
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 hour in a continuous
- 5 conversational artificial intelligence service
- 6 interaction that reminds the user to take a break
- 7 from the chat and that the conversation is
- 8 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 service providers such as a suicide hotline, a
- 16 crisis text line, or other appropriate crisis
- 17 services;
- 18 (2) Adopt and maintain a protocol for preventing the
- 19 production of suicidal ideation, suicide, or self-harm
- 20 content to the user, including by providing a



- 1 notification to the user that refers the user to
- 2 crisis service providers;
- 3 (3) Use evidence-based methods for measuring suicidal
- 4 ideation;
- 5 (4) Not knowingly or intentionally cause or program a
- 6 conversational artificial intelligence service to make
- 7 any representation or statement that explicitly
- 8 indicates that the service is designed to provide
- 9 professional mental or behavioral health care;
- 10 (5) Disclose to a user that the conversational artificial
- 11 intelligence service may not be suitable for minors;
- 12 and
- 13 (6) Notify a user of the operator's duty of care and
- 14 liability pursuant to this section.
- 15 (d) Where an operator knows or has reasonable certainty
- 16 that an account holder or user is a minor, an operator shall:
- 17 (1) Not provide the user with points or similar rewards at
- 18 unpredictable intervals with the intent to encourage
- 19 increased engagement with the conversational
- 20 artificial intelligence service;



- 1 (2) Institute reasonable measures to prevent the
- 2 conversational artificial intelligence service from:
- 3 (A) Producing visual material of sexually explicit
- 4 conduct;
- 5 (B) Generating direct statements that the account
- 6 holder should engage in sexually explicit
- 7 conduct; or
- 8 (C) Generating statements that sexually objectify the
- 9 account holder;
- 10 (3) Institute reasonable measures to prevent the
- 11 conversational artificial intelligence service from
- 12 generating statements that would lead a reasonable
- 13 person to believe that they are interacting with a
- 14 human, including:
- 15 (A) Explicit claims that the service is sentient or
- 16 human;
- 17 (B) Statements that simulate emotional dependence;
- 18 and
- 19 (C) Statements that simulate romantic or sexual
- 20 innuendos; and



- 1 (4) Offer tools to manage the minor account holder's or
2 user's privacy and account settings to:
 - 3 (A) The minor account holder or user; and
 - 4 (B) The parent or guardian of the minor account
5 holder or user if the minor account holder or
6 user is under sixteen years of age;
7 provided that the operator shall also make the tools
8 required by this paragraph available to the parent or
9 guardian of a minor account holder or user sixteen
10 years of age and above as appropriate based on
11 relevant risks.
- 12 (e) Beginning January 1, 2027, 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 service provider referral in the preceding calendar
17 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 only include 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 be considered an
5 unfair or deceptive act or practice under this chapter.

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

9 (1) Injunctive relief;

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

11 (A) Actual damages; or

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

15 (3) Reasonable attorneys' fees and costs.

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

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



1 by a third party to provide a conversational artificial
2 intelligence service.

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

8 (k) For the purposes of this section:

9 "Account holder" or "user" means a person who:

10 (1) Has, or generates, an account or profile to use a
11 conversational artificial intelligence service; or

12 (2) Uses a conversational artificial intelligence service
13 as a guest or through a temporary account without
14 creating an account or profile.

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

20 "Conversational artificial intelligence service" or
21 "service" means an artificial intelligence software application,



1 web interface, or computer program, including any system that is
2 integrated into or operates in conjunction with another social
3 media platform, application, web interface, or computer program,
4 that is accessible to the general public that primarily
5 simulates human conversation and interaction through textual,
6 visual, or aural communications. "Conversational artificial
7 intelligence service" does not include an application, web
8 interface, or computer program that:

- 9 (1) Is primarily designed and marketed for use by
10 developers or researchers;
- 11 (2) Is a feature within another software application, web
12 interface, or computer program that is not a
13 conversational artificial intelligence service;
- 14 (3) Is designed to provide outputs relating to a narrow
15 and discrete topic;
- 16 (4) Is primarily designed and marketed for commercial use
17 by business entities;
- 18 (5) Functions as a speaker and voice command interface or
19 voice-activated virtual assistant for a consumer
20 electronic device; or
- 21 (6) Is used by a business solely for internal purposes.



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

2 "Operator" means a person who develops or makes available a
3 conversational artificial intelligence service to the public.

4 "Operator" does not include mobile application stores or search
5 engines solely because the mobile application store or search
6 engine provides access to a conversational artificial
7 intelligence service.

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

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

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

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 3000.



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 respond to prompts or content associated with, and prevent the production of, suicidal ideations in account holders and users. Establishes protections for minor account holders of conversational artificial intelligence services. Beginning 1/1/2027, requires operators to submit annual reports to the Department of Commerce and Consumer Affairs. Allows the Department of the Attorney General to bring a civil action against operators who violate certain requirements and establishes statutory penalties. Effective 7/1/3000. (HD1)

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