

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
2 and interactions with minors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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
12 adaptive 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
23 person employing the practice.

24 5. "*Deployer*" means a person that makes an AI companion, a
25 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
28 of age.

29 7. "*Output*" means new content an artificial intelligence
30 generates based on a user's input in relation to the data used
31 to train the artificial intelligence. "*Output*" includes but
32 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
2 of 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
15 that 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
24 cause a user in a manner that takes commercially reasonable
25 steps to 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 to
28 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
3 is artificial intelligence and is not licensed as a medical,
4 legal, 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
19 suicide, perform acts of self-harm, or engage in sexual or
20 physical 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
24 chatbot shall implement commercially reasonable measures to
25 determine whether a user is a minor. The measures must use
26 a risk-based approach appropriate with the nature of the
27 public-facing chatbot and the reasonably foreseeable harm that
28 may come from using the public-facing chatbot.

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

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

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

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

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

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

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

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

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

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

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

34 2. a. A court may issue a civil penalty of not more than
35 two thousand five hundred dollars for each violation of this

1 intentionally made available to the general public or marketed
2 directly to consumers for independent use without the ongoing
3 supervision of the deployer or an institutional consumer.

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

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

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

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

32 The bill requires a deployer of an AI companion or a
33 therapeutic chatbot to implement commercially reasonable
34 measures to determine whether a user is a minor. The measures
35 must use a risk-based approach appropriate with the nature of

1 the public chatbot and the reasonably foreseeable harm that
2 may come from using the public chatbot. Reasonable measures
3 may include self-attestation, technical measures, or other
4 commercially reasonable approaches, but the bill is not to be
5 construed to require a deployer to verify a user's age using
6 government-issued identification.

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

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

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

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

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

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

35 The bill provides that a deployer who makes commercially

1 reasonable efforts to comply with the bill shall not be subject
2 to liability for unforeseeable or emergent outputs generated by
3 the deployer's public chatbot.

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

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