
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;
- 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 (5) Limit the collection, use, and retention of an account
12 holder's or user's personal data to what is reasonably
13 necessary to operate the conversational artificial
14 intelligence service and ensure safety and security;
- 15 (6) Use heightened data minimization and security
16 safeguards in relation to an account holder's or
17 user's sensitive data;
- 18 (7) Not use an account holder's or user's personal data
19 for targeted advertising; and
- 20 (8) Not profile account holders or users for engagement
21 optimization or behavioral manipulation.



1 (d) Where an operator knows or has reasonable certainty
2 that an account holder or user is a minor, an operator shall:

3 (1) Not provide the user with points or similar rewards at
4 unpredictable intervals with the intent to encourage
5 increased engagement with the conversational
6 artificial intelligence service;

7 (2) Institute reasonable measures to prevent the
8 conversational artificial intelligence service from:

9 (A) Producing visual material of sexually explicit
10 conduct;

11 (B) Generating direct statements that the account
12 holder should engage in sexually explicit
13 conduct; or

14 (C) Generating statements that sexually objectify the
15 account holder; and

16 (3) Offer tools to manage the minor account holder's
17 privacy and account settings; provided that the
18 operator shall also make the tools required by this
19 paragraph available to the parent or guardian of a
20 minor account holder, as appropriate based on relevant
21 risks.



1 (e) Beginning January 1, 2028, an operator shall submit to
2 the department of commerce and consumer affairs an annual report
3 that includes:

4 (1) The number of times an operator has issued a crisis
5 intervention service provider referral in the
6 preceding calendar year;

7 (2) Protocols put in place to detect, remove, and respond
8 to instances of suicidal ideation by users; and

9 (3) Protocols put in place to prohibit a chatbot response
10 about suicidal ideation or actions with the user;

11 provided that the report shall include only the information
12 listed in this subsection and shall not include any identifiers
13 or personal information about users.

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

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

20 (1) Injunctive relief;

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



- 1 (A) Actual damages; or
- 2 (B) A civil penalty of \$1,000 per violation; provided
- 3 that damages awarded under this subparagraph
- 4 shall not exceed \$1,000,000 per operator; and
- 5 (3) Reasonable attorneys' fees and costs.
- 6 (h) Nothing in this section shall be interpreted as
- 7 creating a private right of action to enforce this section or to
- 8 support a private right of action under any other law.
- 9 (i) This section shall not create liability for the
- 10 developer of an artificial intelligence model for any violation
- 11 of this section by an artificial intelligence system developed
- 12 by a third party to provide a conversational artificial
- 13 intelligence service.
- 14 (j) The duties, remedies, and obligations imposed by this
- 15 section are cumulative to the duties, remedies, or obligations
- 16 imposed under other law and shall not be construed to relieve an
- 17 operator from any duties, remedies, or obligations imposed under
- 18 any other law.
- 19 (k) For the purposes of this section:



1 "Account holder" or "user" means a person who has or
2 generates an account or profile to use a conversational
3 artificial intelligence service.

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

9 "Conversational artificial intelligence service" or
10 "service" means an artificial intelligence software application,
11 web interface, or computer program that is accessible to the
12 general public that primarily simulates human conversation and
13 interaction through textual, visual, or aural communications.

14 "Conversational artificial intelligence service" does not
15 include an application, web interface, or computer program that:

16 (1) Is primarily designed and marketed for use by
17 developers or researchers;

18 (2) Is a feature within another software application, web
19 interface, or computer program that is not a
20 conversational artificial intelligence service;



- 1 (3) Is designed to provide outputs relating to a narrow
2 and discrete topic;
- 3 (4) Is primarily designed and marketed for commercial use
4 by business entities;
- 5 (5) Functions as a speaker and voice command interface or
6 voice-activated virtual assistant for a consumer
7 electronic device; or
- 8 (6) Is used by a business solely for internal purposes.
- 9 "Crisis intervention" means communication intended to
10 provide immediate support or assistance in response to a user
11 seeking help for, referencing, or expressing self-harm, suicidal
12 ideation, or suicide.
- 13 "Minor" means any person under eighteen years of age.
- 14 "Operator" means a person who develops or makes available a
15 conversational artificial intelligence service to the public.
- 16 "Operator" does not include mobile application stores or search
17 engines solely because the mobile application store or search
18 engine provides access to a conversational artificial
19 intelligence service.
- 20 "Personal data" means any information that identifies,
21 relates to, describes, is reasonably capable of being associated



1 with, or could reasonably be linked, directly or indirectly,
2 with a particular account holder or user, including data
3 provided by the user, data generated through interaction with a
4 conversational artificial intelligence service, or data derived
5 from that interaction. "Personal data" does not include:

6 (1) De-identified data; provided that the operator has
7 implemented reasonable measures to ensure that the
8 data cannot be re-identified;

9 (2) Aggregated data relating to a group or category of
10 users where the data cannot reasonably be used to
11 identify an individual user;

12 (3) Publicly available information lawfully obtained from
13 government records or widely distributed media;

14 (4) Information used solely for internal testing, safety,
15 quality assurance, or compliance purposes, where the
16 information is not disclosed externally and is not
17 used to identify a specific user; or

18 (5) Statistical or summary information included in reports
19 submitted pursuant to subsection (e); provided that
20 the reports contain no identifiers or information



1 reasonably capable of identifying an account holder or
2 user.

3 "Sensitive data" means personal data that reveals or infers
4 a mental or emotional state, health information, biometric
5 identifiers, or other information used for psychological
6 profiling or emotional analysis.

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

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

11 SECTION 3. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. New statutory material is underscored.



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



Report Title:

DCCA; AG; Artificial Intelligence; Conversational Artificial Intelligence Services; Disclosures; Suicide; Minors; Unfair or Deceptive Practices; Penalties; 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 January 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 statutory penalties. Effective 7/1/2050. (SD2)

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