

Artificial Intelligence: the Brazilian Bill of Law

(AI Bill of Law No. 2,338/23 - Version approved by Senate)

Scope

Broad definition of Artificial Intelligence (virtually any software)

Generative AI

Large Language Models

General Purpose AI

Stakeholders

Developer

Distributor

Operator

User

AI Regulatory and Governance System (SIA)

AI Authority

Governance Measures

Preliminary Assessment

Cooperation and Risk Mitigation

Compliance Requirements (Art. 32)

The Authority will define when obligations will be simplified or waived.

Rights applicable to all (Art. 5)

Explainability

Review

Privacy

Non discrimination

Prohibited AI

Induces Behavior

AI Exploiting Personal Vulnerabilities

Classification of Individuals by Public Authorities

Personality Analysis to Assess Criminal Likelihood

AI Used to Create Material on Child Sexual Abuse or Exploitation

Public Identification Using Biometric Systems

Remote Biometric Identification

Autonomous Weapons

Other existing laws affecting AI in Brazil

IA de Alto Risco

An AI system is considered high-risk when employed for the following purposes

Decisions in educational contexts	Assessment of access and eligibility for essential services	Autonomous vehicles
Employment and labor-related processes	Priority public services	Crime analysis and behavioral patterns
Security devices in critical infrastructures	Administration of justice	Health and diagnosis
Immigration and border control	Biometric identification and authentication	Investigation of administrative offenses

Responsibility

Civil liability shall observe the Consumer Protection Code and Civil Code rules.

The definition of the liability regime should take into account the **autonomy** of the AI system, its **level of risk**, and the **nature** of the agents involved, with the possibility of specific civil liability regimes.

Civil Code

Sectorial Laws

Consumer Code

LGPD

High-Risk AI Rights (Art. 6)

Right to Explanation

Right to Contestation and Request for Review

Copyright Act

Software Act