
A BILL FOR AN ACT

RELATING TO ARTIFICIAL INTELLIGENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known and may be cited as the
2 "Artificial Intelligence Disclosure and Safety Act".

3 SECTION 2. Chapter 481B, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§481B- Artificial intelligence; conversational
7 artificial intelligence services; disclosures; reports;
8 penalties. (a) If a reasonable person interacting with a
9 conversational artificial intelligence service would be led to
10 believe that the person is interacting with a human, an operator
11 shall issue a clear and conspicuous notification indicating that
12 the service is artificial intelligence and not human.

13 (b) If an operator has actual knowledge or reasonable
14 certainty that an account holder or user is a minor, the
15 operator shall clearly and conspicuously disclose to the minor
16 account holder or user that they are interacting with artificial
17 intelligence:



- 1 (1) As a persistent visible disclaimer; or
- 2 (2) Both:
- 3 (A) At the beginning of each session; and
- 4 (B) Appearing at least every three hours in a
- 5 continuous conversational artificial intelligence
- 6 service interaction that reminds the user to take
- 7 a break from the chat and that the conversation
- 8 is artificially generated and not human.
- 9 (c) An operator shall:
- 10 (1) Adopt a protocol for the conversational artificial
- 11 intelligence service to respond to user prompts
- 12 regarding suicidal ideation or self-harm that includes
- 13 but is not limited to making reasonable efforts to
- 14 provide a response to the user that refers them to
- 15 crisis intervention service providers such as a
- 16 suicide hotline, crisis text line, or other
- 17 appropriate crisis services;
- 18 (2) Use evidence-based methods for measuring suicidal
- 19 ideation;
- 20 (3) Not knowingly or intentionally cause or program a
- 21 conversational artificial intelligence service to make



1 any representation or statement that explicitly
2 indicates that the service is designed to provide
3 professional mental or behavioral health care; and
4 (4) Institute reasonable measures to prevent the
5 conversational artificial intelligence service from
6 making any representation or statement that would lead
7 a reasonable person to believe that they are
8 interacting with a human where the user is seeking or
9 receiving crisis intervention services for self-harm
10 or suicide.
11 (d) Where an operator knows or has reasonable certainty
12 that an account holder or user is a minor, an operator shall:
13 (1) Not provide the user with points or similar rewards at
14 unpredictable intervals with the intent to encourage
15 increased engagement with the conversational
16 artificial intelligence service;
17 (2) Institute reasonable measures to prevent the
18 conversational artificial intelligence service from:
19 (A) Producing visual material of sexually explicit
20 conduct;



- 1 (B) Generating direct statements that the account
- 2 holder should engage in sexually explicit
- 3 conduct; or
- 4 (C) Generating statements that sexually objectify the
- 5 account holder; and
- 6 (3) Offer tools to manage the minor account holder's
- 7 privacy and account settings; provided that the
- 8 operator shall also make the tools required by this
- 9 paragraph available to the parent or guardian of a
- 10 minor account holder, as appropriate based on relevant
- 11 risks.
- 12 (e) Beginning January 1, 2028, an operator shall submit to
- 13 the department of commerce and consumer affairs an annual report
- 14 that includes:
- 15 (1) The number of times an operator has issued a crisis
- 16 intervention services provider referral in the
- 17 preceding calendar year;
- 18 (2) Protocols put in place to detect, remove, and respond
- 19 to instances of suicidal ideation by users; and
- 20 (3) Protocols put in place to prohibit a chatbot response
- 21 about suicidal ideation or actions with the user;



1 provided that the report shall include only the information
2 listed in this subsection and shall not include any identifiers
3 or personal information about users.

4 (f) Any violation of this section shall constitute an
5 unfair or deceptive act or practice in the conduct of trade or
6 commerce within the meaning of section 480-2.

7 (g) The attorney general may bring an action based on a
8 violation of this section to recover all of the following
9 relief:

10 (1) Injunctive relief;

11 (2) Damages in an amount equal to the greater of:

12 (A) Actual damages; or

13 (B) A civil penalty of \$1,000 per violation; provided
14 that damages awarded under this subparagraph
15 shall not exceed \$1,000,000 per operator; and

16 (3) Reasonable attorneys' fees and costs.

17 (h) Nothing in this section shall be interpreted as
18 creating a private right of action to enforce this section or to
19 support a private right of action under any other law.

20 (i) This section shall not create liability for the
21 developer of an artificial intelligence model for any violation



1 of this section by an artificial intelligence system developed
2 by a third party to provide a conversational artificial
3 intelligence service.

4 (j) The duties, remedies, and obligations imposed by this
5 section are cumulative to the duties, remedies, or obligations
6 imposed under other law and shall not be construed to relieve an
7 operator from any duties, remedies, or obligations imposed under
8 any other law.

9 (k) For the purposes of this section:

10 "Account holder" or "user" means a person who has or
11 generates an account or profile to use a conversational
12 artificial intelligence service.

13 "Artificial intelligence" means an engineered or
14 machine-based system that varies in its level of autonomy and
15 that can, for explicit or implicit objectives, infer from the
16 input it receives how to generate outputs that can influence
17 physical or virtual environments.

18 "Conversational artificial intelligence service" or
19 "service" means an artificial intelligence software application,
20 web interface, or computer program that is accessible to the
21 general public that primarily simulates human conversation and



- 1 interaction through textual, visual, or aural communications.
- 2 "Conversational artificial intelligence service" does not
- 3 include an application, web interface, or computer program that:
- 4 (1) Is primarily designed and marketed for use by
- 5 developers or researchers;
- 6 (2) Is a feature within another software application, web
- 7 interface, or computer program that is not a
- 8 conversational artificial intelligence service;
- 9 (3) Is designed to provide outputs relating to a narrow
- 10 and discrete topic;
- 11 (4) Is primarily designed and marketed for commercial use
- 12 by business entities;
- 13 (5) Functions as a speaker and voice command interface or
- 14 voice-activated virtual assistant for a consumer
- 15 electronic device;
- 16 (6) Is used by a business solely for internal purposes; or
- 17 (7) Is used by a business entity solely for customer
- 18 service or to strictly provide users with information
- 19 about available commercial services or products
- 20 provided by the entity, customer service account



1 information, or other information strictly related to
2 its customer service.

3 "Crisis intervention" means communication intended to
4 provide immediate support or assistance in response to a user
5 seeking help for, referencing, or expressing self-harm, suicidal
6 ideation, or suicide.

7 "Minor" means any person under eighteen years of age.

8 "Operator" means a person who develops or makes available a
9 conversational artificial intelligence service to the public. A
10 mobile application store or search engine that merely provides
11 access to a conversational artificial intelligence service shall
12 not by itself constitute an "operator".

13 "Personal data" means any information that identifies,
14 relates to, describes, is reasonably capable of being associated
15 with, or could reasonably be linked, directly or indirectly,
16 with a particular account holder or user, including data
17 provided by the user, data generated through interaction with a
18 conversational artificial intelligence service, or data derived
19 from that interaction. "Personal data" does not include:



- 1 (1) De-identified data; provided that the operator has
2 implemented reasonable measures to ensure that the
3 data cannot be re-identified;
- 4 (2) Aggregated data relating to a group or category of
5 users where the data cannot reasonably be used to
6 identify an individual user;
- 7 (3) Publicly available information lawfully obtained from
8 government records or widely distributed media;
- 9 (4) Information used solely for internal testing, safety,
10 quality assurance, or compliance purposes, where the
11 information is not disclosed externally and is not
12 used to identify a specific user; or
- 13 (5) Statistical or summary information included in reports
14 submitted pursuant to subsection (e).

15 "Sensitive data" means personal data that reveals or infers
16 a mental or emotional state, health information, biometric
17 identifiers, or other information used for psychological
18 profiling or emotional analysis.

19 "Sexually explicit conduct" has the same meaning as defined
20 in title 18 United States Code section 2256.



1 "Sexually objectify" means to make sexual comments directed
2 at the account holder's or user's body or appearance."

3 SECTION 3. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2050;
14 provided that section 2 shall take effect on July 1, 2027.



Report Title:

DCCA; AG; Artificial Intelligence; Conversational Artificial Intelligence Services; Disclosures; Protections; Minors; UDAP Reports

Description:

Requires operators of conversational artificial intelligence services in the State to issue certain disclosures to account holders and users. Requires operators to develop protocols to prevent the production of suicidal ideations in account holders and users. Establishes protections for account holders and users of conversational artificial intelligence services. Establishes protections for minor account holders and users of conversational artificial intelligence services. Beginning 1/1/2028, requires operators to submit annual reports to the Department of Commerce and Consumer Affairs containing certain information. Allows the Department of the Attorney General to bring a civil action against operators who violate certain requirements. Establishes that violations are to be considered unfair or deceptive acts or practices. Effective 7/1/2050.
(HD1)

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