

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 212**

**Senators Kunze, DeMora**

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**A BILL**

To enact section 1349.10 of the Revised Code to 1  
prohibit businesses from distributing 2  
pornographic material over the internet without 3  
verifying that the persons accessing that 4  
material are not juveniles. 5

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

**Section 1.** That section 1349.10 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 1349.10.** (A) As used in this section: 8

(1) "Business" means a firm, company, business trust, 9  
estate, trust, partnership, limited liability company, 10  
association, corporation, sole proprietorship, general 11  
partnership, or other business entity. "Business" includes an 12  
agent, employee, or independent contractor of any of the 13  
foregoing. 14

(2) "Cloud service provider" means a third-party provider 15  
of computing resources that a business may access on demand over 16  
the internet, including cloud-based application, infrastructure, 17  
platform, and storage services. 18

(3) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means. 19  
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(4) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code. 22  
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(5) "Internet service provider" means a provider of internet services, including all of the following: 24  
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(a) Broadband service, however defined or classified by the federal communications commission; 26  
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(b) Information service or telecommunications service, both as defined in the "Telecommunications Act of 1996," 47 U.S.C. 153, as amended; 28  
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(c) Internet protocol-enabled services, as defined in section 4927.01 of the Revised Code. 31  
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(6) "Juvenile" means a person under eighteen years of age. 33

(7) "News-gathering organization" means a newspaper, magazine, press association, news agency, news wire service, radio or television station, or similar media. "News-gathering organization" includes a person employed or contracted by any of the foregoing to gather, process, transmit, compile, edit, or disseminate information for the general public. 34  
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(8) "Publish" means to communicate or make information available to another person or entity. 40  
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(9) "Publicly available online web site, service, or product" means communications, content, materials, or other information that is accessible, whether free of charge, for a fee, or as part of a subscription-based or other members-only model, over, on, or through the internet, a computer or mobile 42  
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application, or other type of virtual or digital platform. 47

(10) "Reasonable age verification methods" means verifying 48  
that the person seeking to access material is not a juvenile by 49  
using any of the following methods: 50

(a) Verification through an independent, third-party 51  
verification service that compares the personal information 52  
entered by the individual seeking access to the material to the 53  
information that is available from a commercially available 54  
database, or aggregate of databases, that is regularly used by 55  
businesses and government agencies for the purpose of age and 56  
identity verification; 57

(b) Any commercially reasonable method that relies on 58  
public or private transactional data to verify the age of the 59  
person attempting to access the material; 60

(c) A state-issued identification card. 61

(11) "Search engine" means a web site, service, or product 62  
the predominant or exclusive function of which is to search the 63  
internet for other web sites, services, or products, or for 64  
information based on a user's query. "Search engine" does not 65  
include web sites, services, or products the predominant or 66  
exclusive function of which is to conduct an internal search for 67  
content on a web site, service, or product that includes a 68  
substantial portion of materials that are harmful to juveniles. 69

(12) "Substantial portion" means more than one-third of 70  
the total material on an online web site, service, or product. 71

(13) "Transactional data" means a sequence of information 72  
that documents an exchange, agreement, or transfer between an 73  
individual and a business or third party used for the purpose of 74  
satisfying a request or event, including records from mortgage, 75

education, and employment entities. 76

(B) (1) A business that publishes, distributes, or 77  
otherwise makes available a substantial portion of materials 78  
that are harmful to juveniles on a publicly available online web 79  
site, service, or product, shall perform reasonable age 80  
verification methods to verify the age of any individual 81  
attempting to access any material that is harmful to juveniles 82  
on that web site, service, or product. 83

(2) A business or third party that performs age 84  
verification, as required by division (B) (1) of this section, 85  
shall not retain any identifying information of the individual 86  
after access to the material has been granted or denied. 87

(C) A violation of division (B) (1) or (2) of this section 88  
is an unfair or deceptive act or practice in violation of 89  
section 1345.02 of the Revised Code. All powers and remedies 90  
available to the attorney general to enforce sections 1345.01 to 91  
1345.13 of the Revised Code are available to the attorney 92  
general to enforce this section. 93

(D) No internet service provider, search engine, cloud 94  
service provider, or affiliate or subsidiary of any of the 95  
foregoing shall be held to have violated this section solely for 96  
providing access or connection to or from a publicly available 97  
online web site, service, or product not under the internet 98  
service provider's, search engine's, or cloud service 99  
provider's, affiliate's, or subsidiary's control, including 100  
transmission, downloading, storing, or providing access, to the 101  
extent that such internet service provider, search engine, cloud 102  
service provider, affiliate, or subsidiary is not responsible 103  
for the publication or distribution of the content that 104  
constitutes material harmful to juveniles. 105

(E) This section does not apply to any bona fide news or 106  
public interest broadcast, web site video, report, or event and 107  
shall not be construed to affect the rights of a news-gathering 108  
organization. 109