

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 163

Senators Blessing, Johnson

Cosponsors: Senators DeMora, Ingram

A BILL

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

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

Section 1. That sections 1345.51, 2907.321, 2907.322,
2907.323, and 2913.49 be amended and section 1349.10 of the
Revised Code be enacted to read as follows:

Sec. 1345.51. There is hereby created in the state
treasury the consumer protection enforcement fund. The fund
shall include civil penalties ordered pursuant to divisions (A)
and (D) of section 1345.07 of the Revised Code and paid as
provided in division (G) of that section, all civil penalties
ordered pursuant to division (E) of section 1349.10 of the
Revised Code, all civil penalties assessed under division (A) of
section 1349.192 of the Revised Code, all costs awarded to the
attorney general and all penalties imposed under section 4549.48

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
the violator for damages that result from the violation. In a 38
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
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 its participants or portrayed observers.

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

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

(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 an 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 depiction of a minor, or an impaired person.

(C) Whoever violates this section is guilty of pandering obscenity 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), or (6) 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), or (6) of this section is a felony of the third degree. A violation of division (A) (5)—of this section is a felony of the fourth degree.—If the offender previously has

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
age. 126

(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

(1) Create, record, photograph, film, develop, reproduce, 134
or 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

(3) Create, direct, or produce a performance that shows a 144
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; 152

(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 164

activity, masturbation, or bestiality in a performance or for 165
the purpose of producing material containing a visual 166
representation depicting the minor, artificially generated 167
depiction of the minor, or impaired person engaged in sexual 168
activity, 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 this 179
section. 180

(3) In a prosecution under this section, the trier of fact 181
may infer that a person in the material or performance involved 182
is a minor, an artificially generated depiction of a minor, or 183
an impaired person if the material or performance, through its 184
title, text, visual representation, or otherwise, represents or 185
depicts the person as a minor, an artificially generated 186
depiction of a minor, or an impaired person. 187

(C) Whoever violates this section is guilty of pandering 188
sexually oriented matter involving a minor, an artificially 189
generated depiction of a minor, or an impaired person. If the 190
offense involves a minor or an artificially generated depiction 191
of a minor, a violation of division (A) (1), (2), (3), (4), (6), 192
or (7) of this section is a felony of the second degree. If the 193
offense involves an impaired person, a violation of division (A) 194

(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 guilty 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
felony of the third degree. 203

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 221
custodian consents in writing to the photographing of the minor 222
or impaired person, to the use of the minor, artificially 223
generated depiction of the minor, or impaired person in the 224

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
material or performance, or use or transfer a material or 234
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 244
a minor, an artificially generated depiction of a minor, or an 245
impaired person who is not the person's child or ward in a state 246
of nudity, unless one of the following applies: 247

(a) The material or performance is sold, disseminated, 248
displayed, possessed, controlled, brought or caused to be 249
brought into this state, or presented for a bona fide artistic, 250
medical, scientific, educational, religious, governmental, 251
judicial, or other proper purpose, by or to a physician, 252
psychologist, sociologist, scientist, teacher, person pursuing 253
bona fide studies or research, librarian, member of the clergy, 254

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
or transferred. 262

(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 of 286
the Revised Code and shall order the offender to make 287
restitution as provided in division (B) (8) of section 2929.18 of 288
the Revised Code. 289

Sec. 2913.49. (A) As used in this section, ~~"personal":~~ 290

(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 a 302
modified or fabricated version of an individual's voice, 303
photograph, image, likeness, or distinctive appearance that is 304
created or presented in a manner that it appears to be the 305
individual's authentic persona. The term includes the 306
modifications and fabrications produced in whole or in part by 307
artificial intelligence. 308

(3) "Artificial intelligence" has the same meaning as in 309
section 1349.10 of the Revised Code. 310

(B) No person, without the express or implied consent of 311
the other person, shall use, obtain, or possess any personal 312
identifying information of another person with intent to do 313
either of the following: 314

(1) Hold the person out to be the other person; 315

(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
information or a replica of the person's persona. 325

(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
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
identifying information or replica, or permitting it to be used, 363
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

that deceased person's family, or that deceased person's 374
attorney. The prior consent required under this division may be 375
given orally or in writing by the person whose personal 376
identifying information or replica is being used, obtained, 377
possessed, or created or is being permitted to be used or that 378
person'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
this section does not apply if the person or entity using, 383
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
matter. 392

~~(G)~~ (K) It is not a defense to a charge under this section 393
that the person whose personal identifying information or 394
replica was obtained, possessed, used, created, or permitted to 395
be used was deceased at the time of the offense. 396

~~(H) (1)~~ (L) (1) If an offender commits a violation of 397
division (B), (D), or (E) of this section and the violation 398
occurs as part of a course of conduct involving other violations 399
of division (B), (D), or (E) of this section or violations of, 400
attempts to violate, conspiracies to violate, or complicity in 401
violations of division (C) of this section or section 2913.02, 402
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 403

of the Revised Code, the court, in determining the degree of the
offense pursuant to division ~~(I)~~(M) of this section, may
aggregate all credit, property, or services obtained or sought
to be obtained by the offender and all debts or other legal
obligations avoided or sought to be avoided by the offender in
the violations involved in that course of conduct. The course of
conduct may involve one victim or more than one victim.

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

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

(2) Except as otherwise provided in this division or
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
the violation or course of conduct is one thousand dollars or
more and is less than seven thousand five hundred dollars,

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, 486
2907.322, 2907.323, and 2913.49 of the Revised Code are hereby 487
repealed. 488