

SB3180



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3180

Introduced 2/2/2026, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2MMMM new

Creates the Artificial Intelligence Data Privacy Act. Prohibits a deployer from training an artificial intelligence on a user's data and retaining the training data indefinitely unless specified conditions are satisfied. Sets forth provisions concerning a private right of action. Provides that a violation of the Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Amends the Consumer Fraud and Deceptive Business Practices Act to make a conforming change. Effective January 1, 2027.

LRB104 19685 SPS 33134 b

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Artificial Intelligence Data Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Artificial intelligence" has the meaning set forth in
8 Section 2-101 of the Illinois Human Rights Act.

9 "Covered information" means any data:

10 (1) created by or provided to a deployer by a user in
11 the course of using the deployer's artificial
12 intelligence; or

13 (2) gathered by a deployer through the deployment of
14 an artificial intelligence to the user.

15 "Deployer" means a person or entity who deploys artificial
16 intelligence to a user.

17 "Deploys artificial intelligence" means to integrate
18 artificial intelligence into an environment in which the
19 artificial intelligence is accessible to a user through a
20 website, mobile application, dashboard, or other product or
21 service.

22 "User" means an individual who resides in this State and
23 uses a deployed artificial intelligence.

1 Section 10. Deployer requirements.

2 (a) Beginning on January 1, 2027, a deployer shall comply
3 with either of the following:

4 (1) a deployer's artificial intelligence shall not
5 train on a user's covered information and retain the
6 training data indefinitely, unless the deployer first:

7 (A) informs the user, in writing, that the
8 artificial intelligence will retain training data
9 indefinitely; and

10 (B) obtains the user's express written consent to
11 allow the artificial intelligence to retain the
12 training data indefinitely; or

13 (2) the default setting on the deployer's artificial
14 intelligence prohibits the artificial intelligence from
15 training on a user's covered information and is only
16 permitted to train on a user's covered information if the
17 user:

18 (A) is notified that the artificial intelligence
19 will retain the training data indefinitely; and

20 (B) affirmatively consents to change the default
21 setting.

22 (b) A deployer may not disclose a user's covered
23 information to a third party unless the deployer first obtains
24 express written consent from the user for that disclosure.

1 Section 15. Private right of action. A user who is
2 aggrieved by a violation of this Act may bring a civil action
3 against an offending party. A prevailing plaintiff may
4 recover:

5 (1) against a private entity that negligently violates
6 a provision of this Act, liquidated damages of \$1,000 or
7 actual damages, whichever is greater;

8 (2) against a private entity that intentionally or
9 recklessly violates a provision of this Act, liquidated
10 damages of \$5,000 or actual damages, whichever is greater;

11 (3) reasonable attorney's fees and costs, including
12 expert witness fees and other litigation expenses; and

13 (4) other relief, including injunctive relief, as the
14 court may deem appropriate.

15 Section 20. Enforcement by the Attorney General. A
16 violation of this Act constitutes an unlawful practice under
17 the Consumer Fraud and Deceptive Business Practices Act. All
18 remedies, penalties, and authority granted to the Attorney
19 General by the Consumer Fraud and Deceptive Business Practices
20 Act shall be available to the Attorney General for the
21 enforcement of this Act.

22 Section 90. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by adding Section 2MMMM as follows:

1 (815 ILCS 505/2MMMM new)

2 Sec. 2MMMM. Violations of the Artificial Intelligence Data
3 Privacy Act. Any person who violates the Artificial
4 Intelligence Data Privacy Act commits an unlawful practice
5 within the meaning of this Act.

6 Section 99. Effective date. This Act takes effect January
7 1, 2027.