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Bill Analysis

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Primary Sponsor: Reps. Cockley and T. Mathews

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SUMMARY

- Prohibits any person from developing or deploying in Ohio any artificial intelligence model or application that encourages any user of the model or application to engage in any form of self-harm or in harming another person.
- Authorizes the Attorney General (AG) to investigate alleged violations of this prohibition.
- Provides the AG with the authority to afford any person who is the subject of such an investigation, in a manner considered appropriate to that person, an opportunity to cease and desist from any suspected violation of the bill's prohibition.
- Authorizes the AG to terminate an active investigation upon acceptance of a written assurance of voluntary compliance from a person who is suspected of a violation of the bill's requirements.
- Authorizes the AG to file a civil action against the alleged violator for injunctive relief, damages, and civil penalties.
- Authorizes a court to impose a civil penalty of up to \$50,000 for each violation of the bill's prohibition.
- Prohibits any action being brought by the AG for damages or a civil penalty more than six years after the occurrence of the violation.
- Requires the AG to deposit any civil penalties that are imposed to the credit of the 9-8-8 Fund.

DETAILED ANALYSIS

Overview

The bill prohibits any person from developing or deploying in Ohio any artificial intelligence model or application that encourages any user of the model or application to engage in any form of self-harm or in harming another person.¹ For purposes of the bill, “self-harm” means any attempt to physically injure self and includes suicide. The bill defines “artificial intelligence model” as being any engineered or machine-based system that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. And “artificial intelligence application” is defined as being a software program or system that uses artificial intelligence models to perform tasks that typically require human intelligence.²

Enforcement and investigations

If the Attorney General (AG), as a result of complaints or the AG’s own inquiries, has reason to believe that a person has engaged, is engaging, or is preparing to engage in a violation of this prohibition, the bill authorizes the AG to investigate the alleged violation. For purposes of such an investigation, the AG may administer oaths, subpoena witnesses, adduce evidence, and require the production of any relevant matter.³

Subpoenas

Any person subpoenaed by the AG must make the matter available to the AG at a convenient location within Ohio or pay the reasonable and necessary expenses for the AG or the AG’s representative to examine the matter at the place where it is located, provided that those expenses will not be charged to a party that subsequently is not found to have engaged in a violation.⁴

A person so subpoenaed may file a motion to extend the day on which the subpoena is to be returned or to modify or quash the subpoena, for good cause shown, in the court of common pleas of Franklin County or of the county in Ohio in which the person resides or in which the person’s principal place of business is located. Such a motion must be filed not later than 20 days after the service of the subpoena.⁵

A subpoenaed person must comply with the terms of the subpoena unless the parties agree to modify the terms of the subpoena or unless the court has modified or quashed the subpoena, extended the day on which the subpoena is to be returned, or issued any other order with respect to the subpoena prior to the day on which the subpoena is to be returned. If a person

¹ R.C. 109.961.

² R.C. 109.96(A), (B), and (E).

³ R.C. 109.962.

⁴ R.C. 109.963.

⁵ R.C. 109.964.

fails without lawful excuse to testify or produce relevant matter pursuant to a subpoena, the AG may apply to the court of common pleas of the county in which the person subpoenaed resides or in which the person's principal place of business is located for an order that compels compliance with the subpoena.⁶

If a subpoenaed individual refuses to testify or to produce matter relevant pursuant to the subpoena on the grounds that the testimony or matter may incriminate the individual, the AG may request the court to order the individual to provide the testimony or matter.

With the exception of a prosecution for perjury or a civil action for damages (described below under "**Cause of action**"), an individual who complies with a court order to provide testimony or matter, after asserting a privilege against self-incrimination to which the individual is entitled by law, is not to be subjected to a criminal proceeding or a civil penalty or forfeiture on the basis of the testimony or matter required to be disclosed or testimony or matter discovered through that testimony or matter required to be disclosed.⁷

Out-of-state representation

If the matter to be produced under an investigation is located outside Ohio, the AG may designate any representative, including any official of the state in which the matter is located, to inspect the matter on behalf of the AG.⁸

Certain disclosures prohibited

In conducting an investigation, the AG cannot publicly disclose the identity of persons or developers investigated or the facts developed in the investigation unless this information has become a matter of public record in enforcement proceedings or if those being investigated have consented in writing to public disclosure.⁹ The bill defines "developer" as being a person or entity who develops an artificial intelligence model or artificial intelligence application that is deployed in Ohio. "Deployed" is defined as being either of the following:

- Integration of an artificial intelligence model or application into software or a business workflow;
- Making an artificial intelligence model or application available for use by consumers in Ohio.¹⁰

⁶ R.C. 109.965.

⁷ R.C. 109.966.

⁸ R.C. 109.967.

⁹ R.C. 109.968.

¹⁰ R.C. 109.96(C) and (D).

Cooperation with other enforcement entities

The bill requires the AG, in conducting such an investigation, to cooperate with state and local officials of other states and officials of the federal government in the administration of comparable laws and regulations.¹¹

Cease and desist

The bill provides the AG with the authority to afford any person who is the subject of such an investigation, in a manner considered appropriate to that person, an opportunity to cease and desist from any suspected violation of the bill's prohibition. The AG may suspend the investigation during the period the AG permits the person to cease and desist from the suspected violation. The suspension of the investigation or the affording of an opportunity to cease and desist does not prejudice or prohibit any further investigation by the AG.¹²

Assurance of voluntary compliance

The bill authorizes the AG to terminate an active investigation upon acceptance of a written assurance of voluntary compliance from a person who is suspected of a violation of the bill's requirements. The acceptance of such an assurance may be conditioned upon an undertaking to reimburse or to take other appropriate corrective action with respect to consumers who are damaged by an alleged violation of the bill's requirements. Such an assurance of compliance is not evidence of a violation. The AG, at any time, may reopen an investigation terminated by the acceptance of an assurance of voluntary compliance, if the AG believes that further proceedings are in the public interest.

Evidence of a violation of an assurance of voluntary compliance is prima-facie evidence of an act or practice in violation of the bill's prohibition if the evidence is presented in a civil action brought by the AG on behalf of residents subjected to a violation of the bill's prohibition. An assurance of voluntary compliance may be filed with the court and, if approved by the court, entered as a consent judgment in the action.¹³

Cumulative and concurrent

The bill specifies that all procedures under the bill available to the AG related to investigations of a violation of the bill's prohibition are cumulative and concurrent and the exercise of one procedure by the AG does not preclude or require the exercise of any other procedure.¹⁴

Cause of action

If, by the AG's own inquiries or as a result of complaints or an investigation, the AG has reasonable cause to believe that a person has engaged or is engaging in a violation of the bill's

¹¹ R.C. 109.969.

¹² R.C. 109.9610.

¹³ R.C. 109.9611.

¹⁴ R.C. 109.9612.

prohibition, the AG, may bring in the appropriate court of common pleas of Ohio a civil action against the alleged violator for injunctive relief, damages, and civil penalties on behalf of the residents of Ohio subjected to acts or practices that violate the bill's prohibition.¹⁵

Civil penalty

On the motion of the AG or on its own motion, a court may impose a civil penalty of up to \$50,000 for each violation of the bill's prohibition.¹⁶

Statute of limitations

The bill prohibits any action being brought by the AG for damages or a civil penalty more than six years after the occurrence of a violation of the bill's prohibition.¹⁷

9-8-8 Fund

The bill requires the AG to deposit any civil penalties that are imposed to the credit of the 9-8-8 Fund, which is used to oversee and administer the 9-8-8 Ohio Suicide Prevention and Mental Health Crisis Hotline System.¹⁸

HISTORY

Action	Date
Introduced	10-15-25

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¹⁵ R.C. 109.9613.

¹⁶ R.C. 109.9614.

¹⁷ R.C. 109.9615.

¹⁸ R.C. 109.9616 and 5119.84(A)(3).