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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
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H.B. 17*
135th General Assembly

Bill Analysis

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Version: As Reported by House Technology and Innovation

Primary Sponsors: Reps. Schmidt and Swearingen

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SUMMARY

- Prohibits the download, installation, or use of TikTok, WeChat, or other Chinese-owned applications on state computers, networks, and devices, except for purposes of law enforcement or information technology security.

DETAILED ANALYSIS

Ban covered applications on state devices

In January 2023, Governor DeWine issued an executive order that prohibits the download and use of any social media application, channel, and platform that is owned by an entity in China on devices and networks that are owned or leased by the state.¹ Similarly, the bill prohibits the download, installation, and use of covered applications on state agency computers, networks, and devices. A “covered application” is defined as:

- The TikTok application, or any successor application or service developed or provided by ByteDance;
- The WeChat application and service, or any successor application or service developed or provided by Tencent Holdings; or
- Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, Xiao, HongShu, Zhihu, Meituan, Toutiao, Alipay,

* This analysis was prepared before the report of the House Technology and Innovation Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ “[Executive Order 2023-03D](#),” Governor Mike DeWine, which may be accessed on the Governor’s website: governor.ohio.gov, under the “Media” tab by clicking “Executive Orders” and then searching for “2023-03D.”

Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu.²

The bill's prohibition is effectuated by rules adopted by the State Chief Information Officer, in accordance with the Administrative Procedure Act. The rules must require state agencies to remove any covered applications from equipment owned or leased by the state and take necessary measures to prevent the download, installation, and use of covered applications on state computers, networks, and devices. A "state agency" is defined as every organized body, office, or agency established by the state for the exercise of any function of state government. The General Assembly, any legislative agency, and the Capitol Square Review and Advisory Board are included in this definition. The definition excludes any state-supported institution of higher education, the courts, or any judicial agency.³

Exceptions

The bill includes an exception that allows qualified individuals to download, install, and use a covered application for law enforcement or information technology security purposes. To do so, appropriate measures must be taken to mitigate security risks.⁴

Regulatory restriction reduction requirement exemption

Rules adopted under the bill are exempt from continuing law requirements concerning reductions in regulatory restrictions. Currently, the State Chief Information Officer must take actions to reduce regulatory restrictions, including, by June 30, 2025, reducing the amount of regulatory restrictions contained in an inventory created in 2019 in accordance with a statutory schedule. A "regulatory restriction" is any part of an administrative rule that requires or prohibits an action.

Without that exemption, the Officer must do all of the following with respect to any regulatory restrictions contained in rules adopted under the bill:

- Until June 30, 2025, and for so long as the Officer fails to reach the reductions required under the statutory schedule, remove two or more existing regulatory restrictions for each new restriction adopted (referred to as the "two-for-one rule");
- Refrain from adopting a regulatory restriction when doing so would negate a previous reduction;
- Beginning July 1, 2025, refrain from adopting a regulatory restriction when doing so would cause the total number of regulatory restrictions in effect to exceed a statewide cap calculated by the Joint Committee on Agency Rule Review.⁵

² R.C. 125.183(A)(1).

³ R.C. 125.183(A)(2) and (B).

⁴ R.C. 125.183(C).

⁵ R.C. 122.183(D); see also, R.C. 121.95 to 121.953, not in the bill.

HISTORY

Action	Date
Introduced	02-15-23
Reported, H. Technology & Innovation	---
