



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5321

Introduced 2/9/2024, by Rep. Abdelnasser Rashid

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2EEEE new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that each generative artificial intelligence system and artificial intelligence system that, using any means or facility of interstate or foreign commerce, produces image, video, audio, or multimedia AI-generated content shall include on the AI-generated content a clear and conspicuous disclosure that satisfies specified criteria. Provides that any entity that develops a generative artificial intelligence system and third-party licensee of a generative artificial intelligence system shall implement reasonable procedures to prevent downstream use of the system without the required disclosures. Provides that a violation of the provisions constitutes an unlawful practice within the meaning of the Act.

LRB103 38172 SPS 68305 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2EEEE as follows:

6 (815 ILCS 505/2EEEE new)

7 Sec. 2EEEE. Artificial intelligence labeling.

8 (a) As used in this Section:

9 "AI-generated content" means means image, video, audio,  
10 multimedia, or text content that is substantially created or  
11 modified by a generative artificial intelligence system such  
12 that the use of the system materially alters the meaning or  
13 significance that a reasonable person would take away from the  
14 content.

15 "Artificial intelligence chatbot" means generative  
16 artificial intelligence system with which users can interact  
17 by or through an interface that approximates or simulates  
18 conversation.

19 "Clear and conspicuous" with respect to a disclosure,  
20 means that the disclosure meets the following criteria:

21 (1) for any content that is solely visual or solely  
22 audible, the disclosure is made through the same means  
23 through which the content is presented;

1           (2) for any content that is both visual and audible,  
2           the disclosure is visual and audible;

3           (3) for a visual disclosure, the disclosure, by its  
4           size, contrast, location, the length of time it appears,  
5           and other characteristics, stands out from any  
6           accompanying text or other visual elements so that the  
7           disclosure is easily noticed, read, and understood;

8           (4) for an audible disclosure, the disclosure is  
9           delivered in a volume, speed, and cadence sufficient for a  
10           reasonable person to easily hear and understand the  
11           disclosure;

12           (5) the disclosure is not be avoidable;

13           (6) the disclosure uses diction and syntax  
14           understandable to a reasonable person; and

15           (7) the disclosure is not be contradicted, mitigated  
16           by, or inconsistent with anything else in the  
17           communication.

18           "Generative artificial intelligence system" means any  
19           system that uses artificial intelligence to generate or  
20           substantially modify image, video, audio, multimedia, or text  
21           content.

22           "Metadata" has the meaning ascribed to that term in 44  
23           U.S.C. 3502.

24           "Platform" has the meaning ascribed to the term in the  
25           "interactive computer service" in 47 U.S.C. 230(f).

26           (b) Each generative artificial intelligence system that,

1 using any means or facility of interstate or foreign commerce,  
2 produces image, video, audio, or multimedia AI-generated  
3 content shall include on the AI-generated content a clear and  
4 conspicuous disclosure that meets the following criteria:

5 (1) the disclosure shall include a clear and  
6 conspicuous notice, as appropriate for the medium of the  
7 content, that identifies the content as AI-generated  
8 content;

9 (2) the output's metadata information shall include an  
10 identification of the content as being AI-generated  
11 content, the identity of the tool used to create the  
12 content, and the date and time the content was created;  
13 and

14 (3) the disclosure shall, to the extent technically  
15 feasible, be permanent or unable to be easily removed by  
16 subsequent users.

17 (c) Each artificial intelligence system that, using any  
18 means or facility of interstate or foreign commerce, produces  
19 text AI-generated content, including through an artificial  
20 intelligence chatbot, shall include a clear and conspicuous  
21 disclosure that identifies the content as AI-generated content  
22 and that is, to the extent technically feasible, permanent or  
23 unable to be easily removed by subsequent users.

24 (d) Any entity that develops a generative artificial  
25 intelligence system shall implement reasonable procedures to  
26 prevent downstream use of the system without the disclosures

1 required under this Section, including by:

2 (1) requiring by contract that end users and  
3 third-party licensees of the system refrain from removing  
4 any required disclosure;

5 (2) requiring certification that end users and  
6 third-party licensees will not remove any disclosure; and

7 (3) terminating access to the system when the entity  
8 has reason to believe that an end user or third-party  
9 licensee has removed the required disclosure.

10 (e) Any third-party licensee of a generative artificial  
11 intelligence system shall implement reasonable procedures to  
12 prevent downstream use of the system without the disclosures  
13 required under this Section, including by:

14 (1) requiring by contract that users of the system  
15 refrain from removing any required disclosure;

16 (2) requiring certification that end users will not  
17 remove any disclosure; and

18 (3) terminating access to the system when the  
19 third-party licensee has reason to believe that an end  
20 user has removed the required disclosure.

21 (f) A violation of this Section constitutes an unlawful  
22 practice within the meaning of this Act.