

Senate Bill 540

By: Senators Anavitarte of the 31st, Walker III of the 20th, Still of the 48th, Strickland of the 42nd, Watson of the 1st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 39 of the Official Code of Georgia Annotated, relating to online
2 internet safety, so as to require certain disclosures related to conversational AI services; to
3 require the operators of conversational AI services to take steps to limit certain actions
4 related to minors by such systems; to require operators to provide certain privacy tools to
5 users; to require operators to adopt a protocol for a conversational AI service's response to
6 suicidal ideation or self-harm; to provide for enforcement by the Attorney General; to
7 provide for exceptions; to provide for definitions; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 5 of Title 39 of the Official Code of Georgia Annotated, relating to online internet
12 safety, is amended by adding a new Code section to read as follows:

13 "39-5-6.

14 (a) As used in this chapter, the term:

15 (1) 'Account holder' means an individual who has an account or profile to use a
16 conversational AI service.

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17 (2) 'App' means a software application or electronic service that a user may run or direct
18 on a mobile device, including preinstalled applications.

19 (3) 'App store' means a publicly available website, software application, or electronic
20 service that allows account holders to download apps from third-party developers onto
21 a mobile device.

22 (4) 'App store provider' means a person that owns, operates, or controls an app store that
23 allows individuals in this state to download apps onto a mobile device.

24 (5) 'Conversational AI service' means a generative artificial intelligence system offered
25 as a software application, web interface, or computer program that is accessible to the
26 general public and that primarily simulates human conversation and interaction through
27 textual, visual, or aural communication. Such term shall not include an application, web
28 interface, or computer program that:

29 (A) Is primarily designed and marketed for use by developers or researchers;

30 (B) Is designed to provide outputs relating to a narrow and discrete topic;

31 (C) Is primarily designed and marketed for commercial use by business entities;

32 (D) Functions as a speaker and voice command interface, or voice activated virtual
33 assistant for a consumer electronic device; or

34 (E) Is used by a business solely for internal purposes.

35 (6) 'Generative artificial intelligence system' means a computer based system that uses
36 machine learning or similar techniques involving large language models or deep learning
37 models trained on one or more datasets and that is intended to generate, with some degree
38 of autonomy, synthetic content, including, but not limited to, images, videos, audio, text,
39 and other digital content, that emulates the structure and characteristics of such datasets.

40 (7) 'Minor account' means an account which has a minor account holder.

41 (8) 'Operator' means a person that owns, controls, and makes available a conversational
42 AI service to the public. Such term shall not include an app store provider or search

43 engine solely because the app store provider or search engine provides access to a
44 conversational AI service.

45 (9) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section
46 16-12-100.

47 (b) An operator shall clearly and conspicuously disclose to a minor account holder that he
48 or she is interacting with a conversational AI service as opposed to a natural person:

49 (1) With a constantly visible disclaimer; or

50 (2) At the beginning of each session and appearing at least every three hours in a
51 continuous conversational AI service interaction.

52 (c) An operator shall not provide a minor account with points or similar rewards at
53 unpredictable intervals with the intent to encourage increased engagement with the
54 conversational AI service.

55 (d) For minor account holders, the operator shall institute reasonable measures to prevent
56 the conversational AI service from:

57 (1) Producing visual material of sexually explicit conduct;

58 (2) Generating statements that suggest the account holder engage in sexual conduct;

59 (3) Generating statements that sexually objectify the account holder; or

60 (4) Generating statements that would lead a reasonable person to believe that the person
61 is interacting with a natural person, including but not limited to:

62 (A) Explicit claims that the conversational AI service is sentient or a natural person;

63 (B) Statements that simulate emotional dependence;

64 (C) Statements that simulate romantic or sexual innuendos; or

65 (D) Role-playing of adult-minor romantic relationships.

66 (e) If an individual could reasonably be expected to be misled to believe he or she was
67 interacting with a natural person, an operator shall clearly and conspicuously disclose that
68 the conversational AI service is not a natural person.

69 (f) Before allowing access to a conversational AI service that could provide synthetic
70 content containing sexually explicit conduct, an operator shall use a reasonable age
71 verification method, which may include, but not be limited to:

72 (1) The submission of a digitized identification card, including a digital copy of a driver's
73 license;

74 (2) The submission of government issued identification; or

75 (3) Any commercially reasonable age verification method that meets or exceeds an
76 Identity Assurance Level 2 standard as defined by the National Institute of Standards and
77 Technology.

78 (g) An operator shall offer tools for a minor account holder's parent or guardian to manage
79 the account holder's privacy and account settings.

80 (h) An operator shall adopt a protocol for the conversational AI service to respond to a
81 user prompt regarding suicidal ideation or self-harm, which shall include making
82 reasonable efforts to provide a response which refers the user to crisis service providers.

83 (i) An operator shall not knowingly and intentionally cause or program a conversational
84 AI service to make any representation or statement that explicitly indicates that the
85 conversational AI service is designed to provide professional mental or behavioral health
86 care.

87 (j) The Attorney General may bring civil enforcement actions for violations of this Code
88 section for injunctive relief or civil penalties up to \$10,000.00 per violation.

89 (k) Nothing in this code section shall be construed to create liability for the developer of
90 a conversational AI service which is made available to the public by a separate operator."

91 (l) Nothing in this Code section shall be construed to limit or preclude any other available
92 remedy at law or equity.

93 **SECTION 2.**

94 All laws and parts of laws in conflict with this Act are repealed.