



*Synopsis of House Committee Amendments**

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(H. Economic Development and Small Business)

Prohibits the transmission of e-mail advertisements in contravention of an e-mail service provider's authority or policies and establishes civil remedies for a violation of the prohibition to include monetary awards and injunctive relief. The monetary awards are set at \$50 for each violation, not to exceed \$50,000; if a violation is willful or knowing, the award may not exceed \$500,000; and no upper limit is placed on the award if a violation includes forgery in violation of the bill's prohibition. The service provider also may be awarded reasonable attorney's fees, court costs, and other costs of bringing the action.

Adds a further exception to the bill's prohibitions against sending unsolicited e-mail advertisements to include situations in which a recipient receives the advertisement because another person refers the recipient to the sender or forwards the advertisement directly to the recipient.

Eliminates 12 months as the time period during which an e-mail advertiser must cease transmitting advertisements to a recipient who has followed the bill's "opt-out" provisions.

Eliminates actual damages as a possible award to recipients of e-mail advertisements sent in violation of the bill and caps monetary awards to a recipient at \$50,000.

Adds requirements for the format and content of the required "opt-out" notice in e-mail advertisements.

Adds definitions for "person" and "pre-existing business relationship" and modifies the definition of "receiving address."

Limits the protection from liability extended to e-mail service providers to immunity from transmitting e-mail advertisements that violate the bill's provisions instead of immunity from advertisements that violate the Revised Code.

* This synopsis does not address amendments that may have been adopted on the House floor.