

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2085

By: Hamilton

AS INTRODUCED

An Act relating to artificial intelligence; defining terms; prohibiting a state governmental entity from extending or renewing contracts with certain entities; authorizing the promulgation of rules; establishing certain rights of Oklahomans; authorizing Oklahomans to exercise certain rights; prohibiting companion chatbot platforms from providing services to minors; providing certain exception; directing companion chatbot platforms to provide the minor's parent or legal guardian certain options; requiring companion chatbot platforms to terminate certain accounts and provide certain options; mandating companion chatbot platforms make certain disclosures and institute certain measures to prevent their companion chatbot from sharing certain materials; providing that certain violations are deceptive or unfair trade practices; establishing certain civil penalties; specifying certain requirements for contract formation; requiring bot operators to periodically provide certain notice to users; providing that certain violations are deceptive or unfair trade practices; establishing certain civil penalties; prohibiting artificial intelligence companies from selling or disclosing certain information of users; providing certain exceptions; providing that certain violations are deceptive or unfair trade practices; establishing certain civil penalties; authorizing the Attorney General to issue and enforce civil investigative demands under certain circumstances; prohibiting certain commercial uses of an individual's name, image, or likeness created by generative artificial intelligence without certain consent; providing certain exceptions; providing for the approval of certain contracts; providing for codification;

1 providing for noncodification; and providing an
2 effective date.

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4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 401 of Title 75A, unless there
7 is created a duplication in numbering, reads as follows:

8 As used in this act:

9 1. "Account holder" means an individual who opens an account or
10 creates a profile on or is identified by a companion chatbot
11 platform by a unique identifier while he or she is using or
12 accessing the platform, if the platform knows or has reason to
13 believe the individual is a resident of this state;

14 2. "Artificial intelligence" means a computer system, program,
15 or set of algorithms capable of performing tasks or producing
16 outputs that imitate intelligent human behavior;

17 3. "Artificial intelligence technology company" means a
18 business or organization that produces, develops, creates, designs,
19 or manufactures artificial intelligence technology or products,
20 collects data for use in artificial intelligence products, or
21 implements artificial intelligence technology;

22 4. "Bot" means an automated online software application in
23 which all or substantially all of the actions or posts of the
24 account are not the result of a natural person;

1 5. "Companion chatbot" means an artificial intelligence system
2 with a natural language interface that provides adaptive, human-like
3 responses to user inputs and attempts to fulfill a user's social
4 needs, including by exhibiting anthropomorphic features and being
5 able to sustain a relationship across multiple interactions. The
6 term does not include:

- 7 a. a chatbot used only for customer service, a business's
8 operational purposes, productivity, and analysis
9 related to source information, internal research, or
10 technical assistance,
- 11 b. a chatbot that is a feature of a video game and is
12 limited to replies related to the video game and does
13 not discuss topics related to mental health, self-
14 harm, or material harmful to minors or maintain a
15 dialogue on other topics unrelated to the video game,
16 or
- 17 c. a stand-alone consumer electronic device that
18 functions as a speaker and voice command interface,
19 acts as a voice-activated virtual assistant, and does
20 not sustain a relationship across multiple
21 interactions or generate outputs likely to elicit
22 emotional responses in the user;

1 6. "De-identified data" means data that cannot reasonably be
2 linked to an identified or identifiable individual or a device
3 linked to that individual;

4 7. "Foreign adversary" shall mean any country designated by the
5 United States Secretary of State as hostile or a Country of
6 Particular Concern (CPC);

7 8. "Generative artificial intelligence" means a machine-based
8 system that can, for a given set of human-defined objectives,
9 emulate the structure and characteristics of input data in order to
10 generate derived synthetic content, including images, videos, audio,
11 text, and other digital content;

12 9. "Material harmful to minors" means any communication,
13 picture, image, graphic image file, article, recording, writing, or
14 other matter of any kind that is obscene or that:

15 a. the average person, applying contemporary community
16 standards, would find, taking the material as a whole
17 and with respect to minors, is designed to appeal to,
18 or is designed to pander to, the prurient interest,

19 b. depicts, describes, or represents, in a manner
20 patently offensive with respect to minors, an actual
21 or simulated sexual act or sexual contact, an actual
22 or simulated normal or perverted sexual act or sexual
23 contact, or a lewd exhibition of the genitals or post-
24 pubescent female breast, and

1 c. taken as a whole, lacks serious literary, artistic,
2 political, or scientific value for minors;

3 10. "Minor" has the same meaning as defined in Section 1040.75
4 of Title 21 of the Oklahoma Statutes;

5 11. "Operator" means a person who owns, operates, or otherwise
6 makes available a bot to individuals in this state;

7 12. "Pop-up" means a visible notification on the computer,
8 tablet, or smartphone screen of a user which may be resolved if the
9 user interacts with or responds to the notification;

10 13. "Resident" means an individual who has resided in this
11 state for more than six (6) months during the preceding twelve-month
12 period;

13 14. "Servicemember" has the same meaning as defined in Section
14 150.1 of Title 43 of the Oklahoma Statutes;

15 15. "State governmental entity" has the same meaning as defined
16 in Section 695.3 of Title 62 of the Oklahoma Statutes;

17 16. "Surviving children" means an individual's surviving
18 immediate offspring and any children legally adopted by the
19 individual;

20 17. "Surviving spouse" means an individual's surviving spouse
21 under the law of the individual's domicile at the time of the
22 individual's death, regardless of whether the spouse later
23 remarried;

1 18. "User" means an individual who resides or is domiciled in
2 this state and who accesses an Internet website, online or cloud-
3 computing service, online application, or mobile application; and

4 19. "Video game" means a game played on an electronic device
5 that uses a computer, microprocessor, or similar electronic
6 circuitry and its own monitor, or is designed to be used with a
7 television set or a computer monitor, to interact with the user of
8 the device.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 402 of Title 75A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. On and after the effective date of this act, a state
13 governmental entity shall not accept a bid on, a proposal for, or a
14 reply to, or enter into, extend, or renew a contract with, an entity
15 to provide artificial intelligence technology, software, or
16 products, including as a portion or an option to the products or
17 services provided under the contract, unless the entity provides the
18 state governmental entity with an affidavit signed by an officer or
19 a representative of the entity under penalty of perjury attesting
20 that the entity does not meet any of the criteria listed in
21 subsection B of this section.

22 B. A state governmental entity shall not knowingly enter into a
23 contract with an entity for artificial intelligence technology,
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1 software, or products, including as a portion or an option to the
2 products or services provided under the contract, if:

3 1. The entity is owned by a foreign adversary;

4 2. A government of a foreign adversary has a controlling
5 interest in the entity; or

6 3. The entity is organized under the laws of or has its
7 principal place of business in a country designated as a foreign
8 adversary.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 403 of Title 75A, unless there
11 is created a duplication in numbering, reads as follows:

12 The Attorney General shall enforce the provisions of this act.
13 The Attorney General may promulgate rules necessary to implement,
14 interpret, and enforce the provisions of this act.

15 SECTION 4. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 The Legislature finds that:

18 A. Oklahomans are entitled to certain rights with respect to
19 the use of artificial intelligence, including, but not limited to:

20 1. The right to use artificial intelligence to improve their
21 own lives and the lives of family members, fellow residents, and the
22 world at large in accordance with the law;

23 2. The right to supervise, access, limit, and control their
24 minor children's use of artificial intelligence;

1 3. The right to know whether they are communicating with a
2 human being or an artificial intelligence system, program, or
3 chatbot;

4 4. The right to know if artificial intelligence technology
5 companies are collecting personal information or biometric data, and
6 the right to expect artificial intelligence technology companies to
7 protect and de-identify that information or data in accordance with
8 the law;

9 5. The right to pursue civil remedies authorized by law against
10 persons who use artificial intelligence to appropriate the name,
11 image, or likeness of others for commercial purposes without their
12 consent;

13 6. The right to be protected by law from criminal acts, such as
14 fraud, exploitation, identity theft, stalking, and cyberbullying,
15 regardless of whether artificial intelligence is used in the
16 commission of those acts;

17 7. The right to be protected by law from criminal acts relating
18 to the alteration of existing images to create sexual or lewd or
19 lascivious images or child pornography, regardless of whether
20 artificial intelligence is used in the commission of those acts;

21 8. The right to know whether political advertisements,
22 electioneering communications, or similar advertisements were
23 created in whole or in part with the use of artificial intelligence;
24 and

1 9. The right to pursue civil remedies authorized by law against
2 others who use artificial intelligence to slander, libel, or defame
3 them.

4 B. Oklahomans may exercise the rights described in this section
5 in accordance with existing law. This section may not be construed
6 as creating new or independent rights or entitlements.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 404 of Title 75A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A companion chatbot platform shall prohibit a minor from
11 entering into a contract with the platform to become an account
12 holder or from maintaining an existing account, unless the minor's
13 parent or legal guardian provides consent for the minor to become an
14 account holder or maintain an existing account. If the minor's
15 parent or legal guardian provides consent for the minor to become an
16 account holder or maintain an existing account, the companion
17 chatbot platform shall allow the consenting parent or legal guardian
18 of the minor account holder to:

19 1. Receive copies of all interactions between the minor account
20 holder and the companion chatbot;

21 2. Limit the amount of time that the minor account holder may
22 interact with the companion chatbot each day;

1 3. Disable any of the interactions between the minor account
2 holder and third-party account holders on the companion chatbot
3 platform; and

4 4. Receive timely notifications if the minor account holder
5 expresses to the companion chatbot a desire or an intent to engage
6 in self-harm or to harm others.

7 B. A companion chatbot platform shall:

8 1. Terminate any account belonging to an account holder who is
9 a minor if the companion chatbot platform treats or categorizes the
10 account as belonging to a minor for purposes of targeting content or
11 advertising and if the minor's parent or legal guardian has not
12 provided consent for the minor to become an account holder or to
13 maintain an existing account;

14 2. Allow an account holder who is a minor to request to
15 terminate the account. Termination shall be effective within five
16 (5) business days after the request;

17 3. Allow the consenting parent or legal guardian of an account
18 holder who is a minor to request that the minor's account be
19 terminated. Termination shall be effective within ten (10) business
20 days after the request; and

21 4. Permanently delete all personal information held by the
22 companion chatbot platform relating to the terminated account,
23 unless state or federal law requires the platform to maintain the
24 information.

1 C. In connection with all accounts held by account holders who
2 are minors, the companion chatbot platform shall:

3 1. Disclose to the account holder that he or she is interacting
4 with artificial intelligence;

5 2. Provide by default a clear and conspicuous notification to
6 the account holder, at the beginning of companion chatbot
7 interactions and at least once every hour during continuing
8 interactions, reminding the minor to take a break and that the
9 companion chatbot is artificially generated and not human; and

10 3. Institute reasonable measures to prevent its companion
11 chatbot from producing or sharing materials harmful to minors or
12 encouraging the account holder to engage in any of the conduct
13 described or depicted in materials harmful to minors.

14 D. A knowing or reckless violation of this section shall be
15 deemed a deceptive or unfair trade practice. If the Attorney
16 General has reason to believe that a companion chatbot platform is
17 in violation of this section, the Attorney General may bring an
18 action against the platform for a deceptive or unfair trade
19 practice. In addition to any other remedy under this act, the
20 Attorney General may collect a civil penalty of up to Fifty Thousand
21 Dollars (\$50,000.00) per violation and court costs and reasonable
22 attorney fees. If the companion chatbot platform's failure to
23 comply with this section is part of a consistent pattern of knowing
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1 or reckless conduct, punitive damages may be assessed against the
2 companion chatbot platform.

3 E. 1. A companion chatbot platform that knowingly or
4 recklessly violates this section is liable to a minor account holder
5 for up to Ten Thousand Dollars (\$10,000.00) in damages plus court
6 costs and reasonable attorney fees as ordered by the court.

7 2. A civil action for a claim under this subsection shall be
8 brought within one (1) year after the date the complainant knew, or
9 reasonably should have known, of the alleged violation.

10 3. An action brought under this subsection may be brought only
11 on behalf of a minor account holder.

12 F. For purposes of bringing an action under this section, a
13 companion chatbot platform that allows a minor user in this state to
14 create an account on the platform is considered to be both engaged
15 in substantial and not isolated activities within this state and
16 operating, conducting, engaging in, or carrying on a business and
17 doing business in this state, and is therefore subject to the
18 jurisdiction of the courts of this state.

19 G. If a companion chatbot platform allows a minor account
20 holder to use the companion chatbot platform, the parties shall be
21 deemed to have entered into a contract.

22 H. This section shall not be construed to preclude any other
23 available remedy at law or equity.
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1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 405 of Title 75A, unless there
3 is created a duplication in numbering, reads as follows:

4 A. At the beginning of an interaction between a user and a bot,
5 and at least once every hour during the interaction, an operator
6 shall display a pop-up message notifying the user that he or she is
7 not engaging in dialogue with a human counterpart.

8 B. A violation of this section is deemed a deceptive or unfair
9 trade practice actionable solely by the Attorney General on behalf
10 of a user of a bot. If the Attorney General has reason to believe
11 that an operator is in violation of this section, the Attorney
12 General may bring an action against the operator for a deceptive or
13 unfair trade practice. In addition to any other remedy under this
14 act, the Attorney General may collect a civil penalty of up to Fifty
15 Thousand Dollars (\$50,000.00) per violation and court costs and
16 reasonable attorney fees.

17 C. This section shall not be construed to preclude any other
18 available remedy at law or equity.

19 D. For purposes of bringing an action pursuant to this section,
20 a person who meets the definition of an operator who owns, operates,
21 or otherwise makes available a bot to individuals in this state is
22 considered to be both engaged in substantial and not isolated
23 activities within this state and operating, conducting, engaging in,
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1 or carrying on a business, and doing business in this state, and is
2 therefore subject to the jurisdiction of the courts of this state.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 406 of Title 75A, unless there
5 is created a duplication in numbering, reads as follows:

6 A. An artificial intelligence technology company may not sell
7 or disclose personal information of users unless the information is
8 de-identified data.

9 B. An artificial intelligence technology company in possession
10 of de-identified data shall:

11 1. Take reasonable measures to ensure that the data cannot be
12 associated with an individual;

13 2. Maintain and use the data in de-identified form. An
14 artificial intelligence technology company may not attempt to
15 reidentify the data, except that the artificial intelligence
16 technology company may attempt to reidentify the data solely for the
17 purpose of determining whether its de-identification process
18 satisfies the requirements of this section;

19 3. Contractually obligate a recipient of the de-identified data
20 to comply with this section; and

21 4. Implement business processes to prevent the inadvertent
22 release of de-identified data.

23 C. A violation of this section shall be deemed a deceptive or
24 unfair trade practice. If the Attorney General has reason to
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1 believe that an artificial intelligence technology company is in
2 violation of this section, the Attorney General may bring an action
3 against the artificial intelligence technology company for a
4 deceptive or unfair trade practice. In addition to any other remedy
5 under this act, the Attorney General may collect a civil penalty of
6 up to Fifty Thousand Dollars (\$50,000.00) per violation and court
7 costs and reasonable attorney fees.

8 D. For purposes of bringing an action pursuant to this section,
9 a person who meets the definition of an artificial intelligence
10 technology company that produces, develops, creates, designs, or
11 manufactures artificial intelligence products, or implements
12 artificial intelligence technology in this state, is considered to
13 be both engaged in substantial and not isolated activities within
14 this state and operating, conducting, engaging in, or carrying on a
15 business, and doing business in this state, and is therefore subject
16 to the jurisdiction of the courts of this state.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 407 of Title 75A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. If, by his or her own inquiry or as a result of complaints,
21 the Attorney General has reason to believe that a person has engaged
22 in, or is engaging in, a practice or an act that violates this act,
23 the Attorney General may administer oaths and affirmations, subpoena
24 witnesses or matter, and collect evidence. At any time before the
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1 return date specified in the subpoena, the party served may file in
2 the district court in the county in which it resides or in which it
3 transacts business a petition for an order modifying or setting
4 aside the subpoena. The petitioner may raise any objection or
5 privilege that would be available upon service of a subpoena in a
6 civil action. The subpoena shall inform the party served of the
7 party's rights under this section.

8 B. If the matter that the Attorney General seeks to obtain by
9 subpoena is located outside this state, the person subpoenaed may
10 make the matter available at the place where it is located. The
11 Attorney General may designate representatives, including officials
12 of the state in which the matter is located, to inspect the matter
13 on its behalf and may respond to similar requests from officials of
14 other states.

15 C. Upon the failure of a person, without lawful excuse, to obey
16 a subpoena and upon reasonable notice to all persons affected, the
17 Attorney General may apply to the district court for an order
18 compelling compliance.

19 D. The Attorney General may request that a person who refuses
20 to comply with a subpoena on the grounds that the testimony or
21 matter may be self-incriminating be ordered by the court to provide
22 the testimony or matter. Except in a prosecution for perjury, a
23 person who complies with a court order to provide testimony or
24 matter after asserting a valid privilege against self-incrimination

1 may not have the testimony or matter provided, or evidence derived
2 from the testimony or matter, received against the person in any
3 criminal investigation or proceeding.

4 E. A person upon whom a subpoena is served pursuant to this
5 section shall comply with its terms unless otherwise provided by
6 order of the court. A person who fails to appear, with the intent
7 to avoid, evade, or prevent compliance in whole or in part with an
8 investigation under this section, or who removes from any place,
9 conceals, withholds, mutilates, alters, or destroys, or by any other
10 means falsifies any documentary material in the possession, custody,
11 or control of a person subject to a subpoena, or who knowingly
12 conceals relevant information with the intent to avoid, evade, or
13 prevent compliance, is liable for a civil penalty not more than Five
14 Thousand Dollars (\$5,000.00) per week in violation and court costs
15 and reasonable attorney fees.

16 SECTION 9. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 408 of Title 75A, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A person shall not publish, print, display, or otherwise
20 publicly use for trade or for any commercial or advertising purpose
21 the name, portrait, photograph, image, or other likeness of an
22 individual created through generative artificial intelligence
23 without the express written or oral consent to such use given by any
24 of the following:

1 1. The individual;

2 2. Any other person authorized in writing by the individual to
3 license the commercial use of the individual's name, image, or
4 likeness; or

5 3. If the individual is deceased:

6 a. a person authorized in writing to license the
7 commercial use of the individual's name, image, or
8 likeness, or

9 b. if no person is authorized, any one individual from a
10 class composed of the deceased individual's surviving
11 spouse and surviving children. A parent or legal
12 guardian may give consent on behalf of a minor
13 surviving child.

14 B. If the consent required in subsection A of this section is
15 not obtained, the individual whose name, portrait, photograph,
16 image, or other likeness is used, or a person authorized by the
17 individual in writing to license the commercial use of the
18 individual's name, image, or likeness, or, if the individual whose
19 likeness is used is deceased, a person having the right to give such
20 consent, as provided in subsection A of this section, may bring an
21 action to enjoin the unauthorized publication, printing, display, or
22 other public use and recover damages for any loss or injury
23 resulting from the unauthorized publication, including an amount
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1 that would have been a reasonable royalty, and punitive or exemplary
2 damages.

3 C. If a person uses the name, portrait, photograph, image, or
4 other likeness of a servicemember without obtaining the consent
5 required in subsection A of this section and the use is not subject
6 to an exception listed in this section, a court may impose a civil
7 penalty of up to One Thousand Dollars (\$1,000.00) per violation in
8 addition to the civil remedies contained in subsection B of this
9 section. Each commercial transaction constitutes a violation under
10 this section.

11 D. This section shall not apply to any of the following:

12 1. The publication, printing, display, or use of the name,
13 image, or likeness of an individual in a newspaper, magazine, book,
14 news broadcast or telecast, or other news medium or publication that
15 is used as part of a bona fide news report or presentation having a
16 current and legitimate public interest and if the name, image, or
17 likeness is not used for advertising purposes;

18 2. The use of an individual's name, portrait, photograph,
19 image, or other likeness in connection with the resale or other
20 distribution of literary, musical, or artistic productions or other
21 articles of merchandise or property with the individual's consent on
22 or in connection with the initial sale or distribution of the
23 productions, articles, or merchandise; or
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1 3. A photograph of an individual solely as a member of the
2 public if the individual is not named or otherwise identified in or
3 in connection with the use of the photograph.

4 E. An action may not be brought under this section by reason of
5 a publication, printing, display, or other public use of the name,
6 image, or likeness of an individual occurring more than forty (40)
7 years after the death of the individual.

8 F. The remedies in this section are in addition to and not in
9 limitation of the remedies and rights of any person under the common
10 law against the invasion of his or her privacy.

11 SECTION 10. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 409 of Title 75A, unless there
13 is created a duplication in numbering, reads as follows:

14 No relief may be obtained under Section 9 of this act against
15 any broadcaster, publisher, or distributor broadcasting, publishing,
16 or distributing paid advertising matter by radio or television or in
17 a newspaper, magazine, or similar periodical without knowledge or
18 notice that any consent required by Section 9 of this act, in
19 connection with such advertising matter, has not been obtained,
20 except an injunction against the presentation of such advertising
21 matter in future broadcasts or in future issues of such newspaper,
22 magazine, or similar periodical.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 410 of Title 75A, unless there is created a duplication in numbering, reads as follows:

A contract made by a minor or made by a parent or legal guardian of a minor, or a contract proposed to be so made, may be approved by the probate division of a circuit court or any other division of the circuit court that has guardianship jurisdiction, where the minor is a resident of this state or the services of the minor are to be performed or rendered in this state; where the contract sought to be approved is one under which the minor will endorse a product or service, or in any other way receive compensation for the use of the name, image, or likeness of the minor.

SECTION 12. This act shall become effective November 1, 2026.

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