

As Introduced

135th General Assembly

Regular Session

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H. B. No. 476

Representatives Cutrona, Hillyer

A BILL

To enact sections 1357.01, 1357.02, 1357.04,
1357.05, 1357.06, 1357.07, 1357.08, 1357.09,
1357.10, 1357.11, 1357.12, and 1357.13 of the
Revised Code to create a regulatory relief
office within the Department of Commerce and
establish a universal regulatory sandbox program
under which the office may temporarily waive
certain state laws and regulations and allow
businesses to demonstrate innovative products
and services.

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

Section 1. That sections 1357.01, 1357.02, 1357.04,
1357.05, 1357.06, 1357.07, 1357.08, 1357.09, 1357.10, 1357.11,
1357.12, and 1357.13 of the Revised Code be enacted to read as
follows:

Sec. 1357.01. As used in this chapter:

(A) "Advisory committee" means the universal regulatory
sandbox program advisory committee established under section
1357.04 of the Revised Code.

(B) "Applicable agency" means a department or agency of

the state that by law regulates a business activity and persons 20
engaged in such business activity, including the issuance of 21
licenses or other types of authorization, which the regulatory 22
relief office determines would otherwise regulate a sandbox 23
participant. 24

(C) "Business day" means any day of the week, excluding 25
Saturday, Sunday, and a legal holiday, as defined in section 26
1.14 of the Revised Code. 27

(D) "Consumer" means a person that purchases or otherwise 28
enters into a transaction or agreement to receive an offering 29
pursuant to a demonstration by a sandbox participant. 30

(E) "Demonstrate" or "demonstration" means to temporarily 31
provide an offering in accordance with the provisions of the 32
universal regulatory sandbox program described in this chapter. 33

(F) "Innovation" means the use or incorporation of a new 34
idea, a new or emerging technology, or a new use of existing 35
technology to address a problem, provide a benefit, or otherwise 36
offer a product, production method, or service. 37

(G) "Innovative offering" means an offering that includes 38
an innovation. 39

(H) "Product" means a commercially distributed good that 40
is all of the following: 41

(1) Tangible personal property; 42

(2) The result of a production process; 43

(3) Passed through the distribution channel before 44
consumption. 45

(I) "Production" means the method or process of creating 46

or obtaining a good, which may include assembling, breeding, 47
capturing, collecting, extracting, fabricating, farming, 48
fishing, gathering, growing, harvesting, hunting, manufacturing, 49
mining, processing, raising, or trapping a good. 50

(J) "Sandbox participant" means a person whose application 51
to participate in the universal regulatory sandbox is approved 52
in accordance with this chapter. 53

(K) "Service" means any commercial activity, duty, or 54
labor performed for another person. 55

Sec. 1357.02. (A) The director of commerce shall establish 56
a universal regulatory sandbox program in consultation with 57
applicable agencies to enable a person to obtain limited access 58
to the market in this state to test products or services without 59
obtaining any other license or authorization that otherwise 60
would be required. 61

(B) The director shall establish a regulatory relief 62
office within the department of commerce for the purposes of 63
administering this chapter and acting as a liaison between 64
private businesses and applicable agencies to identify state 65
laws or regulations that could potentially be waived or 66
suspended under the universal regulatory sandbox program. 67

(C) The regulatory relief office may do all of the 68
following: 69

(1) Identify state laws and regulations that unnecessarily 70
inhibit the creation and success of new companies or industries 71
in this state and provide recommendations to the governor and 72
the general assembly on modifying such state laws and 73
regulations; 74

(2) Create a framework for analyzing the risk level to the 75

health, safety, and financial well-being of consumers as a 76
result of permanently removing or temporarily waiving laws and 77
regulations that inhibit the creation or success of new and 78
existing companies or industries in this state; 79

(3) Propose potential reciprocity agreements between 80
states that use or are proposing to use similar universal 81
regulatory sandbox programs as described in this chapter or 82
Chapter 3755. of the Revised Code; 83

(4) Adopt rules in accordance with Chapter 119. of the 84
Revised Code as necessary to do either of the following: 85

(a) Administering the universal regulatory sandbox 86
program, including the application process and the reporting 87
requirements of sandbox participants; 88

(b) Cooperating and consulting with the superintendent of 89
financial institutions respecting the regulatory sandbox program 90
authorized by Chapter 1355. of the Revised Code. 91

Sec. 1357.04. (A) The universal regulatory sandbox program 92
advisory committee is established within the department of 93
commerce. The committee shall advise and make recommendations to 94
the regulatory relief office as described in this chapter. 95

(B) The committee shall consist of the following members: 96

(1) Six members who represent business interests from a 97
variety of industry clusters, appointed by the director of 98
commerce; 99

(2) Three members who represent state agencies that 100
regulate businesses, appointed by the director of commerce; 101

(3) One member of the senate, appointed by the president 102
of the senate; 103

(4) One member of the house of representatives, appointed 104
by the speaker of the house of representatives. 105

(C) (1) Members of the committee shall be appointed not 106
later than thirty days after the effective date of this section. 107
Members of the committee serve at the pleasure of the member's 108
appointing authority. Any vacancy in the membership of the 109
committee shall be filled in the same manner as the original 110
appointment. 111

(2) Of the initial appointments made by the director of 112
commerce to the committee: 113

(a) Three of the members described in division (B) (1) of 114
this section and two of the members described in division (B) (2) 115
of this section shall serve for a term ending January 1, 2027; 116

(b) Three of the members described in division (B) (1) of 117
this section and one of the members described in division (B) (2) 118
of this section shall serve for a term ending January 1, 2029. 119

(3) After the initial appointments, terms for all members 120
appointed by the director of commerce shall be four years, with 121
each term ending on the same day of the same month as did the 122
term it succeeds. 123

(4) Legislative members of the committee shall serve terms 124
of two years or for the remainder of the member's legislative 125
term, whichever is less. 126

(D) Members of the committee shall serve without 127
compensation but may be reimbursed for expenses actually 128
incurred in the performance of their duties, within the limits 129
of funds available to the committee for such purposes. 130

(E) The director of commerce shall select a chairperson 131

for the committee on an annual basis. The committee shall meet 132
at the call of the chairperson. The initial meeting shall not be 133
later than thirty days after the last member is appointed. A 134
majority of the members of the committee constitutes a quorum 135
for the transaction of the business of the committee. 136

(F) The staff of the regulatory relief office shall 137
provide technical and administrative support as needed by the 138
committee. 139

(G) The committee is not a public body for the purposes of 140
section 121.22 of the Revised Code. 141

Sec. 1357.05. On or before October 1 of the first year 142
that begins after the effective date of this section, and 143
annually thereafter, the director of commerce shall submit a 144
written report on the activities of the regulatory relief office 145
to the general assembly in accordance with section 101.68 of the 146
Revised Code. The report shall include all of the following: 147

(A) Information regarding each participant in the 148
universal regulatory sandbox program, including which industry 149
each participant represents and the anticipated or actual cost 150
savings that each participant experiences; 151

(B) Recommended changes to laws or regulations that the 152
regulatory relief office determines unnecessarily inhibit the 153
creation and success of new companies or industries; 154

(C) Information on the universal regulatory sandbox 155
program's impact on consumer outcomes; 156

(D) Recommended changes to the universal regulatory 157
sandbox program or the regulatory relief office. 158

Sec. 1357.06. (A) A person that seeks to participate in 159

the universal regulatory sandbox program shall apply to the 160
regulatory relief office in a form and manner prescribed by the 161
office. The application shall, at minimum, include all of the 162
following: 163

(1) Confirmation that the applicant is subject to the 164
jurisdiction of the department of commerce, which may be 165
demonstrated through incorporation, residency, an agreement with 166
the director of commerce by which the applicant agrees to be 167
subject to the laws and courts of this state relating to any 168
action arising out of the applicant's demonstration of a product 169
or service in the universal regulatory sandbox, or otherwise; 170

(2) Confirmation that the applicant has established a 171
physical or virtual location in the state, from which the 172
demonstration of an innovative offering will be developed and 173
performed and where all required records, documents, and data 174
will be maintained; 175

(3) Relevant personal and contact information for the 176
applicant, including legal names, addresses, telephone numbers, 177
electronic mail addresses, web site addresses, and other 178
information that may be required by the regulatory relief 179
office; 180

(4) Disclosure of criminal convictions, if any, of the 181
applicant and other participating personnel; 182

(5) A description of the innovative offering to be 183
demonstrated, including statements regarding all of the 184
following: 185

(a) How the offering is subject to licensing, legal 186
prohibition, or other authorization requirements outside of the 187
universal regulatory sandbox; 188

<u>(b) Each law or regulation that the applicant seeks to</u>	189
<u>have waived or suspended while participating in the universal</u>	190
<u>regulatory sandbox program;</u>	191
<u>(c) How the offering would benefit consumers;</u>	192
<u>(d) How the offering is different from other offerings</u>	193
<u>available in this state;</u>	194
<u>(e) What risks might exist for consumers that use or</u>	195
<u>purchase the offering;</u>	196
<u>(f) How participating in the regulatory sandbox would</u>	197
<u>enable a successful demonstration of the offering;</u>	198
<u>(g) A description of the proposed demonstration plan,</u>	199
<u>including estimated time periods for beginning and ending the</u>	200
<u>demonstration;</u>	201
<u>(h) Recognition that the applicant will be subject to all</u>	202
<u>laws and regulations pertaining to the applicant's offering</u>	203
<u>after conclusion of the demonstration;</u>	204
<u>(i) How the applicant will end the demonstration and</u>	205
<u>protect consumers if the demonstration fails.</u>	206
<u>(6) A list of the state agencies that regulate the</u>	207
<u>applicant's business;</u>	208
<u>(7) Other information that may be required by the</u>	209
<u>regulatory relief office.</u>	210
<u>(B) The regulatory relief office shall, upon request,</u>	211
<u>consult with persons interested in participating in the</u>	212
<u>universal regulatory sandbox program and assist such persons in</u>	213
<u>preparing an application.</u>	214
<u>(C) The director of commerce may require an application</u>	215

fee to offset the costs of the regulatory relief office and the 216
department of commerce in administering the universal regulatory 217
sandbox program. All fees collected under this section shall be 218
deposited to the universal regulatory sandbox program fund, 219
which is created in the state treasury, and used for the 220
purposes of this chapter. 221

(D) An applicant shall file a separate application for 222
each innovative offering that the applicant seeks to 223
demonstrate. 224

(E) After an application is filed, the regulatory relief 225
office shall do all of the following: 226

(1) Keep confidential the contents of the application and 227
any related information provided by the applicant; 228

(2) Consult with each applicable government agency that 229
regulates the applicant's business regarding the application and 230
whether more information is needed from the applicant; 231

(3) Seek any additional information from the applicant 232
that the regulatory relief office determines is necessary. 233

(F) Not later than five business days after the date a 234
complete application is received by the regulatory relief 235
office, the regulatory relief office shall do both of the 236
following: 237

(1) Review the application and refer it to each applicable 238
state agency that regulates the applicant's business; 239

(2) Provide the applicant with an acknowledgment of 240
receipt of the application and the identity and contact 241
information for each state agency to which the application has 242
been referred for review. 243

(G) Applications received under this section are not 244
public records for the purposes of Chapter 149. of the Revised 245
Code. 246

Sec. 1357.07. (A) (1) Subject to division (A) (2) of this 247
section, not later than thirty business days after the date on 248
which an applicable agency receives a complete application under 249
section 1357.06 of the Revised Code for review, the applicable 250
agency shall provide a written report to the regulatory relief 251
office of the applicable agency's findings. The report shall 252
include both of the following: 253

(a) A description of any identifiable, likely, and 254
significant harm to the health, safety, or financial well-being 255
of consumers that the law or regulation the applicant seeks to 256
waive or suspend protects against; 257

(b) A recommendation to the regulatory relief office that 258
the applicant either be admitted or denied entrance into the 259
universal regulatory sandbox. 260

(2) The applicable agency may extend the deadline for 261
delivering the written report required by division (A) (1) of 262
this section by an additional five business days by providing 263
notice of the extension to the regulatory relief office. The 264
applicable agency shall not extend the deadline more than once 265
for each application. 266

(3) If the applicable agency recommends an applicant under 267
this section be denied entrance into the universal regulatory 268
sandbox, the written report shall include a description of the 269
reasons for the recommendation, including why a temporary waiver 270
or suspension of the relevant laws or regulations would 271
potentially significantly harm the health, safety, or financial 272

well-being of consumers or the public, or create unreasonable 273
expenses for the taxpayers of this state, and the likelihood of 274
such harm or expenses. 275

(4) If the applicable agency determines that the 276
consumer's or public's health, safety, or financial well-being 277
can be protected through less restrictive means than the 278
existing relevant laws or regulations, then the applicable 279
agency shall provide a recommendation of how that may be 280
achieved. 281

(5) If an applicable agency fails to deliver a written 282
report as required by this section, the regulatory relief office 283
shall proceed as though the applicable agency does not object to 284
the temporary waiver or suspension of the relevant laws or 285
regulations for an applicant seeking to participate in the 286
universal regulatory sandbox. 287

(B) The regulatory relief office shall immediately reject 288
an application if any of the following apply: 289

(1) An applicable agency determines, in the agency's sole 290
discretion, that the applicant's offering fails to comply with 291
standards or specifications required by federal law or 292
regulations; 293

(2) An applicable agency timely recommends that the 294
applicant be denied entrance to the universal regulatory sandbox 295
in the agency's written report under division (A) of this 296
section and provides the applicant with the reasons for that 297
determination in accordance with that division; 298

(3) The regulatory relief office determines that the 299
applicant is better suited for the regulatory sandbox program 300
authorized by Chapter 1355. of the Revised Code; 301

(4) The applicant or any person who seeks to participate 302
with the applicant in demonstrating an offering has been 303
convicted, entered a plea of nolo contendere, or entered a plea 304
of guilty or nolo contendere held in abeyance, for any crime 305
involving significant theft, fraud, or dishonesty. 306

(C) (1) The regulatory relief office shall provide all 307
applications received under section 1357.06 of the Revised Code 308
and written reports received under this section, other than 309
those rejected under division (B) of this section, to the 310
universal regulatory sandbox program advisory committee. 311

(2) Subject to division (C) (3) of this section, the 312
universal regulatory sandbox program advisory committee shall 313
meet not less than one time per calendar quarter to review such 314
applications and reports. 315

(3) The committee may cancel a meeting otherwise required 316
by division (C) (2) of this section if no applications are 317
available for review. 318

(4) After reviewing an application and the corresponding 319
reports of applicable agencies, the committee shall provide the 320
director of commerce the committee's recommendation that the 321
applicant either be admitted or denied entrance into the 322
universal regulatory sandbox. 323

(D) The universal regulatory sandbox program advisory 324
committee shall consider all of the following in determining 325
whether to recommend that an applicant be admitted to the 326
universal regulatory sandbox: 327

(1) Whether the applicable agency has previously issued a 328
license or other authorization to the applicant; 329

(2) Whether the applicable agency has previously 330

investigated, sanctioned, or pursued legal action against the 331
applicant; 332

(3) Whether a competitor to the applicant is or has been a 333
universal regulatory sandbox participant; 334

(4) Whether the applicant's plan adequately protects 335
consumers from potential harm; 336

(5) The risk of harm to consumers as compared to the 337
potential benefits of the applicant's participation in the 338
universal regulatory sandbox. 339

(E) (1) Either the regulatory relief office or the director 340
of commerce may deny any application submitted under this 341
chapter for any reason, including if the office or director 342
determines that the preponderance of evidence demonstrates that 343
suspending or waiving enforcement of a law or regulation would 344
cause a significant risk of harm to consumers or residents of 345
the state. 346

(2) If the office or director denies an application under 347
division (E) (1) or (B) of this section, the office shall provide 348
to the applicant a written description of the reasons for not 349
allowing the applicant to participate in the universal 350
regulatory sandbox. 351

(3) The director's or office's determination to deny an 352
application is final. 353

Sec. 1357.08. (A) (1) Subject to division (B) of section 354
1357.07 of the Revised Code, upon receiving a recommendation to 355
approve an application from the universal regulatory sandbox 356
program advisory committee, the regulator relief office, in 357
consultation with the director of commerce, may enter into a 358
written agreement with the applicant admitting the applicant to 359

the universal regulatory sandbox and describing the specific 360
laws and regulations that are waived or suspended as part of the 361
applicant's participation therein. 362

(2) The sandbox participant may demonstrate the offering 363
described in the sandbox participant's application, as described 364
in the agreement, for twelve months following the date the 365
agreement is entered. 366

(3) An agreement under this section that waives or 367
suspends a law or regulation does so only with respect to 368
consumers who are residents of this state. 369

(4) An agreement under this section does not restrict a 370
sandbox participant that holds a license or other authorization 371
in another state or jurisdiction from acting in accordance with 372
that license or other authorization. 373

(B) The regulatory relief office shall not enter into a 374
written agreement with an applicant that waives or suspends 375
either of the following: 376

(1) Any tax levied by this state or a taxing authority of 377
this state, as defined in section 5705.01 of the Revised Code; 378

(2) A law or regulation that allows a consumer to seek 379
restitution in the event that the consumer is harmed. 380

(C) A sandbox participant is deemed to possess an 381
appropriate license or other authorization under the laws of 382
this state for the purposes of any provision of federal law 383
requiring licensure or other authorization by the state. 384

(D) Subject to division (E) of this section, all of the 385
following apply: 386

(1) During the demonstration period, a sandbox participant 387

is not subject to the enforcement of state laws or regulations 388
waived or suspended pursuant to the written agreement between 389
the regulatory relief office and the sandbox participant. 390

(2) A prosecutor shall not file or pursue charges 391
pertaining to a law or regulation waived or suspended pursuant 392
to that agreement that occurs during the demonstration period. 393

(3) A state agency shall not file or pursue any punitive 394
action against a sandbox participant, including a fine or 395
license suspension or revocation, for the violation of a law or 396
regulation waived or suspended pursuant to that agreement that 397
occurs during the demonstration period. 398

(E) A sandbox participant does not have immunity related 399
to any criminal offense committed during the sandbox 400
participant's participation in the universal regulatory sandbox. 401

(F) By written notice, the regulatory relief office may 402
end a sandbox participant's participation in the universal 403
regulatory sandbox at any time and for any reason, including if 404
the office or the director of commerce determines that a sandbox 405
participant is not operating in good faith to bring an 406
innovative offering to market. 407

(G) Neither the regulatory relief office nor its employees 408
are liable for any business losses or the recouping of 409
application expenses or other expenses related to the regulatory 410
sandbox, including either of the following: 411

(1) Denying an applicant's application to participate in 412
the universal regulatory sandbox for any reason; 413

(2) Ending a sandbox participant's participation in the 414
regulatory sandbox at any time and for any reason. 415

Sec. 1357.09. (A) Before demonstrating an offering to a 416
consumer, a sandbox participant shall disclose all of the 417
following to the consumer: 418

(1) The name and contact information of the sandbox 419
participant; 420

(2) That the offering is authorized pursuant to the 421
universal regulatory sandbox and, if applicable, that the 422
sandbox participant does not have a license or other 423
authorization to provide an offering under state laws that 424
regulate offerings outside of the universal regulatory sandbox; 425

(3) That the offering is undergoing testing and may not 426
function as intended and may expose the consumer to certain 427
risks as identified by the applicable agency's written report; 428

(4) That the provider of the offering is not immune from 429
civil liability for any losses or damages caused by the 430
offering; 431

(5) That the provider of the offering is not immune from 432
criminal prosecution for violations of state law or regulations 433
that are not suspended or waived as allowed by the universal 434
regulatory sandbox; 435

(6) That the offering is a temporary demonstration that 436
may be discounted at the end of the demonstration period; 437

(7) The expected end date of the demonstration period; 438

(8) That a consumer may contact the regulatory relief 439
office and file a complaint regarding the offering being 440
demonstrated and provide the regulatory relief office's 441
telephone number and web site address where a complaint may be 442
filed. 443

(B) The disclosures required by division (A) of this 444
section shall be provided to a consumer in a clear and 445
conspicuous form and, for an internet or application-based 446
offering, a consumer shall acknowledge receipt of the disclosure 447
before any transaction may be completed. 448

(C) The regulatory relief office may require that a 449
sandbox participant make additional disclosures to a consumer. 450

Sec. 1357.10. (A) At least thirty days before the end of 451
the demonstration period, a sandbox participant shall either 452
seek an extension in accordance with section 1357.11 of the 453
Revised Code or notify the regulatory relief office that the 454
sandbox participant will exit the regulatory sandbox and 455
discontinue the sandbox participant's demonstration after the 456
day on which the demonstration period ends. 457

(B) Subject to division (C) of this section, if the 458
regulatory relief office does not receive the notification 459
required by division (A) of this section, the regulatory sandbox 460
demonstration period ends one year following the date the 461
agreement described under section 1357.08 of the Revised Code is 462
entered. 463

(C) If a demonstration includes an offering that requires 464
ongoing duties, the sandbox participant shall continue to 465
fulfill those duties after the regulatory sandbox demonstration 466
period ends. 467

Sec. 1357.11. A sandbox participant may request an 468
extension of the universal regulatory sandbox demonstration 469
period not later than thirty days before the end of that period. 470
The regulatory relief office shall grant or deny a request for 471
an extension before the end of the demonstration period. The 472

regulatory relief office may grant an extension in accordance 473
with this section for not more than twelve months after the end 474
of the regulatory sandbox demonstration period. 475

Sec. 1357.12. (A) A sandbox participant shall retain 476
records, documents, and data produced in the ordinary course of 477
business regarding an offering demonstrated in the universal 478
regulatory sandbox. 479

(B) If a sandbox participant ceases to provide an offering 480
before the end of a demonstration period, the sandbox 481
participant shall notify the regulatory relief office and each 482
applicable agency and report on actions taken by the sandbox 483
participant to ensure consumers have not been harmed as a 484
result. The regulatory relief office shall establish quarterly 485
reporting requirements for a sandbox participant, including 486
information about any consumer complaints. 487

(C) The regulatory relief office may request records, 488
documents, and data from a sandbox participant and, upon the 489
regulatory relief office's request, the sandbox participant 490
shall make such records, documents, and data available for 491
inspection by the regulatory relief office. 492

(D) The sandbox participant shall notify the regulatory 493
relief office and each applicable agency of any incidents that 494
result in harm to the health, safety, or financial well-being of 495
a consumer. If a sandbox participant fails to notify the 496
regulatory relief office and each applicable agency of any 497
incidents as described in division (D)(1) of this section, or 498
the regulatory relief office or an applicable agency has 499
evidence that significant harm to a consumer has occurred, the 500
regulatory relief office may immediately remove the sandbox 501
participant from the universal regulatory sandbox. 502

(E) Not later than thirty days after the date on which a 503
sandbox participant exits the regulatory sandbox, the sandbox 504
participant shall submit a written report to the regulatory 505
relief office and each applicable agency describing the sandbox 506
participant's demonstration, including all of the following: 507

(1) Any incidents of harm to consumers; 508

(2) Any legal action filed against the sandbox participant 509
as a result of the participant's demonstration; 510

(3) Any complaints filed with an applicable agency as a 511
result of the sandbox participant's demonstration. 512

(F) Not later than thirty days after the date on which an 513
applicable agency receives a quarterly reporting or written 514
report from a sandbox participant as required by this section, 515
the applicable agency shall provide a written report to the 516
regulatory relief office on the demonstration that describes any 517
statutory or regulatory reform the applicable agency recommends 518
as a result of the demonstration. 519

(G) The regulatory relief office may remove a sandbox 520
participant from the universal regulatory sandbox at any time if 521
the regulatory relief office determines that a sandbox 522
participant has engaged in, is engaging in, or is about to 523
engage in any practice or transaction that is in violation of 524
this chapter or that constitutes a violation of a law or 525
regulation for which suspension or waiver has not been granted. 526

Sec. 1357.13. (A) The regulatory relief office shall 527
create and maintain a publicly accessible page on the department 528
of commerce's web site that invites residents and businesses in 529
this state to make suggestions regarding laws and regulations 530
that could be modified or eliminated to reduce the regulatory 531

burden of residents and businesses in the state. 532

(B) On at least a quarterly basis, the regulatory relief 533
office shall compile the results of suggestions from the web 534
page and provide a written report to the governor and the 535
general assembly, in accordance with section 101.68 of the 536
Revised Code, that describes the most common suggestions. 537

(C) In creating the report, the regulatory relief office 538
and the advisory committee shall ensure that private information 539
of residents and businesses that make suggestions on the web 540
page is not made public. The regulatory relief office may 541
evaluate the suggestions and provide analysis and suggestions 542
regarding which state laws and regulations could be modified or 543
eliminated to reduce the regulatory burden of residents and 544
businesses in the state while still protecting consumers. 545