

**House File 2204 - Introduced**

HOUSE FILE 2204  
BY WICHTENDAHL

**A BILL FOR**

1 An Act relating to the requirements for chatbot deployers,  
2 including required protocols, limitations on data collection,  
3 and requirements for minors to interact with artificial  
4 intelligence companions and therapeutic chatbots, and  
5 providing civil penalties, punitive penalties, and civil  
6 causes of action.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **554J.1 Definitions.**

2 1. "*AI companion*" means a chatbot that interacts with users  
3 to simulate a human-like romantic or emotional bond.

4 2. "*Artificial intelligence*" means a machine-based system  
5 that, for any explicit or implicit objective, infers from the  
6 input the system receives to generate output that can influence  
7 physical or virtual environments.

8 3. "*Chatbot*" means an artificial intelligence that is made  
9 to simulate human conversation with a user through text or audio  
10 output.

11 4. "*Deployer*" means a person that owns an artificial  
12 intelligence available for public use.

13 5. "*Minor*" means an individual who is under eighteen years of  
14 age.

15 6. "*Output*" means new content an artificial intelligence  
16 generates based on a user's input in relation to the data  
17 used to train the artificial intelligence. "*Output*" includes  
18 but is not limited to audio-visual media, images, predictions,  
19 recommendations, and text.

20 7. "*Reasonable age verification*" means verifying the age of a  
21 user through any of the following:

22 a. Government-issued identification.

23 b. Financial documents that are reliable evidence of an  
24 individual's age.

25 c. A widely accepted practice that reliably evidences an  
26 individual's age.

27 8. "*Therapeutic chatbot*" means a chatbot designed for the  
28 primary purpose of providing mental health support, counseling,  
29 or therapy by diagnosing, treating, mitigating, or preventing a  
30 mental health condition.

31 Sec. 2. NEW SECTION. **554J.2 Chatbots.**

32 A deployer of a chatbot shall do all of the following:

33 1. Implement and maintain protocols meant to detect, respond  
34 to, report, and mitigate harm the chatbot may cause a user in a  
35 manner that prioritizes the safety and well-being of users over

1 the deployer's interests.

2 2. Limit the collection and storage of user information  
3 collected by the chatbot to what is necessary to fulfill the  
4 deployer's purpose for making the chatbot publicly available.

5 Sec. 3. NEW SECTION. **554J.3 Interactions with minors.**

6 1. A deployer shall implement reasonable age verification  
7 measures to ensure that a minor cannot use or purchase an AI  
8 companion the deployer makes publicly available.

9 2. A deployer shall not make a chatbot publicly available  
10 if the chatbot was knowingly designed to impersonate a real  
11 individual, regardless of whether the individual is living  
12 or deceased, unless the deployer first obtains permission to  
13 impersonate the individual from any of the following:

14 a. For a living individual, from the individual or the  
15 individual's legal representative.

16 b. For a deceased individual, from the person responsible for  
17 the deceased individual's estate. If no person is responsible  
18 for the deceased individual's estate, a deployer may make a  
19 chatbot that was designed to knowingly impersonate a deceased  
20 individual publicly available without permission if the chatbot  
21 was designed solely as an educational or research tool or if  
22 a reasonable person would believe the chatbot has objective  
23 artistic, cultural, or political value.

24 3. A deployer shall not make a therapeutic chatbot available  
25 for a minor's use or purchase unless all of the following apply:

26 a. The therapeutic chatbot provides a clear and conspicuous  
27 disclaimer at the beginning of each interaction with the  
28 therapeutic chatbot that the therapeutic chatbot is an artificial  
29 intelligence and is not a licensed professional.

30 b. The therapeutic chatbot was recommended for the minor's  
31 use by an individual licensed under chapter 154B or 154D after  
32 performing an evaluation of the minor.

33 c. The therapeutic chatbot's developer has significant  
34 documentation of how the therapeutic chatbot was tested.

35 d. Peer-reviewed clinical trial data exists demonstrating the

1 therapeutic chatbot would be a safe, effective tool for the  
2 minor's diagnosis, treatment, mitigation, or prevention of a  
3 mental health condition.

4 e. The therapeutic chatbot's deployer provided clear  
5 disclosures of the chatbot's functions, limitations, and data  
6 privacy policies to the individual recommending the therapeutic  
7 chatbot under paragraph "b", and to the minor's parents,  
8 guardians, or custodians.

9 f. The therapeutic chatbot's deployer developed and  
10 implemented protocols for testing the therapeutic chatbot for  
11 risks to users, identifying possible risks the therapeutic  
12 chatbot poses to users, mitigating risks the therapeutic chatbot  
13 poses to users, and quickly rectifying harm the therapeutic  
14 chatbot may have caused a user.

15 Sec. 4. NEW SECTION. **554J.4 Limitations.**

16 This chapter shall not apply to a chatbot that is designed  
17 to only provide generic responses, including encouragement, to  
18 input from a user, and a reasonable person would not expect the  
19 responses to create an emotional bond between two individuals  
20 having the same conversation.

21 Sec. 5. NEW SECTION. **554J.5 Enforcement.**

22 1. The attorney general may bring an action on behalf of the  
23 state to enforce the provisions of this chapter and may seek an  
24 injunction for violations of this chapter.

25 2. A court may issue a civil penalty of not more than two  
26 thousand five hundred dollars for each violation of this chapter,  
27 or seven thousand five hundred dollars if a person violates an  
28 injunction issued under this chapter. Penalties assessed under  
29 this subsection shall be deposited into the general fund of the  
30 state.

31 3. A minor who uses a chatbot that does not comply with this  
32 chapter may bring an action to recover all of the following:

33 a. The greater of the following:

34 (1) Punitive damages of not less than one hundred dollars but  
35 not more than seven hundred fifty dollars.

- 1 (2) Actual damages.
- 2 b. Emotional distress damages.
- 3 c. Court costs.
- 4 d. Reasonable attorney fees.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill relates to chatbot deployers.

9 The bill defines "AI companion" as a chatbot that interacts  
10 with users to simulate a human-like romantic or emotional bond.

11 The bill defines "artificial intelligence" as a machine-based  
12 system that, for any explicit or implicit objective, infers  
13 from the input the system receives to generate output that can  
14 influence physical or virtual environments.

15 The bill defines "chatbot" as an artificial intelligence that  
16 is made to simulate human conversation with a user through text  
17 or audio output.

18 The bill defines "deployer" as a person that owns an  
19 artificial intelligence available for public use.

20 The bill defines "therapeutic chatbot" as a chatbot designed  
21 for the primary purpose of providing mental health support,  
22 counseling, or therapy by diagnosing, treating, mitigating, or  
23 preventing a mental health condition.

24 The bill also defines "minor", "output", and "reasonable age  
25 verification".

26 The bill requires a deployer of a chatbot to implement  
27 and maintain protocols meant to detect, respond to, report,  
28 and mitigate harm the chatbot may cause a user in a manner  
29 that prioritizes the safety and well-being of users over the  
30 deployer's interests, and limit the collection and storage of  
31 user information collected by the chatbot to what is necessary  
32 to fulfill the deployer's purpose for making the chatbot publicly  
33 available.

34 The bill requires a deployer to implement reasonable age  
35 verification measures to ensure that a minor cannot use or

1 purchase an AI companion the deployer makes publicly available.

2 The bill prohibits a deployer from making a chatbot publicly  
3 available if the chatbot was knowingly designed to impersonate a  
4 real individual, regardless of whether the individual is living  
5 or deceased, unless the deployer first obtains permission to  
6 impersonate the individual from sources detailed in the bill,  
7 or, in situations where no person is responsible for a deceased  
8 individual's estate, a deployer may make such a chatbot publicly  
9 available if the chatbot was designed solely as an educational or  
10 research tool or if a reasonable person would believe the chatbot  
11 has objective artistic, cultural, or political value.

12 The bill prohibits a deployer from making a therapeutic  
13 chatbot available for a minor's mental health support,  
14 counseling, or therapy unless the therapeutic chatbot meets  
15 certain requirements as detailed in the bill.

16 The bill does not apply to a chatbot that is designed to only  
17 provide generic responses, including encouragement, to input from  
18 a user, and a reasonable person would not expect the responses to  
19 create an emotional bond between two individuals having the same  
20 conversation.

21 The bill allows the attorney general to bring an action on  
22 behalf of the state to enforce the bill's provisions and seek  
23 an injunction for violations of the bill. A court may issue a  
24 civil penalty of not more than \$2,500 for each violation of the  
25 bill, or \$7,500 if a person violates an injunction issued under  
26 the bill. Penalties awarded to the state under the bill shall be  
27 deposited into the general fund of the state.

28 The bill allows a minor who uses a chatbot that does not  
29 comply with the bill to bring an action to recover punitive  
30 damages of not less than \$100 but not more than \$750 or actual  
31 damages, whichever is greater; emotional distress damages; court  
32 costs; and reasonable attorney fees.