

1 AN ACT relating to automated online activity.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act:*

6 *(1) "Bot" means an automated online account where all or substantially all the*
7 *actions or posts of that account are not the immediate result of an action by a*
8 *person;*

9 *(2) "Online" means appearing on any public-facing internet website, web*
10 *application, or digital application, including a social network or publication;*

11 *(3) "Online platform" means any public-facing internet website, web application, or*
12 *digital application, including a social network or publication that has ten*
13 *thousand (10,000) or more unique monthly United States visitors or users for a*
14 *majority of months during the preceding twelve (12) months; and*

15 *(4) "Person" means a natural person, corporation, trust, partnership, incorporated*
16 *or unincorporated association, and any other legal entity.*

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
18 READ AS FOLLOWS:

19 *(1) It shall be unlawful for any person to use a bot to communicate or interact with*
20 *another person in Kentucky online, with the intent to mislead the other person*
21 *about its artificial identity for the purpose of knowingly deceiving the person*
22 *about the content of the communication in order to incentivize a purchase or sale*
23 *of goods or services in a commercial transaction.*

24 *(2) For purposes of this section, a commercial transaction shall include but not be*
25 *limited to revenue generated due to increased traffic on an online platform as a*
26 *result of a person using a bot.*

27 *(3) A person using a bot shall not be liable for a violation under this section if the*

1 person discloses that it is a bot. The disclosure required by this section shall be
2 clear, conspicuous, and reasonably designed to inform persons with whom the bot
3 communicates or interacts that it is a bot.

4 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) Nothing in Sections 1 to 3 of this Act shall be construed to impose a duty on
7 service providers of online platforms, including but not limited to web hosting
8 and internet service providers.

9 (2) A violation of Sections 1 to 3 of this Act shall constitute an unfair, false,
10 misleading, or deceptive act or practice in the conduct of trade or commerce
11 under KRS 367.170.

12 (3) All of the remedies, powers, and duties provided to the Attorney General by the
13 Consumer Protection Act, KRS 367.110 to 367.300, appertaining to acts declared
14 unlawful by KRS 367.170 shall apply with equal force and effect to acts or
15 practices declared unlawful by Sections 1 to 3 of this Act.

16 (4) Nothing in Sections 1 to 3 of this Act shall be construed as providing a basis for,
17 or being subject to, a private right of action for a violation of Sections 1 to 3 of
18 this Act.