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H.B. 392 136th General Assembly	Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Fischer and Demetriou

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SUMMARY

- Prohibits a political subdivision or state agency from restricting or prohibiting any person's lawful use, development, deployment, or possession of a computational resource unless the restriction is narrowly tailored to achieve a compelling governmental interest.

- Requires any person or other entity that implements or operates an artificial intelligence system that controls a critical infrastructure facility to implement a risk management policy that conforms to certain requirements.

- Exempts certain artificial intelligence systems from the bill's risk management policy requirement.

- Provides that the bill is not to be construed to abridge, alter, diminish, or conflict with any legal rights and remedies related to intellectual property, including patent, trademark, copyright, and trade secret protections.

- Titles the bill as the Ohio Right to Compute Act.

DETAILED ANALYSIS

Government computational resource restrictions or prohibitions

The bill prohibits a political subdivision or state agency from enacting, adopting, enforcing, or maintaining any law, rule, regulation, permit requirement, or other administrative practice that restricts or prohibits any person's lawful use, development, deployment, or possession of a computational resource unless the restriction is narrowly tailored to achieve a compelling governmental interest.

The following terms are defined by the bill:

- "Political subdivision" means any body corporate and politic that is responsible for governmental activities only in a geographic area smaller than the state.

- "State agency" means every organized body, office, or agency established by the laws of Ohio for the exercise of any function of state government, excluding the General Assembly.

- "Computational resource" means any system, software, network, device, or infrastructure capable of processing, storing, transmitting, manipulating, or disseminating data or information, including hardware, software, algorithms, cryptography, artificial intelligence systems, machine learning systems, quantum computing tools, and any similar technologies.

- "Artificial intelligence system" means any system that utilizes machine learning or similar technologies to infer from inputs how to produce outputs that affect or influence physical or virtual environments, including content generation, decisions, recommendations, or predictions.

- "Compelling governmental interest" means a governmental interest of the highest order that cannot be achieved without burdening the lawful use of computational resources, including all of the following: (1) ensuring the continued and reliable operation of critical infrastructure facilities, (2) addressing deceptive practices and fraud, (3) protecting minors and vulnerable populations from harmful content generated by artificial intelligence systems, such as images or video or audio recordings that replicate the likeness of an individual, commonly known as "deepfakes," that are generated or published without the individual's consent, and (4) preventing and remediating public nuisances associated with physical data center infrastructure.

- "Critical infrastructure facility" is defined under continuing law as various facilities described by law, such as, for example, any railroad property or an electronic asset of a municipal electric utility.[1]

Risk management policy requirement

Under the bill, except as provided in "**Risk management policy exception**" below, any person or other entity that implements or operates an artificial intelligence system that in whole or in part controls a critical infrastructure facility must implement a risk management policy, before or within a reasonable time after the deployment of the system, that conforms to all of the following:

- The latest version of the artificial intelligence risk management framework developed by the National Institute of Standards and Technology under the U.S. Department of Commerce;

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[1] R.C. 9.89(A) and (B); R.C. 2911.21, not in the bill.

- ▪ The International Organization for Standardization and International Electrotechnical Commission 4200 standard or any other nationally or internationally recognized artificial intelligence risk management standard or framework not referred to in the bill;

- ▪ All applicable federal regulations.[2]

Risk management policy exception

The bill's risk management policy requirement, however, does not apply if the artificial intelligence system is capable of completing only nonexecutive tasks of a procedural or preparatory nature or implementing only those decisions previously made by a human decision maker, or if the artificial intelligence system is exclusively an antivirus, antimalware, or cybersecurity tool.[3]

Other legal rights not abridged

The bill provides that it is not to be construed to abridge, alter, diminish, or conflict with any legal rights and remedies related to intellectual property, including patent, trademark, copyright, and trade secret protections.[4]

Bill title

The bill is titled as the Ohio Right to Compute Act.[5]

HISTORY

Action	Date
Introduced	07-07-25

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[2] R.C. 9.89(C)(1).

[3] R.C. 9.89(C)(2).

[4] R.C. 9.89(D).

[5] Section 2.