As Introduced

136th General Assembly Regular Session 2025-2026

S. B. No. 163

Senators Blessing, Johnson Cosponsors: Senators DeMora, Ingram

A BILL

То	amend sections 1345.51, 2907.321, 2907.322,	1
	2907.323, and 2913.49 and to enact section	2
	1349.10 of the Revised Code to require AI-	3
	generated products have a watermark, to prohibit	4
	simulated child pornography, and to prohibit	5
	identity fraud using a replica of a person.	6

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

Section 1. That sections 1345.51, 2907.321, 2907.322,	7
2907.323, and 2913.49 be amended and section 1349.10 of the	8
Revised Code be enacted to read as follows:	9
Sec. 1345.51. There is hereby created in the state	10
treasury the consumer protection enforcement fund. The fund	11
shall include civil penalties ordered pursuant to divisions (A)	12
and (D) of section 1345.07 of the Revised Code and paid as	13
provided in division (G) of that section, all civil penalties	14
ordered pursuant to division (E) of section 1349.10 of the	15
Revised Code, all civil penalties assessed under division (A) of	16
section 1349.192 of the Revised Code, all costs awarded to the	17
attorney general and all penalties imposed under section 4549.48	18

of the Revised Code, and all money unclaimed under section 19 4549.50 of the Revised Code. The money in the consumer 20 protection enforcement fund shall be used for the sole purpose 21 of paying expenses incurred by the consumer protection section 22 of the office of the attorney general. 23 Sec. 1349.10. (A) As used in this section, "artificial 24 intelligence" and "AI" mean an engineered or machine-based 25 system that, for explicit or implicit objectives, infers from 26 the input it receives how to generate outputs that can influence 27 physical or virtual environments. 28 (B) Artificial intelligence systems shall be programmed to 29 provide a distinctive watermark on any AI-generated product that 30 informs the user that the particular product was generated using 31 an AI system. 32 (C) No person shall remove a watermark required by this 33 section with the purpose of concealing that the product was 34 generated using artificial intelligence. 35 (D) Any person aggrieved by a violation of division (B) or 36 (C) of this section has and may commence a civil action against 37 38 the violator for damages that result from the violation. In a civil action under this division, any person found to have 39 removed a watermark required by this section shall be rebuttably 40 presumed to have caused the harm alleged in the complaint. 41 (E) In addition to the civil action authorized under 42 division (D) of this section, the attorney general may commence 43 a civil action against a person that violates division (B) or 44 (C) of this section for injunctive relief and, in the case of a 45 person that violates division (C) of this section, a civil 46 penalty of up to ten thousand dollars. All civil penalties 47

collected under this division shall be deposited to the consumer	48
protection enforcement fund created by section 1345.51 of the	49
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Revised Code.	50
Sec. 2907.321. (A) No person, with knowledge of the	51
character of the material or performance involved, shall do any	52
of the following:	53
(1) Create, reproduce, or publish any obscene material	54
that has a minor, an artificially generated depiction of a	55
minor, or an impaired person as one of its participants or	56
portrayed observers;	57
(2) Promote or advertise for sale or dissemination; sell,	58
deliver, disseminate, display, exhibit, present, rent, or	59
provide; or offer or agree to sell, deliver, disseminate,	60
display, exhibit, present, rent, or provide, any obscene	61
material that has a minor, an artificially generated depiction	62
of a minor, or an impaired person as one of its participants or	63
portrayed observers;	64
(3) Create, direct, or produce an obscene performance that	65
has a minor, an artificially generated depiction of a minor, or	66
an impaired person as one of its participants;	67
(4) Advertise or promote for presentation, present, or	68
participate in presenting an obscene performance that has a	69
minor, an artificially generated depiction of a minor, or an	70
impaired person as one of its participants;	71
(5) Buy, procure, possess, or control any obscene	72
material, that has a minor, an artificially generated depiction	73
of a minor, or an impaired person as one of its participants;	74
(6) Bring or cause to be brought into this state any	75
obscene material that has a minor, an artificially generated	76

depiction of a minor, or an impaired person as one of its77participants or portrayed observers.78

(B) (1) This section does not apply to any material or 79 performance that is sold, disseminated, displayed, possessed, 80 controlled, brought or caused to be brought into this state, or 81 presented for a bona fide medical, scientific, educational, 82 religious, governmental, judicial, or other proper purpose, by 83 or to a physician, psychologist, sociologist, scientist, 84 teacher, person pursuing bona fide studies or research, 85 librarian, member of the clergy, prosecutor, judge, or other 86 person having a proper interest in the material or performance. 87

(2) Mistake of age is not a defense to a charge under this88section.

(3) In a prosecution under this section, the trier of fact may infer that a person in the material or performance involved is a minor, an artificially generated depiction of a minor, or <u>an</u> impaired person if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the person as a minor, an artificially generated <u>depiction of a minor, or an</u> impaired person.

(C) Whoever violates this section is guilty of pandering 97 obscenity involving a minor, an artificially generated depiction 98 of a minor, or an impaired person. If the offense involves a 99 minor or an artificially generated depiction of a minor, a 100 violation of division (A) (1), (2), (3), (4), or (6) of this 101 section is a felony of the second degree. If the offense 102 involves an impaired person, a violation of division (A)(1), 103 (2), (3), (4), or (6) of this section is a felony of the third 104 degree. A violation of division (A)(5)-of this section is a 105 felony of the fourth degree. -If the offender previously has 106

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been convicted of or pleaded guilty to a violation of this 107 section or section 2907.322 or 2907.323 of the Revised Code, 108 pandering obscenity involving a minor, an artificially generated 109 depiction of a minor, or an impaired person in violation of 110 division (A) (5) of this section is a felony of the third degree. 111 (D) As used in this section and sections 2907.322 and 112 2907.323 of the Revised Code, "impaired : 113 (1) "Artificially generated depiction" means a visual 114 depiction of an actual person that was created or edited by 115 artificial intelligence or other computer-generated means and 116 that a reasonable person would believe depicts or represents an 117 actual person who is identifiable by the person's face, 118 likeness, or other distinguishing characteristic. 119 (2) "Impaired person" means a person whose ability to 120 resist or consent is substantially impaired because of a mental 121 or physical condition or because of advanced age, and the 122 offender knows or has reasonable cause to believe that the other 123 person's ability to resist or consent is substantially impaired 124 because of a mental or physical condition or because of advanced 125 126 age. (3) "Artificially generated depiction of child obscenity" 127 means a violation of section 2907.321, 2907.322, or 2907.323 of 128 the Revised Code involving an artificially generated depiction 129 of a minor. 130 Sec. 2907.322. (A) No person, with knowledge of the 131 character of the material or performance involved, shall do any 132 of the following: 133 134

(1) Create, record, photograph, film, develop, reproduce, 134or publish any material that shows a minor, an artificially 135

generated depiction of a minor, or an impaired person 136 participating or engaging in sexual activity, masturbation, or 137 bestiality; 138 (2) Advertise for sale or dissemination, sell, distribute, 139 transport, disseminate, exhibit, or display any material that 140 shows a minor, an artificially generated depiction of a minor, 141 or an impaired person participating or engaging in sexual 142 activity, masturbation, or bestiality; 143 144 (3) Create, direct, or produce a performance that shows a minor, an artificially generated depiction of a minor, or an 145 impaired person participating or engaging in sexual activity, 146 masturbation, or bestiality; 147 (4) Advertise for presentation, present, or participate in 148 presenting a performance that shows a minor, an artificially 149 generated depiction of a minor, or an impaired person 150 participating or engaging in sexual activity, masturbation, or 151 bestiality; 1.52 (5) Knowingly solicit, receive, purchase, exchange, 153 possess, or control any material that shows a minor, an 154 artificially generated depiction of a minor, or an impaired 155 person participating or engaging in sexual activity, 156 masturbation, or bestiality; 157 (6) Bring or cause to be brought into this state any 158 material that shows a minor, an artificially generated depiction 159 of a minor, or an impaired person participating or engaging in 160 sexual activity, masturbation, or bestiality; 161 (7) Bring, cause to be brought, or finance the bringing of 162 any minor or impaired person into or across this state with the 163

intent that the minor or impaired person engage in sexual

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activity, masturbation, or bestiality in a performance or for165the purpose of producing material containing a visual166representation depicting the minor, artificially generated167depiction of the minor, or impaired person engaged in sexual168activity, masturbation, or bestiality.169

(B) (1) This section does not apply to any material or 170 performance that is sold, disseminated, displayed, possessed, 171 controlled, brought or caused to be brought into this state, or 172 presented for a bona fide medical, scientific, educational, 173 religious, governmental, judicial, or other proper purpose, by 174 or to a physician, psychologist, sociologist, scientist, 175 teacher, person pursuing bona fide studies or research, 176 librarian, member of the clergy, prosecutor, judge, or other 177 person having a proper interest in the material or performance. 178

(2) Mistake of age is not a defense to a charge under this179section.

(3) In a prosecution under this section, the trier of fact
may infer that a person in the material or performance involved
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is a minor, an artificially generated depiction of a minor, or
an impaired person if the material or performance, through its
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title, text, visual representation, or otherwise, represents or
depicts the person as a minor, an artificially generated
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depiction of a minor, or an impaired person.

(C) Whoever violates this section is guilty of pandering
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sexually oriented matter involving a minor, an artificially
generated depiction of a minor, or an impaired person. If the
offense involves a minor or an artificially generated depiction
of a minor, a violation of division (A) (1), (2), (3), (4), (6),
or (7) of this section is a felony of the second degree. If the
offense involves an impaired person, a violation of division (A)

(1), (2), (3), (4), (6), or (7) of this section is a felony of 195 the third degree. Violation of division (A) (5) of this section 196 is a felony of the fourth degree. If the offender previously has 197 been convicted of or pleaded quilty to a violation of this 198 section or section 2907.321 or 2907.323 of the Revised Code, 199 pandering sexually oriented matter involving a minor, an 200 artificially generated depiction of a minor, or an impaired 201 person in violation of division (A) (5) of this section is a 202 203 felony of the third degree. Sec. 2907.323. (A) No person shall do any of the 204 following: 205 (1) Photograph any minor or impaired person who is not the 206 person's child or ward in a state of nudity, or create, direct, 207 produce, or transfer any material or performance that shows the 208 minor, artificially generated depiction of the minor, or 209 impaired person in a state of nudity, unless both of the 210 following apply: 211 (a) The material or performance is, or is to be, sold, 212 disseminated, displayed, possessed, controlled, brought or 213 caused to be brought into this state, or presented for a bona 214 fide artistic, medical, scientific, educational, religious, 215 governmental, judicial, or other proper purpose, by or to a 216 physician, psychologist, sociologist, scientist, teacher, person 217 pursuing bona fide studies or research, librarian, member of the 218 clergy, prosecutor, judge, or other person having a proper 219 interest in the material or performance; 220

(b) The minor's or impaired person's parents, guardian, or
custodian consents in writing to the photographing of the minor
or impaired person, to the use of the minor, artificially
generated depiction of the minor, or impaired person in the
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material or performance, or to the transfer of the material and 225
to the specific manner in which the material or performance is 226
to be used. 227

(2) Consent to the photographing of the person's child or 228 ward who is a minor or impaired person, or photograph the 229 person's child or ward who is a minor or impaired person, in a 230 state of nudity or consent to the use of the person's child or 231 ward who is a minor, an artificially generated depiction of the 232 minor, or an impaired person in a state of nudity in any 233 234 material or performance, or use or transfer a material or performance of that nature, unless the material or performance 235 is sold, disseminated, displayed, possessed, controlled, brought 236 or caused to be brought into this state, or presented for a bona 237 fide artistic, medical, scientific, educational, religious, 238 governmental, judicial, or other proper purpose, by or to a 239 physician, psychologist, sociologist, scientist, teacher, person 240 pursuing bona fide studies or research, librarian, member of the 241 clergy, prosecutor, judge, or other person having a proper 242 interest in the material or performance; 243

(3) Possess or view any material or performance that shows
a minor, an artificially generated depiction of a minor, or an
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impaired person who is not the person's child or ward in a state
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of nudity, unless one of the following applies:

(a) The material or performance is sold, disseminated,
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displayed, possessed, controlled, brought or caused to be
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brought into this state, or presented for a bona fide artistic,
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medical, scientific, educational, religious, governmental,
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judicial, or other proper purpose, by or to a physician,
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psychologist, sociologist, scientist, teacher, person pursuing
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bona fide studies or research, librarian, member of the clergy,
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prosecutor, judge, or other person having a proper interest in 255 the material or performance. 256 (b) The person knows that the minor's or impaired person's 257 parents, guardian, or custodian has consented in writing to the 258 photographing or use of the minor, artificially generated 259 depiction of the minor, or impaired person in a state of nudity 260 and to the manner in which the material or performance is used 261 262 or transferred. (B) Whoever violates this section is guilty of illegal use 263 of a minor, an artificially generated depiction of a minor, or 264 an impaired person in a nudity-oriented material or performance. 265 If the offense involves a minor or an artificially generated 266 depiction of a minor, whoever violates division (A)(1) or (2) of 267 this section is guilty of a felony of the second degree. If the 268 offense involves an impaired person, whoever violates division 269 (A) (1) or (2) of this section is guilty of a felony of the third 270 degree. Except as otherwise provided in this division, whoever 271 violates division (A)(3) of this section is guilty of a felony 272 of the fifth degree. If the offender previously has been 273 convicted of or pleaded guilty to a violation of this section or 274 section 2907.321 or 2907.322 of the Revised Code, illegal use of 275 a minor, an artificially generated depiction of a minor, or an 276 impaired person in a nudity-oriented material or performance in 277 violation of division (A)(3) of this section is a felony of the 278 fourth degree. If the offender who commits a violation of 279 division (A)(1) or (2) of this section that involves a minor or 280 an artificially generated depiction of a minor also is convicted 281 of or pleads guilty to a specification as described in section 282 2941.1422 of the Revised Code that was included in the 283

indictment, count in the indictment, or information charging the 284 offense, the court shall sentence the offender to a mandatory 285

prison term as provided in division (B)(7) of section 2929.14 of286the Revised Code and shall order the offender to make287restitution as provided in division (B)(8) of section 2929.18 of288the Revised Code.289

Sec. 2913.49. (A) As used in this section, "personal:

(1) "Personal identifying information" includes, but is 291 not limited to, the following: the name, address, telephone 292 number, driver's license, driver's license number, commercial 293 driver's license, commercial driver's license number, state 294 identification card, state identification card number, social 295 security card, social security number, birth certificate, place 296 of employment, employee identification number, mother's maiden 297 name, demand deposit account number, savings account number, 298 money market account number, mutual fund account number, other 299 financial account number, personal identification number, 300 password, or credit card number of a living or dead individual. 301

(2) "Replica of a person's persona" or "replica" means a302modified or fabricated version of an individual's voice,303photograph, image, likeness, or distinctive appearance that is304created or presented in a manner that it appears to be the305individual's authentic persona. The term includes the306modifications and fabrications produced in whole or in part by307artificial intelligence.308

(3) "Artificial intelligence" has the same meaning as in309section 1349.10 of the Revised Code.310

(B) No person, without the express or implied consent of
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the other person, shall use, obtain, or possess any personal
identifying information of another person with intent to do
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either of the following:
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(2) Represent the other person's personal identifying 316 information as the person's own personal identifying 317 information. 318 (C) No person shall create, obtain, possess, or use the 319 personal identifying information of any person with the intent 320 to aid or abet another person in violating division (B) of this 321 section. 322 (D) No person, with intent to defraud, shall permit 323 another person to use the person's own personal identifying 324 325 information or a replica of the person's persona. (E) No person who is permitted to use another person's 326 personal identifying information as described in division (D) of 327 this section shall use, obtain, or possess the other person's 328 personal identifying information with intent to defraud any 329 person by doing any act identified in division (B)(1) or (2) of 330 this section. 331 (F)(1) (F) No person shall create or use a replica of a 332 person's persona in a manner that would induce any other person 333 to make a financial decision or extend credit to any person in 334 reliance on the replica without the express consent of the 335 individual whose persona is replicated. 336 (G) No person shall create or use a replica with the 337 intent to damage any person's or entity's reputation, including 338 the reputation of the individual whose persona is replicated. 339 (H) No person shall create, use, or disseminate a replica 340

(1) Hold the person out to be the other person;

of a person's persona who is not a minor or impaired person in a	341
manner that depicts the individual whose persona is replicated	342
in a state of nudity, engaging in sexual activity, or in any	343

obscene material without the consent of the individual whose 344 persona is replicated. 345 (I) No person shall create, use, or disseminate a replica 346 of a person's persona for the purposes of violating or 347 attempting to violate section 2905.05 of the Revised Code. 348 (J) (1) It is an affirmative defense to a charge under 349 division (B) of this section that the person using the personal 350 identifying information is acting in accordance with a legally 351 recognized guardianship or conservatorship or as a trustee or 352 fiduciary. 353 (2) It is an affirmative defense to a charge under 354 division (B), (C), (D), or (E) of this section that either of 355 the following applies: 356 (a) The person or entity using, obtaining, possessing, or 357 creating the personal identifying information or replica, or 358 permitting it to be used, is a law enforcement agency, 359 authorized fraud personnel, or a representative of or attorney 360 for a law enforcement agency or authorized fraud personnel and 361 is using, obtaining, possessing, or creating the personal 362 363 identifying information or replica, or permitting it to be used, with prior consent given as specified in this division, in a 364 bona fide investigation, an information security evaluation, a 365 pretext calling evaluation, or a similar matter. The prior 366 consent required under this division shall be given by the 367 person whose personal identifying information or replica is 368 being used, obtained, possessed, or created or is being 369 permitted to be used or, if the person whose personal 370 identifying information or replica is being used, obtained, 371 possessed, or created or is being permitted to be used is 372 deceased, by that deceased person's executor, or a member of 373

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that deceased person's family, or that deceased person's374attorney. The prior consent required under this division may be375given orally or in writing by the person whose personal376identifying information or replica is being used, obtained,377possessed, or created or is being permitted to be used or that378person's executor, or family member, or attorney.379

(b) The personal identifying information or replica was 380 obtained, possessed, used, created, or permitted to be used for 381 a lawful purpose, provided that division (F)(2)(b)(J)(2)(b) of 382 383 this section does not apply if the person or entity using, obtaining, possessing, or creating the personal identifying 384 information or replica, or permitting it to be used, is a law 385 enforcement agency, authorized fraud personnel, or a 386 representative of or attorney for a law enforcement agency or 387 authorized fraud personnel that is using, obtaining, possessing, 388 or creating the personal identifying information or replica, or 389 permitting it to be used, in an investigation, an information 390 security evaluation, a pretext calling evaluation, or similar 391 392 matter.

(G) (K) It is not a defense to a charge under this section that the person whose personal identifying information or <u>replica</u> was obtained, possessed, used, created, or permitted to be used was deceased at the time of the offense.

(H) (1) (L) (1) If an offender commits a violation of397division (B), (D), or (E) of this section and the violation398occurs as part of a course of conduct involving other violations399of division (B), (D), or (E) of this section or violations of,400attempts to violate, conspiracies to violate, or complicity in401violations of division (C) of this section or section 2913.02,4022913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13403

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of the Revised Code, the court, in determining the degree of the404offense pursuant to division (I) (M) of this section, may405aggregate all credit, property, or services obtained or sought406to be obtained by the offender and all debts or other legal407obligations avoided or sought to be avoided by the offender in408the violations involved in that course of conduct. The course of409conduct may involve one victim or more than one victim.410

(2) If an offender commits a violation of division (C) of 411 this section and the violation occurs as part of a course of 412 conduct involving other violations of division (C) of this 413 section or violations of, attempts to violate, conspiracies to 414 violate, or complicity in violations of division (B), (D), or 415 (E) of this section or section 2913.02, 2913.04, 2913.11, 416 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 417 Code, the court, in determining the degree of the offense 418 pursuant to division (I) (M) of this section, may aggregate all 419 credit, property, or services obtained or sought to be obtained 420 by the person aided or abetted and all debts or other legal 421 obligations avoided or sought to be avoided by the person aided 422 or abetted in the violations involved in that course of conduct. 423 The course of conduct may involve one victim or more than one 424 victim. 425

(I) (M) (1) Whoever violates this section is guilty of identity fraud.

(2) Except as otherwise provided in this division or
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division (I) (3) (M) (3) of this section, identity fraud is a
felony of the fifth degree. If the value of the credit,
property, services, debt, or other legal obligation involved in
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the violation or course of conduct is one thousand dollars or
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more and is less than seven thousand five hundred dollars,

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except as otherwise provided in division (I)(3) (M)(3) of this 434 section, identity fraud is a felony of the fourth degree. If the 435 value of the credit, property, services, debt, or other legal 436 obligation involved in the violation or course of conduct is 437 seven thousand five hundred dollars or more and is less than one 438 hundred fifty thousand dollars, except as otherwise provided in 439 division (I)(3) (M(3) of this section, identity fraud is a 440 felony of the third degree. If the value of the credit, 441 property, services, debt, or other legal obligation involved in 442 the violation or course of conduct is one hundred fifty thousand 443 dollars or more, except as otherwise provided in division (I)(3) 444 (M) (3) of this section, identity fraud is a felony of the second 445 degree. 446

(3) If the victim of the offense is a minor, an elderly 447 person, disabled adult, active duty service member, or spouse of 448 an active duty service member, a violation of this section is 449 identity fraud against a person in a protected class. Except as 450 otherwise provided in this division, identity fraud against a 451 person in a protected class is a felony of the fourth degree. If 452 the value of the credit, property, services, debt, or other 453 legal obligation involved in the violation or course of conduct 454 is one thousand dollars or more and is less than seven thousand 455 five hundred dollars, identity fraud against a person in a 456 protected class is a felony of the third degree. If the value of 457 the credit, property, services, debt, or other legal obligation 458 involved in the violation or course of conduct is seven thousand 459 five hundred dollars or more and is less than one hundred fifty 460 thousand dollars, identity fraud against a person in a protected 461 class is a felony of the second degree. If the value of the 462 credit, property, services, debt, or other legal obligation 463 involved in the violation or course of conduct is one hundred 464

fifty thousand dollars or more, identity fraud against a person 465 in a protected class is a felony of the first degree. If the 466 victim of the offense is an elderly person, in addition to any 467 other penalty imposed for the offense, the offender shall be 468 required to pay full restitution to the victim and to pay a fine 469 of up to fifty thousand dollars. The clerk of court shall 470 forward all fines collected under this division (I)(3) of this 471 section to the county department of job and family services to 472 be used for the reporting and investigation of elder abuse, 473 neglect, and exploitation or for the provision or arrangement of 474 protective services under sections 5101.61 to 5101.71 of the 475 Revised Code. 476

(J) (N) In addition to the penalties described in division 477 (I) (M) of this section, anyone injured in person or property by 478 a violation of division (B), (D), or (E) of this section who is 479 the owner of the identifying information involved, or whose 480 persona is replicated, in that violation has a civil action 481 against the offender pursuant to section 2307.60 of the Revised 482 Code. That person may also bring a civil action to enjoin or 483 restrain future acts that would constitute a violation of 484 division (B), (D), or (E) of this section. 485

 Section 2. That existing sections 1345.51, 2907.321,
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 2907.322, 2907.323, and 2913.49 of the Revised Code are hereby
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 repealed.
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