryption if the software or 21
algorithm does not alter the original meaning of the content. 22

"Content" means any image, video, audio, multimedia, or 23
text data or information uploaded to, generated by, or stored 24
with any internet web site, application, or service by any 25
person, program, system, or other application. 26

Sec. 1349.13. (A) Artificial intelligence systems shall be 27
programmed to provide a distinctive watermark on any AI- 28
generated product that informs the user that the particular 29
content was generated using an artificial intelligence system. 30

(B) No person, business, or organization shall distribute 31
for public or commercial use any AI-generated product that does 32
not include a distinctive watermark that indicates the 33
particular content was generated using an artificial 34
intelligence system. 35

(C) Any person, business, or organization that utilizes an 36
artificial intelligence system shall clearly and conspicuously 37
inform any user whenever the artificial intelligence system is 38
acting as or emulating a human person. 39

(D) This section does not apply to AI-generated product 40
that is generated at the prompting of a user solely for 41
personal, noncommercial use. 42

Sec. 1349.14. (A) Any person that believes that a person, 43
business, or organization is violating or is not in compliance 44
with the provisions of section 1349.13 of the Revised Code may 45
submit a complaint to the attorney general through a form on an 46
internet web site maintained by the office of the attorney 47

general. 48

(B) The attorney general may conduct an investigation if 49
the attorney general, based on complaints submitted pursuant to 50
division (A) of this section or the attorney general's own 51
inquiries, has reason to believe that a person, business, or 52
organization is violating or failing to comply with section 53
1349.13 of the Revised Code. 54

(C) If the attorney general determines that a person, 55
business, or organization is violating or failing to comply with 56
section 1349.13 of the Revised Code, the attorney general shall 57
provide written notice to the person, business, or organization 58
identifying and explaining the basis for each instance of 59
alleged violation or noncompliance. 60

Sec. 1349.15. (A) Any person aggrieved by a violation or 61
failure to comply with section 1349.13 of the Revised Code has 62
and may commence a civil action against the person committing 63
the violation or failing to comply for damages that result from 64
the violation or noncompliance. 65

(B) In addition to the civil action authorized under 66
division (A) of this section, the attorney general may commence 67
a civil action against a person that violates or fails to comply 68
with section 1349.13 of the Revised Code for injunctive relief 69
and a civil penalty of not less than two thousand five hundred 70
dollars per instance of noncompliance, but not more than ten 71
thousand dollars per violation or instance of noncompliance. 72

(C) Except as otherwise provided in division (D) of this 73
section, the attorney general shall not commence a civil action 74
under division (B) of this section if the person, business, or 75
organization, within seven days after receiving notice of the 76

alleged noncompliance, does both of the following: 77

(1) Cures all violations or instances of noncompliance 78
described in the notice; 79

(2) Provides the attorney general with a written statement 80
indicating that all violations or instances of noncompliance are 81
cured and agreeing to refrain from further violation or 82
noncompliance of the requirements under section 1349.13 of the 83
Revised Code. 84

(D) If the person, business, or organization does not 85
timely respond or continues to violate or fail to comply with 86
the requirements of section 1349.13 of the Revised Code after 87
receiving the notice, the attorney general may initiate a civil 88
action under division (B) of this section. 89

(E) Division (C) of this section does not apply if the 90
person, business, or organization fails to timely cease 91
violation or comply with all of the requirements described in 92
the notice or commits subsequent violations or instances of 93
noncompliance of the same type after curing the initial 94
violation or noncompliance under that division. Notwithstanding 95
division (D) of this section, if a person, business, or 96
organization engages in subsequent violation or noncompliance of 97
the same type after reporting that the initial violation or 98
noncompliance is cured, the attorney general may bring a civil 99
action at any time after sending notice under division (C) of 100
section 1349.14 of the Revised Code. 101

Sec. 1349.16. In determining the amount of a civil penalty 102
under division (B) of section 1349.15 of the Revised Code, the 103
court shall consider the nature and seriousness of the violation 104
or noncompliance, the intent of the person committing the 105

<u>violation or failing to comply, any history of prior violations</u>	106
<u>or noncompliance, and the degree of harm caused by the person.</u>	107
<u>The attorney general shall collect all civil penalties</u>	108
<u>imposed under division (B) of section 1349.15 of the Revised</u>	109
<u>Code and deposit them in the consumer protection enforcement</u>	110
<u>fund created by section 1345.51 of the Revised Code.</u>	111