

Bill Summary
2nd Session of the 60th Legislature

Bill No.:	SB 2085
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Request No.	2840
Author:	Sen. Hamilton
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Bill Analysis

SB 2085 prohibits the state from accepting a bid or renewing a contract with an entity to provide artificial intelligence technology, software, or products unless the entity provides the state governmental entity with an affidavit signed by an officer or a representative of the entity under penalty of perjury attesting that the entity is not owned by a foreign entity, does not have a government of a foreign adversary with a controlling interest in it, and is not organized in a country designated as a foreign adversary. The measure further requires artificial intelligence technology companies to de-identify data prior to selling data on users. Additionally, the measure prohibits the use for trade or for any commercial or advertising purpose the name, portrait, photograph, image, or other likeness of an individual created through generative artificial intelligence without the express written or oral consent to such use given by the individual in question, persons authorized to grant permission by the individual, and certain authorized persons if the individual is deceased. This prohibition shall not apply in certain circumstances outlined in the measure.

The measure also prohibits companion chatbot platforms from entering into a contract with a minor to allow him or her to become an account holder without the explicit permission of his or her parent or legal guardian. The parent or legal guardian shall be entitled to receive copies of all interactions between the minor account holder and the companion chatbot and limit the amount of time the account holder may spend on the platform. The measure requires the platform to terminate the account if the platform targets content or advertising and if the minor's parent or legal guardian has not provided consent for the minor to become an account holder. Termination shall be completed within 5 days of the request. The platform must disclose to the account holder that he or she is interacting with artificial intelligence to provide such notification once every hour in continuing interactions.

The Attorney General shall enforce the provisions of the measure. The measure authorizes the Attorney General to collect a \$50,000.00 penalty from violating entities in addition to the \$10,000.00 fine for knowingly violating the provisions of this measure. Additionally, the measure authorizes the Attorney General to administer oaths and affirmations, subpoena witnesses or matter, and collect evidence if he or she reasonably believes there is a violation. The measure requires civil claims to be brought within 1 year of the violation. The measure establishes a \$1,000.00 fine for each unauthorized use of a person's likeness.

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