

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 525

FINAL READING

Introduced by Jacobson, 42; at the request of the Governor.

Read first time January 22, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to law; to amend section 84-712.05, Reissue
- 2 Revised Statutes of Nebraska; to adopt the Agricultural Data Privacy
- 3 Act and the Conversational Artificial Intelligence Safety Act; to
- 4 provide for a public record exception; to provide operative dates;
- 5 and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 10 of this act shall be known and may be
2 cited as the Agricultural Data Privacy Act.

3 **Sec. 2.** The Legislature finds that agricultural data is a
4 proprietary business asset that originates from the farm, land, devices,
5 and equipment of agricultural producers. To protect the economic value of
6 this data and the autonomy of Nebraska producers, the sale of such data
7 shall be protected and the security of such data shall be maintained
8 through reasonable safeguards.

9 **Sec. 3.** For purposes of the Agricultural Data Privacy Act:

10 (1) Affiliate means a person or entity that directly or indirectly
11 controls, is controlled by, or is under common control with a controller
12 or processor;

13 (2) Aggregated data means agricultural data that has been combined
14 with other data from various sources and summarized so that the resulting
15 data cannot reasonably be linked to an identified or identifiable
16 agricultural producer, farm, parcel, device, or equipment;

17 (3) Agricultural data:

18 (a) Means any of the following that is collected, produced, or
19 generated in this state and is linked or reasonably linked to an
20 identified or reasonably identifiable agricultural producer: Agronomic
21 data, climate and weather data, land data, livestock data, management
22 data, and sustainability data; and

23 (b) Does not include any of the following:

24 (i) Aggregated data;

25 (ii) Derived data; and

26 (iii) Any data that is described under subdivision (3)(a) of this
27 section that would otherwise qualify as agricultural data, if such data
28 is made available to the general public by an agency as defined in
29 section 84-901;

30 (4) Agricultural producer means the person that is the owner,
31 lessee, or renter of the farm, livestock, land, device, or equipment from

1 which agricultural data originates;

2 (5) Agronomic data means information relating to soil management or
3 crop production, including data relating to any crop, field, planting
4 activity, seed type, yield, disease and pest management, fertilizer type
5 or application, or prescription;

6 (6) Climate and weather data means information regarding the
7 conditions of the atmosphere at a place and time and how such conditions
8 generally prevail in such place over a long period of time that is
9 collected, produced, or generated by the equipment of an agricultural
10 producer or by devices located on the land of an agricultural producer.
11 Climate and weather data:

12 (a) Includes the following information: Precipitation type and
13 amount, wind speed and direction, and temperature; and

14 (b) Does not include information that is made available to the
15 general public by a governmental entity or public source;

16 (7) Controller means a person who or entity that, alone or jointly
17 with others, determines the purpose and means of processing agricultural
18 data;

19 (8) Derived data means data that has been significantly modified,
20 processed, analyzed, or compiled. Derived data includes agronomic
21 insights, reports, and predictive models;

22 (9) Land data means information regarding the physical attributes of
23 a parcel of land, including the types and fertility of soils, the
24 topography, elevation, watershed, and drainage of such parcel, and
25 geospatial information regarding such parcel;

26 (10) Livestock data means information regarding the production of
27 animals by an agricultural producer, including animal identification
28 practices, pedigree information, genetic information, and feed
29 consumption information;

30 (11) Management data means information regarding the management of
31 an agricultural producer's agricultural operations. Farm management data

1 includes:

2 (a) The finances, taxes, and employment of the agricultural
3 producer;

4 (b) The price received or paid for any commodity;

5 (c) Data regarding the compliance of the agricultural producer with
6 any law;

7 (d) Data regarding the supply chain for a commodity that is produced
8 or used by the agricultural producer; and

9 (e) Information regarding the tillage and conservation practices of
10 the agricultural producer;

11 (12) Processor means a person who or entity that processes
12 agricultural data on behalf of a controller;

13 (13)(a) Sale of agricultural data means the exchange of agricultural
14 data for monetary or other valuable consideration by a controller or
15 processor to a third party; and

16 (b) Sale of agricultural data does not include any:

17 (i) Disclosure or transfer of agricultural data to a processor by a
18 controller;

19 (ii) Use of agricultural data by a processor, if such use is
20 authorized by a controller;

21 (iii) Disclosure, transfer, or use of agricultural data for the
22 purpose of a controller or processor providing a service to an
23 agricultural producer;

24 (iv) Disclosure, transfer, or use of agricultural data to an
25 affiliate of the controller or processor;

26 (v) Disclosure that is expressly directed, initiated, or authorized
27 in writing by an agricultural producer to a designated third party,
28 including any input provider, advisor, lender, insurer, cooperative, or
29 digital platform chosen by the producer;

30 (vi) Disclosure that is required by a state or federal law,
31 regulation, subpoena, investigative demand, or court order;

1 (vii) Disclosure that is required for compliance with a state or
2 federal safety, emissions, or environmental obligation;
3 (viii) Disclosure of information that an agricultural producer:
4 (A) Intentionally made available to the general public through a
5 mass media channel; and
6 (B) Did not restrict to a specific audience;
7 (ix) Disclosure or transfer of agricultural data by a controller to
8 a third party as an asset in which the third party assumes control of all
9 or a part of the controller's assets and that is part of a proposed or
10 actual:
11 (A) Merger;
12 (B) Acquisition;
13 (C) Bankruptcy; or
14 (D) Transaction; or
15 (x) Disclosure, transfer, or use that is reasonably necessary to
16 detect, prevent, or respond to any fraud, abuse, cybersecurity threat,
17 illegal conduct, data integrity issue, or equipment misuse;
18 (14) Service means any service that is provided by a controller or
19 processor to an agricultural producer and that may be used to maintain,
20 diagnose, repair, support, secure, improve, or provide any equipment,
21 software, device, technology, product, or service to the agricultural
22 producer, including any telematic service, remote diagnostic, predictive
23 maintenance, warranty administration, safety notification, recall
24 activity, cybersecurity service, product improvement, quality
25 improvement, system performance enhancement, internal algorithm training,
26 over-the-air update, or purchase of a commodity from the agricultural
27 producer; and
28 (15) Sustainability data means information regarding greenhouse-gas
29 emissions, carbon sequestration, and water-quality impact, and any other
30 environmental or conservation practice used to verify sustainability
31 claims.

1 **Sec. 4.** (1) For purposes of this section, control means a person
2 has the power to:

3 (a) Avail substantially all of the benefits from such agricultural
4 data;

5 (b) Prevent other persons from availing substantially all of the
6 benefits from such agricultural data; and

7 (c) Transfer a power described in subdivision (a) or (b) of this
8 subsection to another person.

9 (2) An agricultural producer is the owner, and has control, of the
10 agricultural data that originates from the farm, land, device, or
11 equipment of such agricultural producer.

12 (3) A controller or processor that collects, stores, or uses
13 agricultural data is deemed to have a nonexclusive right of control over
14 such agricultural data solely for the purpose of providing services,
15 maintaining equipment, or performing data processing authorized by the
16 agricultural producer.

17 (4) The nonexclusive right of control that is granted to a
18 controller or processor under this section does not include the power to
19 engage in the sale of such agricultural data.

20 **Sec. 5.** (1) A controller or processor shall not engage in the sale
21 of agricultural data without the express written consent of the
22 agricultural producer.

23 (2) Written consent for the sale of agricultural data shall be
24 obtained through a clear and conspicuous disclosure that is separate from
25 the primary terms of service or data use agreement.

26 **Sec. 6.** (1) Beginning on January 1, 2027, every new contract or
27 agreement involving the collection or processing of agricultural data in
28 this state shall contain a specific provision stating that the controller
29 or processor is prohibited from engaging in the sale of such agricultural
30 data without the express written consent of the agricultural producer.

31 (2) Any contract provision that waives or limits the requirements of

1 the Agricultural Data Privacy Act is contrary to public policy and is
2 void and unenforceable.

3 **Sec. 7.** (1) Any controller or processor in custody or possession of
4 agricultural data shall establish, implement, and maintain reasonable
5 administrative, technical, and physical data security practices to
6 protect the confidentiality, integrity, and accessibility of such
7 agricultural data.

8 (2) Such security practices shall be appropriate for the volume and
9 nature of the agricultural data and protect against unauthorized access,
10 use, disclosure, modification, or loss.

11 **Sec. 8.** (1) The Attorney General may bring an action in the
12 district court of Lancaster County against any controller or processor
13 that violates the Agricultural Data Privacy Act to:

14 (a) Seek injunctive relief; or

15 (b) Recover a civil penalty in the amount of one thousand dollars
16 for each separate violation. Any such civil penalty that is recovered
17 shall be remitted to the State Treasurer for distribution in accordance
18 with Article VII, section 5, of the Constitution of Nebraska.

19 (2) The Agricultural Data Privacy Act shall not be construed to
20 create any new private cause of action. The enforcement authority granted
21 to the Attorney General under this section shall be the exclusive remedy
22 for violations of the Agricultural Data Privacy Act.

23 **Sec. 9.** (1) Prior to bringing an action to recover a civil penalty
24 for a violation of section 6 or 7 of this act, the Attorney General shall
25 provide a controller or processor with a written notice that identifies
26 the specific provision of section 6 or 7 of this act that the Attorney
27 General alleges has been or is being violated.

28 (2) No such action for a civil penalty shall be initiated if, within
29 forty-five days after receiving the written notice, the controller or
30 processor:

31 (a) Cures each such alleged violation; and

1 (b) Provides the Attorney General with a written statement that
2 specifies that each such alleged violation has been cured and that such
3 controller or processor will refrain from further violations of the
4 Agricultural Data Privacy Act.

5 (3) This section shall not apply to any violation of section 5 of
6 this act.

7 **Sec. 10.** The Agricultural Data Privacy Act shall not be construed
8 to:

9 (1) Limit or supersede any duty or obligation that is imposed by any
10 federal law or any other law of the State of Nebraska;

11 (2) Relieve any person from any duty or obligation otherwise imposed
12 by law;

13 (3) Impair, supersede, or otherwise affect the terms of any private
14 contract that is in existence prior to the operative date of this
15 section; or

16 (4) Limit or supersede any duty or obligation that is imposed by any
17 natural resources district that is operating pursuant to Chapter 2,
18 article 32, any agency as defined in section 84-901, or any employee or
19 agent of such natural resources district or state agency when acting in
20 performance of a statutory duty.

21 **Sec. 11.** Section 84-712.05, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 84-712.05 The following records, unless publicly disclosed in an
24 open court, open administrative proceeding, or open meeting or disclosed
25 by a public entity pursuant to its duties, may be withheld from the
26 public by the lawful custodian of the records:

27 (1) Personal information in records regarding a student, prospective
28 student, or former student of any educational institution or exempt
29 school that has effectuated an election not to meet state approval or
30 accreditation requirements pursuant to section 79-1601 when such records
31 are maintained by and in the possession of a public entity, other than

1 routine directory information specified and made public consistent with
2 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
3 regulations adopted thereunder;

4 (2) Medical records, other than records of births and deaths and
5 except as provided in subdivisions (5) and (27) of this section, in any
6 form concerning any person; records of elections filed under section
7 44-2821; and patient safety work product under the Patient Safety
8 Improvement Act;

9 (3) Trade secrets, academic and scientific research work which is in
10 progress and unpublished, and other proprietary or commercial information
11 which if released would give advantage to business competitors and serve
12 no public purpose;

13 (4) Records which represent the work product of an attorney and the
14 public body involved which are related to preparation for litigation,
15 labor negotiations, or claims made by or against the public body or which
16 are confidential communications as defined in section 27-503;

17 (5) Records developed or received by law enforcement agencies and
18 other public bodies charged with duties of investigation or examination
19 of persons, institutions, or businesses, when the records constitute a
20 part of the examination, investigation, intelligence information,
21 complaints or inquiries from residents of this state or other interested
22 persons, informant identification, or strategic or tactical information
23 used in law enforcement training, except that this subdivision shall not
24 apply to records so developed or received:

25 (a) Relating to the presence of and amount or concentration of
26 alcohol or drugs in any body fluid of any person; or

27 (b) Relating to the cause of or circumstances surrounding the death
28 of an employee arising from or related to his or her employment if, after
29 an investigation is concluded, a family member of the deceased employee
30 makes a request for access to or copies of such records. This subdivision
31 does not require access to or copies of informant identification, the

1 names or identifying information of members of the public making
2 complaints or inquiries, other information which would compromise an
3 ongoing criminal investigation, or information which may be withheld from
4 the public under another provision of law. For purposes of this
5 subdivision, family member means a spouse, child, parent, sibling,
6 grandchild, or grandparent by blood, marriage, or adoption;

7 (6) The identity and personal identifying information of an alleged
8 victim of sexual assault or sex trafficking as provided in section
9 29-4316;

10 (7) Appraisals or appraisal information and negotiation records
11 concerning the purchase or sale, by a public body, of any interest in
12 real or personal property, prior to completion of the purchase or sale;

13 (8) Personal information in records regarding personnel of public
14 bodies other than salaries and routine directory information;

15 (9) Information solely pertaining to protection of the security of
16 public property and persons on or within public property, such as
17 specific, unique vulnerability assessments or specific, unique response
18 plans, either of which is intended to prevent or mitigate criminal acts
19 the public disclosure of which would create a substantial likelihood of
20 endangering public safety or property; computer or communications network
21 schema, passwords, and user identification names; guard schedules; lock
22 combinations; or public utility infrastructure specifications or design
23 drawings the public disclosure of which would create a substantial
24 likelihood of endangering public safety or property, unless otherwise
25 provided by state or federal law;

26 (10) Information that relates details of physical and cyber assets
27 of critical energy infrastructure or critical electric infrastructure,
28 including (a) specific engineering, vulnerability, or detailed design
29 information about proposed or existing critical energy infrastructure or
30 critical electric infrastructure that (i) relates details about the
31 production, generation, transportation, transmission, or distribution of

1 energy, (ii) could be useful to a person in planning an attack on such
2 critical infrastructure, and (iii) does not simply give the general
3 location of the critical infrastructure and (b) the identity of personnel
4 whose primary job function makes such personnel responsible for (i)
5 providing or granting individuals access to physical or cyber assets or
6 (ii) operating and maintaining physical or cyber assets, if a reasonable
7 person, knowledgeable of the electric utility or energy industry, would
8 conclude that the public disclosure of such identity could create a
9 substantial likelihood of risk to such physical or cyber assets.
10 Subdivision (10)(b) of this section shall not apply to the identity of a
11 chief executive officer, general manager, vice president, or board member
12 of a public entity that manages critical energy infrastructure or
13 critical electric infrastructure. The lawful custodian of the records
14 must provide a detailed job description for any personnel whose identity
15 is withheld pursuant to subdivision (10)(b) of this section. For purposes
16 of subdivision (10) of this section, critical energy infrastructure and
17 critical electric infrastructure mean existing and proposed systems and
18 assets, including a system or asset of the bulk-power system, whether
19 physical or virtual, the incapacity or destruction of which would
20 negatively affect security, economic security, public health or safety,
21 or any combination of such matters;

22 (11) The security standards, procedures, policies, plans,
23 specifications, diagrams, access lists, and other security-related
24 records of the Lottery Division of the Department of Revenue and those
25 persons or entities with which the division has entered into contractual
26 relationships. Nothing in this subdivision shall allow the division to
27 withhold from the public any information relating to:

28 (a) Amounts paid persons or entities with which the division has
29 entered into contractual relationships;

30 (b) Amounts of prizes paid; or

31 (c) The name of any prize winner awarded a prize of less than two

1 hundred fifty thousand dollars, and the city, village, or county where
2 the prize winner resides;

3 (12) With respect to public utilities and except as provided in
4 sections 43-512.06 and 70-101, personally identified private customer
5 account payment and customer use information, credit information on
6 others supplied in confidence, and customer lists;

7 (13) Records or portions of records kept by a publicly funded
8 library which, when examined with or without other records, reveal the
9 identity of any library patron using the library's materials or services;

10 (14) Correspondence, memoranda, and records of telephone calls
11 related to the performance of duties by a member of the Legislature in
12 whatever form. The lawful custodian of the correspondence, memoranda, and
13 records of telephone calls, upon approval of the Executive Board of the
14 Legislative Council, shall release the correspondence, memoranda, and
15 records of telephone calls which are not designated as sensitive or
16 confidential in nature to any person performing an audit of the
17 Legislature. A member's correspondence, memoranda, and records of
18 confidential telephone calls related to the performance of his or her
19 legislative duties shall only be released to any other person with the
20 explicit approval of the member;

21 (15) Records or portions of records kept by public bodies which
22 would reveal the location, character, or ownership of any known
23 archaeological, historical, or paleontological site in Nebraska when
24 necessary to protect the site from a reasonably held fear of theft,
25 vandalism, or trespass. This section shall not apply to the release of
26 information for the purpose of scholarly research, examination by other
27 public bodies for the protection of the resource or by recognized tribes,
28 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
29 the federal Native American Graves Protection and Repatriation Act;

30 (16) Records or portions of records kept by public bodies which
31 maintain collections of archaeological, historical, or paleontological

1 significance which reveal the names and addresses of donors of such
2 articles of archaeological, historical, or paleontological significance
3 unless the donor approves disclosure, except as the records or portions
4 thereof may be needed to carry out the purposes of the Unmarked Human
5 Burial Sites and Skeletal Remains Protection Act or the federal Native
6 American Graves Protection and Repatriation Act;

7 (17) Library, archive, and museum materials acquired from
8 nongovernmental entities and preserved solely for reference, research, or
9 exhibition purposes, for the duration specified in subdivision (17)(b) of
10 this section, if:

11 (a) Such materials are received by the public custodian as a gift,
12 purchase, bequest, or transfer; and

13 (b) The donor, seller, testator, or transferor conditions such gift,
14 purchase, bequest, or transfer on the materials being kept confidential
15 for a specified period of time;

16 (18) Job application materials submitted by applicants, other than
17 finalists or a priority candidate for a position described in section
18 85-106.06 selected using the enhanced public scrutiny process in section
19 85-106.06, who have applied for employment by any public body as defined
20 in section 84-1409. For purposes of this subdivision, (a) job application
21 materials means employment applications, resumes, reference letters, and
22 school transcripts and (b) finalist means any applicant who is not an
23 applicant for a position described in section 85-106.06 and (i) who
24 reaches the final pool of applicants, numbering four or more, from which
25 the successful applicant is to be selected, (ii) who is an original
26 applicant when the final pool of applicants numbers less than four, or
27 (iii) who is an original applicant and there are four or fewer original
28 applicants;

29 (19)(a) Records obtained by the Public Employees Retirement Board
30 pursuant to section 84-1512 and (b) records maintained by the board of
31 education of a Class V school district and obtained by the board of

1 trustees or the Public Employees Retirement Board for the administration
2 of a retirement system provided for under the Class V School Employees
3 Retirement Act pursuant to section 79-989;

4 (20) Social security numbers; credit card, charge card, or debit
5 card numbers and expiration dates; and financial account numbers supplied
6 to state and local governments;

7 (21) Information exchanged between a jurisdictional utility and city
8 pursuant to section 66-1867;

9 (22) Draft records obtained by the Nebraska Retirement Systems
10 Committee of the Legislature and the Governor from Nebraska Public
11 Employees Retirement Systems pursuant to subsection (4) of section
12 84-1503;

13 (23) All prescription drug information submitted pursuant to section
14 71-2454, all data contained in the prescription drug monitoring system,
15 and any report obtained from data contained in the prescription drug
16 monitoring system;

17 (24) Information obtained by any government entity, whether federal,
18 state, county, or local, regarding firearm registration, possession,
19 sale, or use that is obtained for purposes of an application permitted or
20 required by law or contained in a permit or license issued by such
21 entity. Such information shall be available upon request to any federal,
22 state, county, or local law enforcement agency;

23 (25) The security standards, procedures, policies, plans,
24 specifications, diagrams, and access lists and other security-related
25 records of the State Racing and Gaming Commission, those persons or
26 entities with which the commission has entered into contractual
27 relationships, and the names of any individuals placed on the list of
28 self-excluded persons with the commission as provided in section 9-1118.
29 Nothing in this subdivision shall allow the commission to withhold from
30 the public any information relating to the amount paid any person or
31 entity with which the commission has entered into a contractual

1 relationship, the amount of any prize paid, the name of the prize winner,
2 and the city, village, or county where the prize winner resides;

3 (26) Records relating to the nature, location, or function of
4 cybersecurity by the State of Nebraska or any of its political
5 subdivisions or any other public entity subject to sections 84-712 to
6 84-712.09, including, but not limited to, devices, programs, or systems
7 designed to protect computer, information technology, or communications
8 systems against terrorist or other attacks. The Nebraska Information
9 Technology Commission shall adopt and promulgate rules and regulations to
10 implement this subdivision;

11 (27) Vital event records, unless all information designated as
12 confidential under the Vital Statistics Act or all personally
13 identifiable information is redacted by the Department of Health and
14 Human Services;

15 (28) Information or records from historical indexes within one
16 hundred years after the event date of the information or record; ~~and~~

17 (29) The certificate number for any vital event certificate; and ~~-~~

18 (30) Agricultural data as defined in section 3 of this act, unless
19 prior written consent has been obtained from the owner of such
20 agricultural data under the Agricultural Data Privacy Act.

21 **Sec. 12.** Sections 12 to 18 of this act shall be known and may be
22 cited as the Conversational Artificial Intelligence Safety Act.

23 **Sec. 13.** For purposes of the Conversational Artificial Intelligence
24 Safety Act:

25 (1) Account holder means an individual who has, or opens, an account
26 or profile to use a conversational artificial intelligence service;

27 (2)(a) Conversational artificial intelligence service means an
28 artificial intelligence software application, web interface, or computer
29 program that is accessible to the general public and that primarily
30 simulates human conversation and interaction through textual, visual, or
31 aural communications.

1 (b) Conversational artificial intelligence service does not include
2 an application, web interface, or computer program that is any of the
3 following:

4 (i) Primarily designed and marketed for use by developers or
5 researchers;

6 (ii) A feature within another software application, web interface,
7 or computer program that is not a conversational artificial intelligence
8 service;

9 (iii) Designed to provide outputs relating to a narrow and discrete
10 topic;

11 (iv) Primarily designed and marketed for commercial use by business
12 entities;

13 (v) Functions as a speaker and voice command interface or voice-
14 activated virtual assistant for a consumer electronic device;

15 (vi) Used by a business solely for internal purposes; or

16 (vii) Used by a business solely for customer service or strictly to
17 provide users with information about available commercial services or
18 products provided by the business, customer service account information,
19 or other information strictly related to the business's customer service;

20 (3) Individual means a natural person;

21 (4) Minor means an individual that, based upon the circumstance, the
22 operator has actual knowledge or reasonable certainty is younger than
23 eighteen years of age;

24 (5) Minor account holder means an account holder who is a minor;

25 (6)(a) Operator means a person who makes available a conversational
26 artificial intelligence service to the public.

27 (b) Operator does not include mobile application stores or search
28 engines solely because they provide access to a conversational artificial
29 intelligence service;

30 (7) Person means a natural person or legal entity; and

31 (8) Sexually explicit conduct and visual depiction have the same

1 meanings as in 18 U.S.C. 2256.

2 **Sec. 14.** (1) An operator shall clearly and conspicuously disclose
3 to each minor account holder that such minor account holder is
4 interacting with artificial intelligence:

5 (a) As a persistent visible disclaimer; or

6 (b) Both:

7 (i) At the beginning of each session; and

8 (ii) Appearing at least every three hours in a continuous
9 conversational artificial intelligence service interaction.

10 (2) An operator shall not provide a minor account holder with points
11 or similar rewards at unpredictable intervals with the intent to
12 encourage increased engagement with the conversational artificial
13 intelligence service.

14 (3) An operator shall, for minor account holders, institute
15 reasonable measures to prevent the conversational artificial intelligence
16 service from:

17 (a) Producing visual depictions of sexually explicit conduct;

18 (b) Generating direct statements that the account holder should
19 engage in sexually explicit conduct; or

20 (c) Generating statements that sexually objectify the account
21 holder.

22 (4) For minor account holders, the operator shall institute
23 reasonable measures to prevent the conversational artificial intelligence
24 service from generating statements that would lead a reasonable person to
25 believe that they are interacting with a human, including:

26 (a) Explicit claims that the conversational artificial intelligence
27 service is sentient or human;

28 (b) Statements that simulate emotional dependence;

29 (c) Statements that simulate romantic or sexual innuendos; or

30 (d) Role-playing of adult-minor romantic relationships.

31 (5) An operator shall offer tools for minor account holders, and,

1 when such account holders are younger than thirteen years of age, their
2 parents or guardians, to manage the account holders' privacy and account
3 settings. An operator shall also offer related tools to the parents or
4 guardians of minor account holders thirteen years of age and older, as
5 appropriate based on relevant risks.

6 **Sec. 15.** If a reasonable person interacting with a conversational
7 artificial intelligence service would be misled to believe that the
8 person is interacting with a human, an operator shall clearly and
9 conspicuously disclose that the conversational artificial intelligence
10 service is artificial intelligence.

11 **Sec. 16.** An operator shall adopt a protocol for the conversational
12 artificial intelligence service to respond to user prompts regarding
13 suicidal ideation or self-harm that includes, but is not limited to,
14 making reasonable efforts to provide a response to the user that refers
15 them to crisis service providers such as a suicide hotline, crisis text
16 line, or other appropriate crisis services.

17 **Sec. 17.** An operator shall not knowingly and intentionally cause or
18 program a conversational artificial intelligence service to make any
19 representation or statement that explicitly indicates that the
20 conversational artificial intelligence service is designed to provide
21 professional mental or behavioral health care.

22 **Sec. 18.** (1) The Attorney General may enforce the Conversational
23 Artificial Intelligence Safety Act.

24 (2)(a) The Attorney General may bring a civil action for appropriate
25 relief against an operator for a violation of the Conversational
26 Artificial Intelligence Safety Act, on behalf of the State of Nebraska or
27 on behalf of any person aggrieved by a violation of the act.

28 (b) In an action under this section, appropriate relief includes:

29 (i) Such preliminary and other equitable or declaratory relief as
30 may be appropriate;

31 (ii) An award of actual damages;

1 (iii) Civil penalties of at least one thousand dollars per
2 violation, but in no event more than five hundred thousand dollars per
3 operator. Any such civil penalty that is recovered shall be remitted to
4 the State Treasurer for distribution in accordance with Article VII,
5 section 5, of the Constitution of Nebraska; and

6 (iv) Reasonable expenses incurred in bringing the civil action,
7 including court costs, reasonable attorney's fees, investigative costs,
8 witness fees, and deposition costs.

9 (3) Nothing in the Conversational Artificial Intelligence Safety Act
10 shall be interpreted as creating a private right of action.

11 (4) The Conversational Artificial Intelligence Act shall not create
12 liability for the developer of an artificial intelligence model for any
13 violation of the act by a conversational artificial intelligence system
14 developed by a third-party operator to provide a conversational
15 artificial intelligence service for such developer.

16 **Sec. 19.** Sections 12, 13, 14, 15, 16, 17, and 18 of this act become
17 operative on July 1, 2027. The other sections of this act become
18 operative on their effective date.

19 **Sec. 20.** Original section 84-712.05, Reissue Revised Statutes of
20 Nebraska, is repealed.