
DIGEST

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HB 791 Original

2026 Regular Session

Boyd

Abstract: Provides for the regulation of artificial intelligence chatbots and chatbot providers related to use, sale, or dissemination of input data and output data, use of chatbots by minors, required disclosures to users of chatbots, transparency provisions, a requirement to implement data safety programs.

Proposed law defines "advertisement", "affirmative consent", "chatbot", "chat log", "chatbot provider", "collect", "dark pattern", "de-identified data", "input data", "model", "personal data", "publicly available information", "process", "profiling", "sell", "training", "user", and "widely distributed media".

Proposed law provides that a chatbot provider shall not do any of the following:

- (1) Process personal data other than input data to inform chatbot outputs unless the processing of personal data is necessary to fulfill an express request made by a user and that user has provided affirmative consent.
- (2) Process a user's chat log for advertising.
- (3) Process a user's chat log or personal data if the chatbot provider knows or should know the user is a minor without consent of a parent or guardian, for training purposes if the chatbot provider knows or should know the user is a minor, or of adult users without obtaining affirmative consent., or to engage in profiling.
- (4) Use any classification or designation of a user's personality or behavioral characteristics created through profiling beyond what is necessary to fulfill an express request made by a user.
- (5) Sell a user's chat logs.
- (6) Retain a user's chat log for longer than ten years, unless retention is necessary to comply with this Chapter or otherwise required by law.
- (7) Discriminate against or retaliate against a user, including by denying a product or service, charging a different price or rate for a product or service, or providing a lower quality product or service to the user, for refusing to consent to the use of chat logs or personal data for training purposes.

Proposed law provides that a user has the right to access his own chat logs that a chatbot provider has retained in a downloadable, human- and machine-readable format, and that a chatbot provider shall not discriminate against a user for accessing the user's own chat logs.

Proposed law provides that a government entity shall not compel access to chat logs or input data except as pursuant to a wiretap warrant as provided by the Code of Criminal Procedure.

Proposed law provides that chatbot providers shall develop and maintain a comprehensive data security program that is publicly available on the provider's website.

Proposed law provides that a chatbot provider shall not indicate or imply that its chatbot output data is provided by, endorsed by, or equivalent to those provided by any of the following:

- (1) A licensed healthcare professional.
- (2) A licensed legal professional.
- (3) A licensed accounting professional.
- (4) A certified financial fiduciary or planner.
- (5) Another licensed or certified professional in this state.

Proposed law provides that a violation of proposed law is a violation of the Unfair Trade Practice and Consumer Protection Law.

Proposed law provides that chatbot providers shall provide clear, conspicuous, and explicit notice to a user that the user is interacting with a chatbot rather than a human prior to the chatbot generating an output, every hour thereafter, and each time a user asks the chatbot whether it is a real person.

Proposed law provides that a chatbot provider shall assess its chatbot for risks of harm to a user on a monthly basis and shall mitigate risks of harm according to the attorney general's rules and regulations.

Proposed law provides that a chatbot provider shall make information about its chatbot publicly available on its website on a monthly basis according to the attorney general's rules and regulations.

Proposed law provides for rulemaking authority by the attorney general.

Proposed law provides for severability of provisions and rules of construction.

Proposed law provides that chatbots are subject to product liability claims and tort theories.

Proposed law provides for enforcement of proposed law by the attorney general or by a district attorney.

Proposed law provides for damages and relief for a violation of proposed law.

(Adds R.S. 51:3301-3308)