

## **Massachusetts House of Representatives Bill Summary**

<b>Bill #:</b>	H.495
<b>Title:</b>	An Act reducing emissions from artificial intelligence.
<b>Sponsor:</b>	Rep. David Rogers
<b>Committee:</b>	Economic Development and Emerging Technologies
<b>Hearing Date:</b>	September 25, 2025
<b>Reporting Deadline:</b>	November 24, 2025 (subject to extensions under House Rule 27)
<b>Prior History:</b>	N/A-New file
<b>Key Terms:</b>	See section 1 below.
<b>Current Law:</b>	N/A
<b>Summary:</b>	<p>This bill creates inserts a new chapter in the MGL titled “Chapter 93M Artificial Intelligence” within Title XV, which governs the regulation of trade.</p> <p>This new chapter, Chapter 93M includes four new sections.</p> <p>Section 1 of this new chapter is titled “definitions” and provides definitions for the following terms:</p> <ul style="list-style-type: none"><li>• “Artificial intelligence,” shall mean any technology, including, but not limited to, machine learning, that uses data to train an algorithm or predictive model that enables a computer system or service to autonomously perform any task, including, but not limited to, visual perception, language processing or speech recognition, that is normally associated with human intelligence, perception, or judgment.</li><li>• “Generative artificial intelligence”, shall refer to artificial intelligence, including, but not limited to, a general-purpose</li></ul>

artificial intelligence model, that is used to produce or edit text, audio, images, or video media.

- “Artificial intelligence model”, shall mean a component of an information system that implements artificial intelligence technology and uses computational, statistical, or machine-learning techniques to produce outputs from a given set of inputs.
- “Artificial intelligence system”, shall refer to any data system, software, hardware, application, tool, or utility that operates in whole or in part using artificial intelligence.
- “Covered entity”, shall mean any entity or any person, other than an individual acting in a non-commercial context, that operates a search engine with an artificial intelligence or generative artificial intelligence service BUT does not include Government Agencies or entities whose average annual gross revenue, within the past 3-years, was less than \$10,000,000.
- “Affirmative consent”, shall refer to an affirmative act by an individual that clearly communicates the individual’s freely given, specific, and unambiguous authorization for an act or practice after having been informed, in response to a specific request from a covered entity that meets the requirements of this chapter.
- “Search engine”, shall mean a service that utilizes keywords and phrases inputted by an individual to search the internet and provide an index of web pages, images or videos.
- “Reporting Entity”, shall refer to any company, organization, or other entity that develops or operates an artificial intelligence system; or owns or operates, in whole or in part, a source of greenhouse gas emissions from a generator of electricity or a commercial or industrial site that powers artificial intelligence systems developing or making for use in Massachusetts.

Section 2 of the newly created chapter is titled “Affirmative Consent for Artificial Intelligence Informed Consent”.

This section prohibits covered entities from operating search engines that automatically generate results using artificial intelligence (AI) unless the individual user has explicitly provided affirmative consent. The restriction takes effect 18 months after the law’s effective date,

meaning that, by default, search engines must return results without AI-generated enhancements unless the user actively opts in.

The Executive Office of Technology Services and Security is directed to recognize one or more centralized mechanisms that covered entities can use to offer individuals the opportunity to provide affirmative consent for the use of generative AI in search engines. These mechanisms must meet several requirements.

Covered entities must inform individuals of their ability to provide affirmative consent. The consent option must be presented before any generative AI-generated search results are displayed. Users must be able to provide or withdraw consent on a per-query basis. The mechanism must be clear, easy to understand, and simple for a reasonable individual to use. It must also be available in every language in which the covered entity provides products or services that require affirmative consent. Lastly, the mechanism must be reasonably accessible and usable by individuals with disabilities.

Section 3 of the newly created Chapter 93M is titled “Study on the Impacts of Artificial Intelligence”.

Subsection (a) of Section 3 requires the Secretary of the Executive Office of Energy and Environmental Affairs, in collaboration with the Secretary of the Executive Office of Technology Services and Security, to conduct a comprehensive study on the environmental impacts of artificial intelligence (AI). The study must be completed within 18 months of the bill’s enactment. A report detailing the findings must be submitted to the Speaker of the House, the Senate President, and the Chairs of the Joint Committee on Environment and Natural Resources and the Joint Committee on Telecommunications, Utilities, and Energy. The results of the study must also be made publicly available.

The study must examine several key areas. It should assess the energy consumption and pollution associated with the full lifecycle of both artificial intelligence models and the hardware used to support them. It must also evaluate the energy and water consumption required for cooling data centers.

Additionally, the study should analyze how various factors in AI design, development, deployment, and use—including model efficiency, data center location and power sources, and hardware choices—impact the environment. Local impacts, such as stress on power grids, strain on water sources, and excess noise, must also be considered. The study should further identify any positive

environmental impacts resulting from the use of AI, any negative impacts, including those that may disproportionately affect certain populations, as well as any disparate impacts in the negative environmental impacts of artificial intelligence. The Secretary of the Executive Office of Energy and Environmental Affairs may also include any other environmental impacts in this study.

Subsection (b) of this new chapter requires the Executive Office of Energy and Environmental Affairs to develop a reporting system that requires AI-covered entities to track and report their annual environmental impacts from artificial intelligence. This system shall require

- Each reporting entity to monitor and track the annual environmental impacts, including the carbon emissions, water usage, production of electronic and other waste, mining of materials, and air, water, and soil pollution, caused by each product. Each reporting entity shall report these findings annually to the Department of Energy and Environmental Affairs in a format determined by their office.
- Each reporting entity must additionally report any efforts to offset or mitigate the impacts of their products, or lack thereof.
- That these statements be made publicly available on the Executive Office of Energy and Environmental Affairs website.
- That a penalty not exceeding \$20,000 be assessed to each reporting entity that fails to report its annual environmental impacts for each year it fails to submit the report.