ATTORNEY GENERAL

Age verification – obscenity or matter harmful to juveniles

- Requires an organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles to verify that any person attempting to access, or creating an account or subscription to access, those materials is 18 or older through reasonable age verification methods.
- Requires an organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles and that uses age verification to delete identifying information of any person attempting to access or creating an account or subscription after age verification is completed.
- Exempts persons employed by newspapers, magazines, television stations, or similar media and certain service providers disseminating information for the general public from fulfilling the age verification requirement.
- Allows the Attorney General to bring a cause of action against an organization that fails to verify the age of the minor that accessed the materials that were harmful to juveniles on the internet.

Peace officer refresher training

- Prevents the expiration of peace officer certification due to a lapse in employment and specifies the training required upon reinstatement after a lapse.

Findings for recovery

- Specifies one additional consideration for resolved versus unresolved findings of recovery.

Notice for debts payable to the state (VETOED)

- Would have required the officer, employee, or agent responsible for administering the law under which an amount is due to the state to serve notice to the debtor or debtor's statutory agent before certifying the amount due to the Attorney General (VETOED).
- Would have allowed the debtor or statutory agent to satisfy the debt within 30 days of receiving the notice to prevent the debt from being certified to the Attorney General (VETOED).
- Would have required the Attorney General to include a copy of the notice that was sent and proof of service of the notice if filing a lien (VETOED).
- Would have specified that failing to timely serve notice would not have deemed the amount payable uncollectible, discharged, relieved, or otherwise satisfied or nonpayable (VETOED).

Correctional facility inspection services

- Creates the Office of Correctional Facility Inspection Services within the Attorney General's Office and transfers to it the duties of the Correctional Institution Inspection Commission, which the act abolishes.

State law enforcement and training reimbursement (VETOED)

- Would have prohibited a state agency from receiving statutory reimbursement for continuing professional training provided to a peace officer or trooper appointed by the state agency (VETOED).

Age verification – obscenity or matter harmful to juveniles

(R.C. 1349.10 and 1349.101)

The act requires an organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles on the internet to do all of the following:

- Verify that any person attempting to access the material or performance is age 18 or older through reasonable age verification methods;
- Verify that any person creating an account or subscription to access any material or performance that is obscene or harmful to juveniles is age 18 or older through reasonable age verification methods. The organization must reverify the age of the person every two years after the completion of age verification.
- Utilize a geofence system maintained and monitored by a licensed location-based technology provider to dynamically monitor the geolocation of persons attempting to access or creating an account or subscription to access the material or performance that is obscene or harmful to juveniles.
    - The location-based technology provider must perform a geolocation check to dynamically monitor the person attempting to access or creating an account or subscription to access the material or performance that is obscene or harmful to juveniles and the person's location.
    - If the location-based technology provider determines that a person is in Ohio, the organization must block that person until that person's age has been verified using reasonable age verification methods.
- Implement a notification mechanism to alert persons attempting to access or creating an account or subscription to access the material or performance of a geolocation failure check.

An organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles on the internet and

verifies the age of the person creating an account or subscription to access the material or performance that is obscene or harmful to juveniles on the internet must do the following:

- Immediately delete all information gathered for the purpose of age verification after the verification is completed, except the information maintained for account and subscription access and for billing purposes.
- Upon the request of the account holder or subscriber, immediately delete the data maintained for user access to the account or subscription and for billing purposes.
- Develop and maintain a data privacy policy compliant with federal and Ohio law and maintain data in a manner that is reasonably secure.

On the expiration of two years after the creation of the account or subscription, the organization must immediately delete all information relative to the creation of the user's account or subscription and any information maintained for billing purposes, unless the account holder or subscriber renews the account or subscription.

An organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles on the internet and verifies the age of the person attempting to access the material or performance that is obscene or harmful to juveniles on the internet must do both of the following:

- Immediately delete all information gathered for the purpose of age verification after age verification is completed;
- Develop and maintain a data privacy policy compliant with federal and Ohio law and maintain data in a manner that is reasonably secure.

The organization must immediately delete any identifying information, except the information required for the purpose of granting a person access to the account or subscription and for billing the account or subscription, that is used for age verification of the person attempting to access or creating an account or subscription to access any material or performance on the internet that is obscene or harmful to juveniles after age verification is completed. The organization must not transfer any information collected, except for the purpose of age verification. Any party who receives transferred information for age verification purposes must immediately delete all information gathered for the purpose of age verification after age verification is completed.

Exemptions

The act provides exemptions for certain persons and providers. The requirements described above do not apply to the following persons or entities:

- A person who, while employed or contracted by a newspaper, magazine, press association, news agency, news wire service, radio or television station, or similar media, is gathering, processing, transmitting, compiling, editing, or disseminating information for the general public;
- Providers of an interactive computer service;

- A mobile service;
- An internet provider;
- A cable service provider;
- A direct-to-home satellite service;
- A video service provider;
- A cloud service provider.

Attorney General enforcement action

The act allows the Attorney General to bring a civil action against an organization that sells, delivers, furnishes, disseminates, provides, exhibits, or presents any material or performance that is obscene or harmful to juveniles on the internet that fails to comply with the act's requirements and because of that failure, a minor gains access to the material or performance. Before initiating the action, the Attorney General must provide written notice to the organization identifying and explaining the basis for each instance of the alleged violation.

The Attorney General cannot commence an enforcement action if the organization, within 45 days after notice of the alleged violation is sent, does both of the following unless otherwise provided in the requirements above:

- Cures all violations described in the notice;
- Provides the Attorney General with a written statement indicating that the violations are cured and agreeing to refrain from further noncompliance of the requirements.

If the organization does not timely respond or continues to fail to comply with the requirements described above after receiving the notice, the Attorney General may initiate the enforcement action and seek injunctive relief.

If the organization fails to timely comply with all of the requirements described in the notice or commits subsequent violations of the same type after curing the initial violation, the Attorney General can commence an enforcement action. Notwithstanding the information retention requirements, if an organization commits a subsequent violation of the same type after reporting that the initial violation is cured, the Attorney General may bring a civil action at any time after sending notice of the violation.

These provisions cannot be construed to provide a private right of action. The Attorney General has the exclusive authority to enforce the age verification requirements within the act.

Peace officer refresher training

(R.C. 109.73 and 109.77)

The act prevents a certificate awarded by the Executive Director of the Peace Officer Training Commission attesting to a person's satisfactory completion of an approved peace officer basic training program from expiring because of a lapse in employment as a peace officer. Instead, a certificated peace officer who has not been employed as a peace officer for at least

one year must complete refresher training of the following durations, prior to reappointment as a peace officer:

- If the period of lapse was at least one year, but less than four years, up to 40 hours.
- If the period of lapse was four years or longer, 80 hours.

Under continuing law, a certificate awarded by the Executive Director attesting to a person's satisfactory completion of an approved peace officer basic training program is required for appointment as a peace officer or law enforcement officer.

Findings for recovery

(R.C. 9.24)

Continuing law prohibits state agencies and political subdivisions from contracting with a person against whom a finding of recovery by the state is unresolved. The act specifies a debt is resolved if it has been discharged in bankruptcy or is no longer owed based on a final nonappealable court order.

Notice for debts payable to the state (VETOED)

(R.C. 131.02 and 131.026)

The Governor vetoed a provision that would have required an officer, employee, or agent responsible for administering the law under which an amount is due to the state to serve notice to the debtor or debtor's statutory agent before certifying the amount due to the Attorney General. The act would have specified methods to satisfy the notice requirement, including a specific time requirement for service, and would have allowed the debtor or statutory agent to satisfy the debt within 30 days after receiving the notice. It would have permitted the Attorney General to file a lien only if the Attorney General included a copy of the notice that was sent and a proof of service of the notice when filing the lien. Failure to comply with the specific time requirement for serving notice would not have deemed the amount payable uncollectible, discharged, relieved, or otherwise satisfied or nonpayable.

Correctional facility inspection services

(R.C. 109.39; Section 525.80; R.C. 103.71, 103.72, 103.74, 103.75, 103.76, 103.77, 103.78, and 103.79, repealed; conforming changes in R.C. 9.07, 121.93, 2967.18, 5120.034, 5120.173, 5120.51, 5139.12, 5139.14, and 5145.162)

The act abolishes the Correctional Institution Inspection Committee (CIIC) within the legislative branch and creates the Office of Correctional Facility Inspection Services within the Attorney General's office. CIIC was a subcommittee of LSC responsible for inspecting state correctional institutions, local correctional institutions, and youth services facilities.

The new Office must assume CIIC's duties, including duties prescribed throughout the Revised Code, such as participating in the process for sentence reduction/early release due to overcrowding. The act mandates CIIC's records, assets, and liabilities be transferred to the Attorney General. All pending actions or proceedings continue in the name of the Attorney General. The Attorney General assumes all obligations of CIIC.

State law enforcement and training reimbursement (VETOED)

(R.C. 109.803)

The Governor vetoed a provision that would have prohibited a state agency from receiving the statutory reimbursement for continuing professional training provided to a peace officer or trooper appointed by the state agency. Continuing law requires every appointing authority to require each of its appointed peace officers and troopers to complete 24 hours of continuing professional training each calendar year, and requires between 24 and 40 hours of continuing professional training to be reimbursed.