

SENATE BILL 2431

By Powers

AN ACT to amend Tennessee Code Annotated, Title 47,  
relative to the use of artificial intelligence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding  
the following as a new part:

**47-18-5701.**

As used in this part:

(1) "Artificial intelligence" or "A.I.":

(A) Means a machine-based system that:

(i) Can, for a set of human-defined objectives, make  
predictions, recommendations, or decisions influencing real and  
virtual environments without significant human oversight, or that  
can learn from experience in an automated manner and improve  
the system's performance when exposed to data sets; or

(ii) Is developed in any context, including software or  
physical hardware, and solves tasks requiring human-like  
perception, cognition, planning, learning, communication, or  
physical action; and

(B) Includes generative artificial intelligence;

(2) "Disclosure" means a clear and conspicuous notice, appropriate for  
the medium of the content, that identifies that content as A.I.-generated;

(3) "Distribute" means to give content, including text, an image, audio, or video, directly to a person, or to disseminate the material in such a manner that the person disseminating the material should reasonably know the material will be accessed by other persons;

(4) "Generative artificial intelligence" means an artificial intelligence system that is capable of creating new content or data, including text, images, audio, or video, when prompted by an individual;

(5) "Likeness" means an individual's specific image or appearance or voice; and

(6) "Person" means an individual or entity, including a corporation, partnership, association, or other legal organization.

**47-18-5702.**

(a)

(1) A person shall include a disclosure on the following content when it is generated using A.I.:

(A) An image, video, or audio recording, including a song, using the likeness of another individual; or

(B) A piece of literature or other written work, including a news story, when the literature or other written work is written by an individual other than the individual listed as the author.

(2) The disclosure must be implemented prior to distribution of the content within this state and is required regardless of whether consent to create the content was given by the individual whose likeness or writing is depicted.

(b) The disclosure required by subsection (a) must be included regardless of whether the content is distributed:

- (1) In the same form as it was generated; or
- (2) After modification by a person.

**47-18-5703.**

(a) If a person has reason to believe a violation of § 47-18-5702 has occurred or is occurring, then the person may bring a cause of action in a court of competent jurisdiction.

(b) If the court finds that a person distributed A.I.-generated content without the disclosure required by § 47-18-5702, then the court must issue an injunction and award to the prevailing party:

- (1) Actual damages;
- (2) Punitive damages, if any; and
- (3) Reasonable attorneys' fees and court costs.

**47-18-5704.**

(a) A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter. A violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to the penalties and remedies in this part.

(b) The attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under the Tennessee Consumer Protection Act of 1977 related to alleged violations of this part. The attorney general and reporter may institute any proceedings involving alleged violations of this part in Davidson County circuit or chancery court or any other venue otherwise permitted by law.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to conduct occurring on or after that date.