

# House File 2715 - Introduced

HOUSE FILE 2715  
BY COMMITTEE ON ECONOMIC GROWTH  
AND TECHNOLOGY

(SUCCESSOR TO HSB 647)

## A BILL FOR

1 An Act relating to chatbots, including deployer requirements and  
2 interactions with minors.

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

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

2     1. "*AI companion*" means a public-facing chatbot designed to  
3 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. a. "*Chatbot*" means artificial intelligence that is  
9 described by all of the following:

10    (1) The artificial intelligence accepts open-ended,  
11 natural-language, or multimodal user input and produces adaptive  
12 or context-responsive output.

13    (2) The artificial intelligence produces new expressive  
14 content or responses that were not fully predetermined by the  
15 person who created or who operates the artificial intelligence.

16    b. "*Chatbot*" does not include a service limited to internal  
17 business operations or a service requiring user authentication  
18 through an employer, an educational institution, or a similar  
19 organization.

20    4. "*Commercially reasonable*" means a practice that is  
21 consistent with prevailing industry standards and proportionate  
22 to the size, resources, and technical capabilities of the person  
23 employing the practice.

24    5. "*Deployer*" means a person that makes an AI companion,  
25 a public-facing chatbot, or a therapeutic chatbot available to  
26 users in this state.

27    6. "*Minor*" means an individual who is under eighteen years of  
28 age.

29    7. "*Output*" means new content an artificial intelligence  
30 generates based on a user's input in relation to the data  
31 used to train the artificial intelligence. "*Output*" includes  
32 but is not limited to audio-visual media, images, predictions,  
33 recommendations, and text.

34    8. a. "*Public-facing chatbot*" means a chatbot intentionally  
35 made available to the general public or marketed directly to

1 consumers for independent use without the ongoing supervision of  
2 the deployer or an institutional consumer.

3     *b. "Public-facing chatbot"* does not include any of the  
4 following:

5         (1) Software designed primarily for internal business  
6 operations.

7         (2) Enterprise software licensed to a specific business,  
8 nonprofit organization, or governmental entity.

9         (3) Chatbots used solely within the context of an existing  
10 customer relationship.

11         (4) Systems requiring authentication through an employer,  
12 educational institution, health care provider, or similar  
13 organization prior to use.

14     9. "*Therapeutic chatbot*" means a public-facing chatbot that  
15 is designed for the primary purpose of providing mental  
16 health support, counseling, or therapy by diagnosing, treating,  
17 mitigating, or preventing a mental health condition.

18     Sec. 2. NEW SECTION. **554J.2 Public-facing chatbots —**  
19 **general deployer requirements.**

20     1. A deployer of a public-facing chatbot shall do all of the  
21 following:

22         *a.* Implement and maintain protocols meant to detect, respond  
23 to, report, and mitigate harm the public-facing chatbot may cause  
24 a user in a manner that takes commercially reasonable steps to  
25 protect the safety and well-being of users.

26         *b.* Limit the collection and storage of user information  
27 collected by the public-facing chatbot to what is necessary  
28 to fulfill the deployer's purpose for making the public-facing  
29 chatbot publicly available.

30         *c.* Clearly and conspicuously disclose each time the  
31 deployer's public-facing chatbot begins an interaction with a  
32 user that the public-facing chatbot is artificial intelligence  
33 and is not licensed as a medical, legal, financial, or mental  
34 health professional.

35         *d.* At each three-hour interval of the deployer's

1 public-facing chatbot continuously interacting with a user,  
2 clearly and conspicuously disclose the public-facing chatbot is  
3 artificial intelligence and is not licensed as a medical, legal,  
4 financial, or mental health professional.

5 e. Implement protocols for the deployer's public-facing  
6 chatbot for responding to user prompts indicating the user has  
7 suicidal ideations or the intent to cause self-harm. Protocols  
8 shall include but are not limited to making reasonable efforts  
9 to refer the user to crisis service providers such as a suicide  
10 hotline, crisis text line, or other appropriate service.

11 2. A deployer shall not knowingly or recklessly design or  
12 make a public-facing chatbot available that does any of the  
13 following:

14 a. Misleads a reasonable user into believing the  
15 public-facing chatbot is a specific human being.

16 b. Misleads a reasonable user into believing the  
17 public-facing chatbot is licensed by the state.

18 c. Encourages, promotes, or coerces a user to commit suicide,  
19 perform acts of self-harm, or engage in sexual or physical  
20 violence against a human or an animal.

21 Sec. 3. NEW SECTION. **554J.3 Chatbot interactions with**  
22 **minors.**

23 1. a. A deployer of an AI companion or a therapeutic chatbot  
24 shall implement commercially reasonable measures to determine  
25 whether a user is a minor. The measures must use a risk-based  
26 approach appropriate with the nature of the public-facing chatbot  
27 and the reasonably foreseeable harm that may come from using the  
28 public-facing chatbot.

29 b. Reasonable measures to determine whether a user is a  
30 minor may include self-attestation, technical measures, or other  
31 commercially reasonable approaches.

32 c. This section shall not be construed to require a deployer  
33 to verify a user's age using government-issued identification.

34 2. A deployer of an AI companion or a therapeutic chatbot  
35 shall implement protocols for sending a notification to a minor

1 user's parent, legal guardian, or legal custodian when the minor  
2 user enters a prompt indicating the minor user has suicidal  
3 ideations or the intent to cause self-harm.

4 3. A deployer shall only make a therapeutic chatbot available  
5 for a minor's use or purchase if all of the following apply:

6 a. The therapeutic chatbot was recommended for the minor's  
7 use by an individual licensed under chapter 154B or 154D after  
8 performing an evaluation of the minor.

9 b. The therapeutic chatbot's developer has significant  
10 documentation of how the public-facing chatbot was tested.

11 c. Peer-reviewed clinical trial data exists demonstrating the  
12 therapeutic chatbot would be a safe, effective tool for the  
13 minor's diagnosis, treatment, mitigation, or prevention of a  
14 mental health condition.

15 d. The therapeutic chatbot's deployer provided clear  
16 disclosures of the therapeutic chatbot's functions, limitations,  
17 and data privacy policies to the individual recommending the  
18 therapeutic chatbot under paragraph "a", and to the minor's  
19 parents, guardians, or custodians.

20 e. The therapeutic chatbot's deployer developed and  
21 implemented protocols for testing the therapeutic chatbot for  
22 risks to users, identifying possible risks the therapeutic  
23 chatbot poses to users, mitigating risks the therapeutic chatbot  
24 poses to users, and quickly rectifying harm the therapeutic  
25 chatbot may have caused a user.

26 4. A deployer shall not be liable for a user's  
27 misrepresentation of age if the deployer has made commercially  
28 reasonable efforts to comply with this section.

29 Sec. 4. NEW SECTION. **554J.4 Enforcement.**

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

33 2. a. A court may issue a civil penalty of not more than two  
34 thousand five hundred dollars for each violation of this chapter,  
35 or seven thousand five hundred dollars if a person violates an

1 injunction issued under this chapter.

2     *b.* Penalties assessed under this subsection shall be  
3 deposited into the general fund of the state.

4     3.   a.   Prior to initiating a proceeding to obtain a civil  
5 penalty, the attorney general shall notify a person in violation  
6 of this chapter of the violation and give the person thirty  
7 calendar days from the date the attorney general notified the  
8 person to cure the violation.

9       b. This subsection shall not apply if a violation will cause  
10 imminent harm to a minor.

11      Sec. 5.   NEW SECTION.   **554J.5   Safe harbor.**

12 A deployer that makes commercially reasonable efforts to  
13 comply with this chapter shall not be subject to liability for  
14 unforeseeable or emergent outputs generated by the deployer's  
15 public-facing chatbot.

16      Sec. 6.    NEW SECTION.    **554J.6 Construction.**

17 This chapter shall be narrowly interpreted to apply only to  
18 consumer-facing artificial intelligence. This chapter shall not  
19 be construed to regulate internal business technologies.

20       Sec. 7.   LEGISLATIVE INTENT.  It is the intent of the general  
21 assembly to support innovation in artificial intelligence while  
22 establishing reasonable consumer protections for systems designed  
23 for independent public use.

24 EXPLANATION

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

27      This bill relates to public-facing chatbots (public chatbots).

28     The bill defines "AI companion" as a chatbot designed to  
29 simulate human-like romantic or emotional bonds.

30       The bill defines "deployer" as a person that makes an AI  
31 companion, a public chatbot, or a therapeutic chatbot available  
32 to users in this state.

33       The bill defines "public-facing chatbot" as a chatbot  
34 intentionally made available to the general public or marketed  
35 directly to consumers for independent use without the ongoing

1 supervision of the deployer or an institutional consumer.

2 The bill defines "therapeutic chatbot" as a public chatbot  
3 that is designed for the primary purpose of providing mental  
4 health support, counseling, or therapy by diagnosing, treating,  
5 mitigating, or preventing a mental health condition.

6 The bill also defines "artificial intelligence" (AI),  
7 "chatbot", "commercially reasonable", "minor", and "output".

8 The bill requires a deployer to implement and maintain  
9 protocols meant to detect, respond to, report, and mitigate harm  
10 the deployer's public chatbot may cause a user in a manner that  
11 takes commercially reasonable steps to protect the well-being  
12 of users; limit the collection and storage of user information  
13 collected by a public chatbot to what is necessary to fulfill  
14 the deployer's purpose for making the public chatbot publicly  
15 available; clearly and conspicuously disclose the public chatbot  
16 is AI and not a licensed medical, legal, financial, or mental  
17 health professional at the beginning of the public chatbot's  
18 interaction with a user and at three-hour intervals of continuous  
19 interaction with the user; and implement protocols to respond to  
20 user prompts indicating the user has suicidal ideations or the  
21 intent to cause self-harm.

22 The bill prohibits deployers from knowingly or recklessly  
23 designing or making a public chatbot available if the public  
24 chatbot misleads a reasonable user into believing the public  
25 chatbot is a specific human being; misleads a reasonable user  
26 into believing the public chatbot is licensed by the state;  
27 or encourages, promotes, or coerces a user to commit suicide,  
28 perform acts of self-harm, or engage in sexual or physical  
29 violence against a human or an animal.

30 The bill requires a deployer of an AI companion or a  
31 therapeutic chatbot to implement commercially reasonable measures  
32 to determine whether a user is a minor. The measures must  
33 use a risk-based approach appropriate with the nature of the  
34 public chatbot and the reasonably foreseeable harm that may come  
35 from using the public chatbot. Reasonable measures may include

1 self-attestation, technical measures, or other commercially  
2 reasonable approaches, but the bill is not to be construed to  
3 require a deployer to verify a user's age using government-issued  
4 identification.

5 The bill requires a deployer of an AI companion or a  
6 therapeutic chatbot to implement protocols for sending a  
7 notification to a minor user's parent, legal guardian, or  
8 legal custodian when the minor user enters a prompt indicating  
9 the minor user has suicidal ideations or the intent to cause  
10 self-harm.

11 The bill prohibits a deployer from making a therapeutic  
12 chatbot available for a minor's use or purchase unless the  
13 deployer meets requirements related to therapeutic chatbot use  
14 and safety as detailed in the bill.

15 The bill provides that a deployer is not liable for a user's  
16 misrepresentation of age if the deployer has made commercially  
17 reasonable efforts to comply with the bill.

18 The bill authorizes the attorney general to bring actions on  
19 behalf of the state to enforce the bill and seek injunctions for  
20 violations of the bill.

21 The bill allows a court to issue a civil penalty of not  
22 more than \$2,500 for each violation of the bill, or \$7,500 if  
23 the person violated an injunction issued under the bill. Civil  
24 penalties assessed under the bill shall be deposited into the  
25 general fund of the state.

26 The bill requires the attorney general to notify a person  
27 in violation of the bill of the person's violation and give  
28 the person 30 calendar days from the date the attorney general  
29 notified the person to cure the violation prior to the attorney  
30 general initiating a proceeding to obtain a civil penalty.  
31 However, the requirement to notify a person shall not apply if  
32 a violation will cause imminent harm to a minor.

33 The bill provides that a deployer who makes commercially  
34 reasonable efforts to comply with the bill shall not be subject  
35 to liability for unforeseeable or emergent outputs generated by



1 the deployer's public chatbot.

2 The bill shall be narrowly interpreted to apply only to  
3 consumer-facing AI. The bill shall not be construed to regulate  
4 internal business technologies.

5 The bill states the legislative intent of the general assembly  
6 to support innovation in AI while establishing reasonable  
7 consumer protections for systems designed for independent public  
8 use.

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