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Sub. S. B. No. 163

To amend sections 1345.51, 2907.321, 2907.322, 2907.323, and 2913.49 and to enact sections 1349.13 and 1349.14 of the Revised Code to require AI-generated products to 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 sections 1349.13 and 1349.14 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 (F) of section 1349.13 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 4549.50 of the Revised Code. The money in the consumer protection enforcement fund shall be used for the sole purpose of paying expenses incurred by the consumer protection section of the office of the attorney general.

Sec. 1349.13. (A) As used in this section and section 1349.14 of the Revised Code:

(1)(a) "Covered provider" means a person or entity that creates, codes, or otherwise produces a generative artificial intelligence system that is publicly accessible by consumers within the state for personal use.

(b) "Covered provider" does not include business-to-business use of generative artificial intelligence systems for a purpose not otherwise prohibited by law.

(2) "Generative artificial intelligence system" means an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system's input.

(3) "Provenance data" means information that is embedded or attached to help determine the origin of digitally generated content and its history of modification.

(4) "Watermark" means a visible signal embedded within a generative artificial intelligence system generated image or video that clearly attributes the creation of such product to a generative artificial intelligence system.

(B)(1) Generative artificial intelligence systems shall be programmed to provide a distinctive watermark on any generative artificial intelligence system generated image or video that

informs the user that the particular image or video was generated using a generative artificial intelligence system.

(2) A covered provider shall include provenance data in any content created by the covered provider's generative artificial intelligence system.

(C) No person shall knowingly and with the intent to deceive a third party remove a watermark required by this section with the purpose of concealing that the product was generated using a generative artificial intelligence system.

(D) No person shall knowingly and with the intent to deceive a third party distribute content fully generated by a generative artificial intelligence system with false information about the authenticity of the content.

(E) Any person aggrieved by a violation of divisions (B) to (D) this section has and may commence a civil action against the violator for damages that result from the violation if both of the following are met:

(1) The person files a complaint with the attorney general requesting that the attorney general file an action under division (F) of this section against the violator.

(2) The attorney general does not file an action against the violator within six months after the date the person files the complaint.

(F) In addition to the civil action authorized under division (E) of this section, the attorney general may commence a civil action against a person that violates divisions (B) to (D) of this section for injunctive relief and, in the case of a person that violates division (C) of this section, a civil penalty of up to ten thousand dollars. All civil penalties

collected under this division shall be deposited to the consumer protection enforcement fund created by section 1345.51 of the Revised Code.

Sec. 1349.14. (A)(1) The attorney general may investigate reasonable allegations that a person has violated divisions (B) to (D) of section 1349.13 of the Revised Code.

(2) For this purpose, the attorney general may administer oaths, subpoena witnesses, adduce evidence, and require the production of relevant matter for the purposes of an investigation under this section.

If matter that the attorney general requires to be produced is located outside the state, the attorney general may designate representatives, including officials of the state in which the matter is located, to inspect the matter on the attorney general's behalf, and the attorney general may respond to similar requests from officials of other states. The person subpoenaed may make the matter available to the attorney general at a convenient location within the state or pay the reasonable and necessary expenses for the attorney general or the attorney general's representative to examine the matter at the place where it is located, provided that expenses shall not be charged to a party not subsequently found to have engaged in an act or practice violative of divisions (B) to (D) of section 1349.13 of the Revised Code.

(B) Within twenty days after a subpoena is served, a person subpoenaed under this section may file a motion to extend the return day, or to modify or quash the subpoena, stating good cause, in the court of common pleas of Franklin county or any other county in this state.

(C) A person subpoenaed under this section shall 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 return day of the subpoena, or issued any other order with respect to the subpoena prior to its return day.

If a person fails without lawful excuse to obey a subpoena or to produce relevant matter, the attorney general may apply to the court of common pleas of Franklin county or any other county in this state for an order compelling compliance.

(D) The attorney general may request that an individual who refuses to testify or to produce relevant matter on the ground that the testimony or matter may incriminate the individual be ordered by the court to provide the testimony or matter. With the exception of a prosecution under this section, 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, shall not be subjected to a criminal proceeding or to 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.

(E) The attorney general may:

(1) During an investigation under this section, afford, in a manner considered appropriate to the attorney general, a covered provider an opportunity to cease and desist from any suspected violation. The attorney general may suspend such an investigation during the time period that the attorney general permits the covered provider to cease and desist; however, the suspension of the investigation or the affording of an

opportunity to cease and desist shall not prejudice or prohibit any further investigation by the attorney general under this section.

(2) Terminate an investigation under this section upon acceptance of a written assurance of voluntary compliance from a covered provider who is suspected of a violation of divisions (B) to (D) of section 1349.13 of the Revised Code.

Acceptance of an assurance may be conditioned upon an undertaking to reimburse or to take other appropriate corrective action with respect to identifiable individuals damaged by an alleged violation of divisions (B) to (D) of section 1349.13 of the Revised Code. An assurance of compliance given by a provider is not evidence of violation of divisions (B) to (D) of section 1349.13 of the Revised Code. The attorney general may, at any time, reopen an investigation terminated by the acceptance of an assurance of voluntary compliance if the attorney general 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 divisions (B) to (D) of section 1349.13 of the Revised Code, if presented after the violation in an action brought under this chapter. An assurance of voluntary compliance may be filed with the court and if approved by the court, entered as a consent judgment.

(F) The procedures available to the attorney general under this section are cumulative and concurrent, and the exercise of one procedure by the attorney general does not preclude or require the exercise of any other procedure.

Sec. 2907.321. (A) No person, with knowledge of the character of the material or performance involved, shall do any

of the following:

(1) Create, reproduce, or publish any obscene material that has a minor, a depiction of a purported minor, or an impaired person as one of its participants or portrayed observers;

(2) Promote or advertise for sale or dissemination; sell, deliver, disseminate, display, exhibit, present, rent, or provide; or offer or agree to sell, deliver, disseminate, display, exhibit, present, rent, or provide, any obscene material that has a minor, a depiction of a purported minor, or an impaired person as one of its participants or portrayed observers;

(3) Create, direct, or produce an obscene performance that has a minor, a depiction of a purported minor, or an impaired person as one of its participants;

(4) Advertise or promote for presentation, present, or participate in presenting an obscene performance that has a minor, a depiction of a purported minor, or an impaired person as one of its participants;

(5) Buy, procure, possess, or control any obscene material, that has a minor, a depiction of a purported minor, or an impaired person as one of its participants;

(6) Bring or cause to be brought into this state any obscene material that has a minor, a depiction of a purported 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, a depiction of a purported 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, a depiction of a purported minor, or an impaired person.

(C) Whoever violates this section is guilty of pandering obscenity involving a minor, a depiction of a purported minor, or an impaired person. If the offense involves a minor or a depiction of a purported 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 section or section 2907.322 or 2907.323 of the Revised Code, pandering obscenity involving a minor, a depiction of a purported minor, or an impaired person in violation of division (A)(5) of this section is a felony of the third degree.

(D) As used in this section and sections 2907.322 and

2907.323 of the Revised Code~~, "impaired~~ :

(1) "Artificially generated depiction" means a visual depiction of an actual person that was created or edited by artificial intelligence or other computer-generated means and that a reasonable person would believe depicts or represents an actual person who is identifiable by the person's face, likeness, or other distinguishing characteristic.

(2) "Depiction of a purported minor" means a visual representation that appears to depict an actual minor that a reasonable person would believe depicts or represents an actual minor but may or may not depict an actual minor.

(3) "Impaired person" means a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

Sec. 2907.322. (A) No person, with knowledge of the character of the material or performance involved, shall do any of the following:

(1) Create, record, photograph, film, develop, reproduce, or publish any material that shows a minor, an artificially generated depiction of a minor, or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(2) Advertise for sale or dissemination, sell, distribute, transport, disseminate, exhibit, or display any material that shows a minor, an artificially generated depiction of a minor,

or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(3) Create, direct, or produce a performance that shows a minor, an artificially generated depiction of a minor, or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(4) Advertise for presentation, present, or participate in presenting a performance that shows a minor, an artificially generated depiction of a minor, or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(5) Knowingly solicit, receive, purchase, exchange, possess, or control any material that shows a minor, an artificially generated depiction of a minor, or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(6) Bring or cause to be brought into this state any material that shows a minor, an artificially generated depiction of a minor, or an impaired person participating or engaging in sexual activity, masturbation, or bestiality;

(7) Bring, cause to be brought, or finance the bringing of any minor or impaired person into or across this state with the intent that the minor or impaired person engage in sexual activity, masturbation, or bestiality in a performance or for the purpose of producing material containing a visual representation depicting the minor, artificially generated depiction of the minor, or impaired person engaged in sexual activity, masturbation, or bestiality.

(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 sexually oriented matter 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), (6), or (7) 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), (6), or (7) of this section is a felony of the third degree. 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 section or section 2907.321 or 2907.323 of the Revised Code, pandering sexually oriented matter involving a minor, an

artificially generated depiction of a minor, or an impaired person in violation of division (A)(5) of this section is a felony of the third degree.

Sec. 2907.323. (A) No person shall do any of the following:

(1) Photograph any minor or impaired person who is not the person's child or ward in a state of nudity, or create, direct, produce, or transfer any material or performance that shows the minor, artificially generated depiction of the minor, or impaired person in a state of nudity, unless both of the following apply:

(a) The material or performance is, or is to be, sold, disseminated, displayed, possessed, controlled, brought or caused to be brought into this state, or presented for a bona fide artistic, 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;

(b) The minor's or impaired person's parents, guardian, or custodian consents in writing to the photographing of the minor or impaired person, to the use of the minor, artificially generated depiction of the minor, or impaired person in the material or performance, or to the transfer of the material and to the specific manner in which the material or performance is to be used.

(2) Consent to the photographing of the person's child or ward who is a minor or impaired person, or photograph the

person's child or ward who is a minor or impaired person, in a state of nudity or consent to the use of the person's child or ward who is a minor, an artificially generated depiction of the minor, or an impaired person in a state of nudity in any material or performance, or use or transfer a material or performance of that nature, unless the material or performance is sold, disseminated, displayed, possessed, controlled, brought or caused to be brought into this state, or presented for a bona fide artistic, 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;

(3) Possess or view any material or performance that shows a minor, an artificially generated depiction of a minor, or an impaired person who is not the person's child or ward in a state of nudity, unless one of the following applies:

(a) The material or performance is sold, disseminated, displayed, possessed, controlled, brought or caused to be brought into this state, or presented for a bona fide artistic, 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.

(b) The person knows that the minor's or impaired person's parents, guardian, or custodian has consented in writing to the photographing or use of the minor, artificially generated

depiction of the minor, or impaired person in a state of nudity and to the manner in which the material or performance is used or transferred.

(B) Whoever violates this section is guilty of illegal use of a minor, an artificially generated depiction of a minor, or an impaired person in a nudity-oriented material or performance. If the offense involves a minor or an artificially generated depiction of a minor, whoever violates division (A)(1) or (2) of this section is guilty of a felony of the second degree. If the offense involves an impaired person, whoever violates division (A)(1) or (2) of this section is guilty of a felony of the third degree. Except as otherwise provided in this division, whoever violates division (A)(3) of this section is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2907.321 or 2907.322 of the Revised Code, illegal use of a minor, an artificially generated depiction of a minor, or an impaired person in a nudity-oriented material or performance in violation of division (A)(3) of this section is a felony of the fourth degree. If the offender who commits a violation of division (A)(1) or (2) of this section that involves a minor or an artificially generated depiction of a minor also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code.

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

(1) "Personal identifying information" includes, but is not limited to, the following: the name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, social security card, social security number, birth certificate, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password, or credit card number of a living or dead individual.

(2) "Replica of a person's persona" or "replica" means a modified or fabricated version of an individual's voice, photograph, image, likeness, or distinctive appearance that is created or presented in a manner that it appears to be the individual's authentic persona. The term includes the modifications and fabrications produced in whole or in part by generative artificial intelligence systems.

(3) "Generative artificial intelligence system" has the same meaning as in section 1349.13 of the Revised Code.

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

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

(2) Represent the other person's personal identifying information as the person's own personal identifying information.

(C) No person shall create, obtain, possess, or use the

personal identifying information of any person with the intent to aid or abet another person in violating division (B) of this section.

(D) No person, with intent to defraud, shall permit another person to use the person's own personal identifying information or a replica of the person's persona.

(E) No person who is permitted to use another person's personal identifying information as described in division (D) of this section shall use, obtain, or possess the other person's personal identifying information with intent to defraud any person by doing any act identified in division (B)(1) or (2) of this section.

~~(F)(1)~~ (F) No person shall create or use a replica of a person's persona in order to knowingly or intentionally induce any other person to make a financial decision or extend credit to any person in reliance on the replica without the express consent of the individual whose persona is replicated.

(G) No person shall create or use a replica with the intent to damage any person's or entity's reputation, including the reputation of the individual whose persona is replicated.

(H) No person shall create, use, or disseminate a replica of a person's persona who is not a minor or impaired person in a manner that depicts the individual whose persona is replicated in a state of nudity, engaging in sexual activity, or in any obscene material without the consent of the individual whose persona is replicated.

(I) No person shall create, use, or disseminate a replica of a person's persona for the purposes of violating or attempting to violate section 2905.05 of the Revised Code.

(J)(1) It is an affirmative defense to a charge under division (B) of this section that the person using the personal identifying information is acting in accordance with a legally recognized guardianship or conservatorship or as a trustee or fiduciary.

(2) It is an affirmative defense to a charge under division (B), (C), (D), or (E) of this section that either of the following applies:

(a) The person or entity using, obtaining, possessing, or creating the personal identifying information or replica, or permitting it to be used, is a law enforcement agency, authorized fraud personnel, or a representative of or attorney for a law enforcement agency or authorized fraud personnel and is using, obtaining, possessing, or creating the personal identifying information or replica, or permitting it to be used, with prior consent given as specified in this division, in a bona fide investigation, an information security evaluation, a pretext calling evaluation, or a similar matter. The prior consent required under this division shall be given by the person whose personal identifying information or replica is being used, obtained, possessed, or created or is being permitted to be used or, if the person whose personal identifying information or replica is being used, obtained, possessed, or created or is being permitted to be used is deceased, by that deceased person's executor, or a member of that deceased person's family, or that deceased person's attorney. The prior consent required under this division may be given orally or in writing by the person whose personal identifying information or replica is being used, obtained, possessed, or created or is being permitted to be used or that person's executor, or family member, or attorney.

(b) The personal identifying information or replica was obtained, possessed, used, created, or permitted to be used for a lawful purpose, provided that division ~~(F)(2)(b)~~ (J)(2)(b) of this section does not apply if the person or entity using, obtaining, possessing, or creating the personal identifying information or replica, or permitting it to be used, is a law enforcement agency, authorized fraud personnel, or a representative of or attorney for a law enforcement agency or authorized fraud personnel that is using, obtaining, possessing, or creating the personal identifying information or replica, or permitting it to be used, in an investigation, an information security evaluation, a pretext calling evaluation, or similar matter.

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

~~(H)(1)~~ (L)(1) If an offender commits a violation of division (B), (D), or (E) of this section and the violation occurs as part of a course of conduct involving other violations of division (B), (D), or (E) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of division (C) 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 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 section, identity fraud is a felony of the fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, except as otherwise provided in division ~~(I)(3)~~ (M(3) of this section, identity fraud is a felony of the third degree. If the value of the credit,

property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, except as otherwise provided in division ~~(I)(3)~~ (M)(3) of this section, identity fraud is a felony of the second degree.

(3) If the victim of the offense is a minor, an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, a violation of this section is identity fraud against a person in a protected class. Except as otherwise provided in this division, identity fraud against a person in a protected class is a felony of the fourth 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, identity fraud against a person in a protected class is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, identity fraud against a person in a protected class is a felony of the second degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, identity fraud against a person in a protected class is a felony of the first degree. If the victim of the offense is an elderly person, in addition to any other penalty imposed for the offense, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under this division ~~(I)(3) of this section~~ to the county department of job and family services to

be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under sections 5101.61 to 5101.71 of the Revised Code.

~~(J)~~ (N) In addition to the penalties described in division ~~(I)~~ (M) of this section, anyone injured in person or property by a violation of division (B), (D), or (E) of this section who is the owner of the identifying information involved, or whose persona is replicated, in that violation has a civil action against the offender pursuant to section 2307.60 of the Revised Code. That person may also bring a civil action to enjoin or restrain future acts that would constitute a violation of division (B), (D), or (E) of this section.

(O) In addition to the penalties described in division (M) of this section, any person injured in person or property by a violation of division (H) of this section by a replica of the person's persona has a civil action against the offender pursuant to section 2307.66 of the Revised Code.

(P) This section does not apply to any information service or system provider that provides or enables computer access by multiple users to a computer server for libraries or educational institutions, including a service or system that provides access to the internet.

(Q) This section does not apply to the provider or developer of any technology used in the creation of a replica of a person's persona, unless the provider or developer is the same entity committing a violation of this section.

Section 2. That existing sections 1345.51, 2907.321, 2907.322, 2907.323, and 2913.49 of the Revised Code are hereby

repealed.