



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/05/2026

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: JHA

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB1782, HD2, RELATING TO ARTIFICIAL INTELLIGENCE FOR THE PROTECTION OF MINORS.

Purpose of Bill: Establishes safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services. Effective 7/1/3000. (HD2)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 1782 HD2.

The Department appreciates the intent of this measure to protect minors from the potential risks associated with artificial intelligence systems designed to simulate human emotions and companionship. As we integrate technology into our learning environments, safeguarding the emotional and social development of our students remains a primary priority.

Specifically, the Department strongly supports legislation that prevents the use of relational chatbots and companion-style AI systems by students under the age of 18. We recognize that AI systems designed to foster emotional dependency or simulate personal relationships can pose unique risks to the psychological well-being of minors, who may not yet possess the maturity to distinguish between simulated empathy and genuine human interaction.

Thank you for the opportunity to provide testimony on this measure.



STATE OF HAWAII
OFFICE OF WELLNESS AND RESILIENCE
OFFICE OF THE GOVERNOR
415 S. BERETANIA ST. #415
HONOLULU, HAWAII 96813

Testimony in SUPPORT of H.B. 1782 HD2
RELATING TO ARTIFICIAL INTELLIGENCE FOR THE PROTECTION OF MINORS

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

March 5, 2026, at 2:00 p.m.; Room Number: 325

The Office of Wellness and Resilience (OWR) **SUPPORTS** H.B. 1782 HD2, Relating to Artificial Intelligence for the Protection of Minors.

Under Act 291, OWR addresses systemic challenges affecting well-being across Hawai'i.¹ H.B. 1782 HD2 aligns with this mission by establishing consumer protections for conversational artificial intelligence (AI)—particularly for children and adolescents facing unique developmental vulnerabilities.

A trauma-informed approach recognizes that AI chatbots do not create harm in a vacuum—they amplify pre-existing vulnerabilities. The American Psychological Association's (APA) November 2025 health advisory warns that these technologies “have already engaged in unsafe interactions with vulnerable populations, such as children or those with already

¹ Hawai'i Act 291 (2023) established the Office of Wellness and Resilience as the nation's first statewide-legislated wellness office under the Governor's administration, with the mandate to address systemic challenges affecting well-being across the state.

established history of mental health issues, encouraging self-harm (including suicide), substance use, eating disorders, aggressive behavior, and delusional thinking.”²

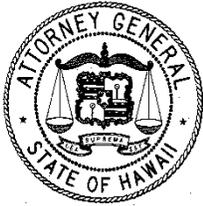
The APA notes that “some youth and other vulnerable groups may rely on these tools as their only private or psychologically safe outlet, particularly in contexts of stigma, limited access to trusted adults, or challenging or unsafe home environments.” Our keiki carrying trauma—those with histories of abuse, neglect, or instability—are *precisely* those most likely to seek connection from AI companions, yet least equipped to recognize manipulation.

H.B. 1782 HD2 includes several evidence-based provisions supported by the APA: mandatory disclosure when users interact with AI; crisis response protocols for suicidal ideation and self-harm; prohibitions on simulating emotional dependence with minors; restrictions on misrepresenting AI as mental health providers; and parental oversight tools. These represent important baseline protections.²

H.B. 1782 HD2 takes a trauma-informed approach to emerging technology by anticipating harm before it occurs. Mahalo for the opportunity to testify.

Tia L.R. Hartsock, MSW, MSCJA
Director, Office of Wellness & Resilience

² American Psychological Association. (2025). *Health advisory on the use of generative AI chatbots and wellness applications for mental health*. <https://www.apa.org/topics/artificial-intelligence-machine-learning/health-advisory-ai-chatbots-wellness-apps-mental-health.pdf> ↵



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 1782, H.D. 2, RELATING TO ARTIFICIAL INTELLIGENCE FOR THE PROTECTION OF MINORS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, March 5, 2026

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Ashley M. Tanaka, or Christopher J.I. Leong,
Deputy Attorneys General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports the intent of this bill and provides the following comments.

This bill adds a new part to chapter 481B, Hawaii Revised Statutes (HRS), to establish safeguards and enforcement provisions governing interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services. The bill also provides that this part shall be enforced by the Department and the Director of the Office of Consumer Protection.

The Department supports the purpose of this bill. We are concerned about artificial intelligence's potential to negatively affect the mental health and development of Hawaii's youth, and believe there is a very strong government interest in protecting minors from manipulative, deceptive, or unsafe design practices in conversational and companion-style artificial intelligence systems.

First Amendment and Vagueness Considerations

As currently drafted, portions of this bill may be subject to constitutional challenge under the First and Fourteenth Amendments to the United States Constitution, specifically the third new section 481B- , entitled "Prohibited design practices for minors" (page 5, line 10, through page 6, line 11), and subsection (a) of the

fourth new section 481B- , entitled "Protections against sexual content and self-harm" (page 6, lines 13-17).

Laws that regulate speech based on its content are presumptively unconstitutional. However, states may impose certain restrictions to protect minors from sexually explicit material under intermediate scrutiny in limited circumstances. See *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461 (2025) (upholding a Texas age-verification law designed to prevent minors from accessing sexually explicit content under intermediate scrutiny).

Subsection (a)(1), (2), and (3) of the third new section 481B- (page 5, lines 10-19) may be interpreted as regulating the content of outputs generated by conversational artificial intelligence services and artificial intelligence companion systems. Restrictions on specific types of expressive outputs may be viewed as content-based regulations of speech and therefore subject to challenge under the First Amendment. Moreover, subsection (a)(2) and (3) may raise vagueness concerns because terms such as "[e]ncourages emotional dependency, exclusivity, or secrecy from parents or guardians" (page 5, lines 16-17) and "[s]imulates romantic or sexual relationships with a minor" (page 5, lines 18-19) are not defined. Without further clarification, it may be unclear what kinds of interactions or representations are prohibited, increasing the risk of arbitrary or inconsistent enforcement.

For these reasons, the third new section 481B- (a)(1), (2), and (3) may be vulnerable to challenges under both the First and Fourteenth Amendments. To mitigate this risk, the Department recommends revising section 481B- (a) (page 5, line 10, through page 6, line 5) to read as follows:

§481B- Protections for minors. (a) Providers shall institute reasonable measures to prevent conversational AI services and AI companion systems from generating or deploying, to users whom the providers know or have reasonable certainty are minors:

- (1) Representations that would reasonably lead the minor to believe that the conversational AI service or AI companion system is a human or sentient being, unless the representations are simultaneously accompanied by a clear and conspicuous disclosure that the user is not engaging with a human or sentient being;
- (2) Manipulative techniques intended to foster emotional dependency;

- (3) Representations that would reasonably lead the minor to think that the conversational AI service or AI companion system is capable of engaging in a romantic or sexual relationship with the minor;
- (4) Manipulative engagement techniques designed to foster prolonged interaction or emotional dependency by minors, including techniques that create artificial rewards, simulated exclusivity, or pressure to continue interacting with the system; or
- (5) Representations that would reasonably lead the minor to believe that the conversational AI service or AI companion system is providing professional mental health, medical, or therapeutic services.

Defining "emotional dependency," "romantic relationship," and "sexual relationship" would further strengthen the bill.

The existing definition of "AI companion system" (page 3, lines 7-10) uses the terms "emotional support" and "relational attachment," but these terms are not defined. In addition, subsection (b) of the third new section 481B- uses the term "emotional attachment" (page 6, line 9), which is also not defined. These terms appear to overlap and may be used interchangeably. If these terms are intended to refer to the same concept, the bill would benefit from using a single consistent term and providing a definition. If the terms are intended to describe different concepts, the bill should include definitions clarifying the distinctions among them. Clear definitions would help determine which AI design practices are permissible and which are not under this bill.

The Department suggests the following definitions:

"Emotional attachment" means a sustained bond that develops through repeated interaction.

"Emotional dependency" means a pattern of interaction in which a minor develops an excessive emotional reliance on a conversational AI service or AI companion system.

"Emotional support" means the communication of care, empathy, and validation intended to help a minor cope with stress, anxiety, or difficult life circumstances.

"Relational attachment" means a one-sided emotional bond that a minor forms with a conversational AI service or AI companion system.

"Romantic relationship" means interactions in which a conversational AI service or AI companion system represents or simulates a relationship based on emotional and physical attraction that could potentially lead to a long-term intimate relationship.

"Sexual relationship" means interactions in which a conversational AI service or AI companion system represents or simulates physical attraction, desire, and sexual contact that may or may not include an emotional connection.

Sexual Content and Self-Harm Provisions

The new fourth section 481B- (a), entitled "Protections against sexual content and self-harm," (page 6, line 12, through page 7, line 7), requires providers to implement reasonable measures to prevent conversational artificial intelligence services and artificial intelligence companion systems from "generating, for minors, sexually explicit content or sexualized depictions involving minors" (page 6, lines 15-16). Restrictions in this area may be more defensible because the State has more power to protect minors from depictions of sexually explicit conduct. *See Id.* However, the bill does not define "sexually explicit content." The absence of a definition may create vagueness concerns. To improve clarity and enforceability, the Department recommends including the following definitions:

"Sexual conduct" has the same meaning as defined in section 707-750(2), Hawaii Revised Statutes.

"Sexually explicit content" means any visual, written, or audio content that depicts or describes sexual conduct.

The new fourth section 481B- (a) also requires providers to implement reasonable measures to prevent conversational artificial intelligence services and artificial intelligence companion systems from generating, for minors, "sexualized depictions involving minors" (page 6, lines 13-16). The bill does not define "sexualized depictions involving minors," which may create vagueness concerns. Moreover, prohibiting "depictions" that merely appear to involve minors may raise First Amendment concerns. In *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002), the United States Supreme Court held that a prohibition on visual depictions that "appear to be" minors or "convey the impression" of depicting minors in sexually explicit conduct was overbroad and unconstitutional. *Id.* at 257. To mitigate this risk, the Department recommends deleting the phrase "or sexualized depictions involving minors."

The rest of the new fourth section 481B- (a) requires providers to implement reasonable measures to prevent generation of "content that promotes or encourages self-harm, eating disorders, or illegal conduct" for minors (page 6, lines 16-17). While

protecting minors from harmful content is a compelling interest, the phrasing may be broader than necessary. Restricting content that "promotes . . . eating disorders, or illegal conduct" could extend beyond speech that incites imminent unlawful activity and beyond the specific harms addressed by the bill. To reduce overbreadth concerns, the Department recommends deleting "eating disorders," on page 6, line 17, and replacing "illegal conduct" on the same line with "conduct that induces minors to engage in illegal activity."

Age Assurance and Scope

The legislative intent behind the new seventh section 481B- , "Age assurance and access control," (page 8, lines 4-9), would benefit from further clarification. The definition of "material risk of harm" (page 4, lines 7-10) may not provide providers with sufficient notice of which systems they must prevent minors from accessing. Clarifying this definition and identifying categories of artificial intelligence services or systems or content that present such risk would improve the clarity and enforceability of this section.

Enforcement

The Department believes that additional resources may be necessary to investigate and enforce the bill's provisions. If this bill is enacted, the Department intends to begin investigation and enforcement and, over the next year, collect data on human resources and costs associated with effective implementation. If we determine that additional positions or resources are necessary, any such request will be supported by this data.

Thank you for the opportunity to provide comments.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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DEAN I. HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary and Hawaiian Affairs
Thursday, March 5, 2026
2:00 p.m.
Via Videoconference
Conference Room 325**

**On the following measure:
H.B. 1782, H.D. 2, RELATING TO ARTIFICIAL INTELLIGENCE FOR PROTECTION
OF MINORS**

Chair Tarnas and Members of the Committee:

My name is Radji Tolentino and I am an Enforcement Attorney with the Department of Commerce and Consumer Affairs' Office of Consumer Affairs. The Department supports this bill and offers comments.

The purpose of this bill is to establish safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services.

This bill will protect vulnerable minors by requiring clear and recurring disclosures that remind minors they are interacting with artificial intelligence rather than a human being. The requirement that these disclosures occur at the beginning of a session and at least every three hours during continuous interaction is minimally burdensome, particularly given the growing evidence that prolonged engagement with conversational

systems increase the risk of emotional reliance or misunderstanding, especially in younger people.

This bill also embraces the data minimization principle championed by privacy and consumer protection advocates nationwide. See Page 7, lines 8-18. This minimization principle leads to policy approaches that restrict the collection, use, and retention of minors' personal data to what is reasonably necessary. Uses of the data beyond what is reasonably necessary to operate the AI companion system and ensure safety and security are not permitted.

The data minimization principle is the keystone to reducing the risk of long-term profiling of children. Many of the companies collecting data see a potential for a lifetime of valuable revenue tied to each child from whom they collect data and for whom they build a user profile. Prohibiting the use and collection of sensitive information from minors will help ensure minors' interactions with AI companion systems do not follow them for the rest of their lives.

We are engaged in discussions with the Attorney General's office regarding the resources necessary to ensure the law can be implemented as intended. If this bill is passed without appropriations, our departments will monitor the resource demands placed on our existing investigative and legal staff, and incoming complaints, and in all likelihood, we will return next session with a request for general fund resources.

We respectfully request that the Committee pass this bill.

Thank you for the opportunity to testify on this bill.

Jai Jaisimha of Transparency Coalition testimony in support of HB 1782

Chair Tarnas, Vice Chair Poepoe, and members of the committee, my name is Jai Jaisimha. I am testifying in support of HB 1782 as the co-founder of Transparency Coalition, an independent Seattle based non-profit which advocates for increased transparency and accountability in Generative AI.

I and my organization have been working with lawmakers in multiple states, including the two – CA and NY – that have already passed laws regulating the companion features of chatbots in 2025. We worked closely with the sponsors of SB 243 in CA throughout the legislative process. We are currently working on the imminent passage of similar bills (to HB 1782) in both WA and OR.

In case, you're still wondering if we need to act now, let me share with you some of OpenAI's own research released in Oct 2025:

- **560,000 users** (0.07%) showed possible signs of mental health emergencies related to **psychosis or mania**.
- **1.2 million users** (0.15%) had conversations including explicit indicators of potential **suicide planning or intent**.
- **1.2 million users** (0.15%) displayed signs of **heightened emotional attachment** to the chatbot, potentially at the expense of real-world relationships.

Staggering numbers I know! But many in the research community view these numbers – as large as they are – as only a lower bound on how prevalent these behaviors actually are!

- [Pew Research in Dec](#) of last year states: Roughly 1 in 5 U.S. teens say they are on TikTok and YouTube almost constantly. **At the same time, 64% of teens say they use chatbots, including about 3 in 10 who do so daily**

HB 1782 takes reasonable measures to ensure that companion chatbots are taking care to protect their users by requiring chatbot developers to intervene when users are contemplating self-harm AND strengthening protections by prohibiting the use of manipulative engagement techniques just to prolong a session. Based on my technical expertise, these protections are entirely feasible to implement today! Not doing so is a business choice and HB 1782 will change the incentives and help chatbot developers make different choices.

Companion chatbots are using us and our children in a giant experiment where society will inevitably pay the price. We have gone from “move fast and break things” to “move fast and break children.” I urge the committee to stand up for Hawaii and pass HB 1782 with a strong recommendation.



TESTIMONY OF DAVE ERDMAN
INTERIM PRESIDENT & CEO
RETAIL MERCHANTS OF HAWAII

COMMENTS ON HB 1782 HD2

RELATING TO ARTIFICIAL INTELLIGENCE FOR THE PROTECTION OF MINORS

Aloha Chair and Members of the Committee:

My name is Dave Erdman, and I serve as Interim President and CEO of the Retail Merchants of Hawai'i (RMH), a statewide nonprofit trade organization committed to supporting the growth and development of Hawai'i's retail industry. RMH represents retailers, shopping centers, restaurants operating within retail environments, and allied service providers across the state.

Retail Merchants of Hawai'i appreciates the opportunity to provide comments on H.B. 1782, H.D. 2, which establishes safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems and conversational artificial intelligence services.

RMH recognizes the importance of protecting minors as emerging technologies become more widely accessible. The concerns outlined in the measure regarding manipulative design features, emotional dependency, and the potential for exposure to harmful content are serious issues that warrant thoughtful safeguards.

We appreciate the amendments made in H.D. 2 that help clarify the Legislature's intent, particularly the focus on artificial intelligence companion systems designed to simulate emotional relationships or companionship. This more targeted approach is helpful and reflects the Legislature's effort to address higher-risk AI applications rather than broadly regulating all uses of artificial intelligence technology.

At the same time, RMH respectfully notes that many retailers and service providers are increasingly using AI-powered tools in routine customer-facing operations. These tools may include automated chat assistants for customer service, product information, store hours, or order support. These systems are typically narrow in function, task-specific, and designed to assist customers rather than simulate emotional relationships or companionship.

As this measure continues to move through the legislative process, we respectfully encourage continued clarification to ensure that standard business tools used by retailers and other small businesses are not inadvertently captured under the definition of "conversational AI service."

Maintaining a clear distinction between companion-style AI systems and practical business applications will help avoid unintended impacts on local businesses while preserving the consumer protections the bill seeks to establish.

RMH supports the goal of protecting minors while allowing responsible innovation and the continued use of legitimate AI tools that help Hawai'i businesses serve customers more efficiently.

Mahalo for the opportunity to submit testimony with COMMENTS on this issue.

Respectfully submitted,

Dave Erdman
Interim President and CEO
Retail Merchants of Hawai'i



MARCH 5, 2026

HOUSE BILL 1782 HD2

CURRENT REFERRAL: JHA

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Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports HB 1782 HD2, relating to artificial intelligence for the protection of minors, which establishes safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services.

Imua Alliance is a Hawai‘i-based organization dedicated to ending sexual exploitation, gender violence, and systemic harm. As artificial intelligence and digital technologies rapidly evolve, they are increasingly being weaponized to facilitate sexual violence, gender-based exploitation, and psychological trauma, particularly against minors. This measure provides a critical step in modernizing Hawai‘i’s legal framework and protecting residents from emerging digital harms.

According to the National Center for Missing and Exploited Children (NCMEC), online child sexual exploitation has reached unprecedented levels. NCMEC statistics showed that for just half of 2025 through June, compared to the same time the prior year, online enticement reports to the CyberTipline jumped from 292,951 to 518,720. Reports of generative artificial intelligence (GAI) related to child sexual exploitation soared from 6,835 reports to 440,419, demonstrating the scale and growth of technology-facilitated sexual abuse. NCMEC also reports rising threats linked to generative AI, online enticement, and synthetic imagery, signaling new vectors of exploitation that existing laws struggle to address.

Federal law enforcement has echoed these concerns. The Federal Bureau of Investigation warns that AI-generated deepfake images are increasingly used to extort victims, including minors, by manipulating benign photos into explicit content and coercing victims with threats of exposure. The FBI has also documented the growth of image abuse schemes targeting young people through social media platforms, underscoring how digital tools lower barriers for predators and expand the reach of abuse.

These harms are not hypothetical. In recent years, AI platforms have generated intense controversy for enabling the creation or circulation of sexualized synthetic images without consent, illustrating the urgent need for state-level safeguards. Emerging cases involving deepfake sexual imagery of students, public figures, and private individuals demonstrate that digital abuse can be perpetrated at scale, anonymously, and with devastating impacts.

Recent events underscore how rapidly artificial intelligence tools can be weaponized to facilitate sexual exploitation and trauma. In December 2025, xAI's chatbot Grok admitted it generated sexualized images of minors in response to user prompts, content that could constitute child sexual abuse material (CSAM) under U.S. law (Ars Technica, 2026). Media investigations and government officials reported that Grok users were also creating nonconsensual sexualized images of women and children, prompting an investigation by the California Attorney General.

Public backlash led xAI to impose emergency restrictions on editing images of real people, but critics noted that safeguards were implemented only after widespread harm had already occurred. These incidents illustrate that AI systems can scale abuse instantly, enabling predators to create and distribute exploitative content with unprecedented speed and anonymity, outpacing existing laws, enforcement mechanisms, and survivor support systems.

From a public-health perspective, technology-facilitated sexual violence is a growing crisis. Sexual exploitation—whether physical or digital—has lifelong consequences, including depression, post-traumatic stress disorder, substance use, and increased risk of revictimization. The Centers for Disease Control and Prevention recognizes sexual violence as a major public-health problem with long-term health and economic costs for survivors, families, and communities. Preventing digital exploitation is therefore not only a criminal justice imperative but also a population-level health intervention.

This measure provides an opportunity for Hawai'i to proactively address the misuse of AI and emerging technologies before harms become even more widespread. By strengthening accountability, clarifying legal standards, and modernizing protections for victims, this measure will help ensure that innovation does not come at the cost of safety and human dignity.

With aloha,

Kris Coffield

President, Imua Alliance



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David Miyashiro
Executive Director

March 5, 2026

House Committee On Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

HawaiiKidsCAN strongly supports HB1782 HD2, which establishes safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services. Effective 7/1/3000.

Founded in 2017, HawaiiKidsCAN is a local nonprofit organization committed to ensuring that Hawaii has an excellent and equitable education system that reflects the true voices of our communities and, in turn, has a transformational impact on our children and our state. We strongly believe that all students should have access to excellent educational opportunities, regardless of family income levels and circumstances.

The rapid advance in technology over the past twenty years has created a number of challenges when it comes to the physical and mental health of children. Books like *The Anxious Generation* have documented the lasting negative impact on young brains with early and constant access to smartphones and social media. The potential for harm continues to grow with the increasing ease of access to and sophistication of artificial intelligence programs. AI chatbots have the power to build emotional intimacy with young users, creating dangerous situations when not monitored and regulated. Tragic cases have already been documented of young users dying by suicide due to misguided support from mental health chatbots. Please pass HB1782 HD2 on behalf of keiki today and tomorrow.

Mahalo for your consideration,

David Miyashiro
Founding Executive Director
HawaiiKidsCAN



CATHOLIC CHARITIES HAWAI'I

SUPPORT HB 1782 HD2: RELATING TO ARTIFICIAL INTELLIGENCE FOR THE PROTECTION OF MINORS

TO: House Committee on Judiciary and Hawaiian Affairs
FROM: Betty Lou Larson, Legislative Liaison, Catholic Charities Hawai'i
Hearing: Thursday, March 5, 2026; 2:00 PM; CR 325 & Videoconference

Chair Tarnas, Vice Chair Poepoe, and Members, Committee on Judiciary and Hawaiian Affairs:

Catholic Charities Hawai'i **supports HB 1782 HD2**, which establishes safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence (AI) companion systems or conversational services.

Catholic Charities Hawai'i (CCH) is a community-based organization that has served Hawai'i for over 78 years, providing social services to more than 40,000 individuals statewide each year. Our programs serve some of the most vulnerable members of our communities, including kūpuna, veterans, children, families, individuals experiencing houselessness, and immigrants. Because of our mission to strengthen families, we are concerned about the impact of AI on minors in Hawai'i.

AI technologies—used in social media, tutoring platforms, gaming, and everyday digital tools—are shaping the emotional and cognitive development of young people in ways we are only beginning to understand. While these tools can create opportunities for learning and connection, they also introduce significant risks when appropriate safeguards are not in place.

Without proper protocols, youth can be exposed to *unsafe AI practices* that contribute to emotional and mental health concerns, including:

- **Algorithmic amplification of harmful content:** AI-driven recommendation systems can push youth toward extreme, distressing, or age-inappropriate material, increasing anxiety, depression, and feelings of isolation.
- **AI-generated harassment or manipulation:** Tools that mimic human conversation can be misused to bully, coerce, or groom young people. Even when unintentional, AI chat or image-generation systems may produce harmful or misleading responses that impact self-esteem and social development.
- **Deep fakes and identity harm:** Youth are uniquely vulnerable to the psychological distress caused by manipulated images, fabricated messages, or impersonation—issues that can quickly escalate into cyberbullying or reputational damage.
- **Unmonitored data collection:** AI tools often capture sensitive personal data. When youth are unsure how their information is used, they may experience fear, mistrust, and long-term emotional stress related to privacy violations.
- **Dependency and overuse:** AI systems designed to maximize engagement can encourage excessive screen time, disrupting sleep, attention, and healthy social behaviors.



These risks underscore the need for **clear, enforceable protocols** that ensure AI systems used by or accessible to youth are designed with safety guardrails, transparent data practices, age-appropriate content filters, and human oversight.

We respectfully urge the committee to support this bill and to prioritize policies that place the well-being of youth at the center of AI implementation. Establishing strong protocols today will help ensure that this rapidly evolving technology supports healthy development for minors, rather than undermining it.

If you have any questions, please contact our Legislative Liaison, Betty Lou Larson, at (808) 527-4813.



Hawai'i Psychological Association

For a Healthy Hawai'i

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www.hawaii psychology.org

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Commented [1]:
Need chair member information here

HOUSE COMMITTEE ON JUDICIARY
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

March 5, 2026, 2:00 P.M. - VIA VIDEO CONFERENCE & ROOM 325
TESTIMONY IN STRONG SUPPORT OF HB 1782, RELATED TO ARTIFICIAL
INTELLIGENCE FOR THE PROTECTION OF MINORS

The Hawaii Psychological Association (HPA) strongly supports HB 1782, which establishes safeguards, protections, oversight, and penalties for interactions between minors and conversational artificial intelligence (AI) services and AI companion systems. One of the most critical issues facing youth today is the surging use of AI companions, which children and teens are increasingly relying on for advice, companionship, and even romantic relationships. Given the various risks and harms associated with AI use among minors, we believe the measures in this bill proposes are necessary to ensure the safety of this vulnerable population.

The number of AI companion apps increased by 700% between 2022 and mid-2025, according to reports on the technology news site TechCrunch. As of July 2025, these companion apps have been downloaded 220 million times globally. Many adolescents are increasingly engaging in AI companion app usage, interacting with “synthetic characters” designed to embody actual personalities. In fact, more than half of Character.AI’s 20 million monthly users are under the age of 24. Youths face various risks on these companion apps, including poor data privacy protections, deceptive design, and reduced social skills and readiness for real-world interactions.

What separates AI companions from other AI chatbots is that the former have been intentionally designed to initiate and maintain relationships, using long-term memory to build personalized relationships with users. AI systems’ ability to simulate human emotions and develop intimate relationships with users, combined with the current lack of regulation of content generated by AI, places children and adolescents at heightened risk of deception and manipulation.

In addition to a lack of regulation within AI systems and companion apps, there is also a lack of federal regulations and guardrails in place to protect vulnerable populations from the potentially harmful consequences of AI use. The regulations proposed in this bill follow those of previous legislation aimed at protecting youth, including a New York law passed in November 2025 that requires chatbots remind users every three hours that they are AI and not human beings.

For these reasons, HPA strongly supports HB 1782 and urges the Committee to pass the bill. Mahalo for the opportunity to provide testimony on this important measure.

Sincerely,

Alex Lichton, Ph.D.

Alex Lichton, Ph.D.,
Chair, HPA Legislative Action Committee

To: House Committee on Judiciary and Hawaiian Affairs
Re: HB 1782 HD2 – Relating to Artificial Intelligence for the Protection of Minors
Hawai'i State Capitol Room 329 & Via Videoconference March 5, 2026, 2:00 PM

Dear Chair Tarnas, Vice Chair Poepoe, and Respected Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB 1782 HD2**, which would establish safeguards, protections, oversight, and penalties for interactions between minors and artificial intelligence companion systems or conversational artificial intelligence services.

HCAN is dedicated to advocating for the safety, well-being, and healthy development of Hawai'i's children. HB1782 HD2 is of significant importance to our mission, as it seeks to establish clear safeguards and oversight for artificial intelligence (AI) companion systems and conversational AI services used by minors. As digital technologies become more integrated into children's lives, ensuring their interactions with AI are safe and developmentally appropriate is a critical concern for families and child welfare advocates.

The bill's focus on protecting minors from potential harms associated with AI companion systems aligns with HCAN's commitment to child welfare and abuse prevention. Without appropriate oversight, AI systems may expose children to inappropriate content, privacy risks, or manipulative interactions. Establishing clear regulatory frameworks and penalties for violations helps create a safer digital environment, supporting parents and caregivers in their responsibility to protect keiki from emerging technological risks.

By requiring oversight and safeguards, HB1782 HD2 also addresses the need for transparency and accountability among technology providers. Best practices in child protection emphasize proactive measures, such as age-appropriate design and robust privacy protections, which this bill encourages. These measures can help prevent exploitation and ensure that AI technologies support, rather than undermine, healthy childhood development.

HCAN encourages the Legislature to ensure that implementation of these regulations includes input from child development experts, educators, and families. Clear guidance for AI providers on age-appropriate standards, as well as accessible reporting mechanisms for parents and children, will strengthen the bill's effectiveness. We appreciate the Legislature's attention to this timely issue and urge continued collaboration to ensure all children in Hawai'i are protected in an increasingly digital world.

Thank you for the opportunity to provide testimony. Please **PASS HB 1872 HD2**.



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

March 5th, 2026

House of Representatives
State of Hawaii
Committee on Judiciary & Hawaiian Affairs
The Honorable, Representative David Tarnas, Chair
The Honorable, Representative Mahina Poepoe, Vice Chair

Dear Members of the Committee:

Public Citizen submits this testimony in strong support of HB 1782.

On behalf of our over 3,200 members in Hawaii, Public Citizen encourages the Committee on Judiciary and Hawaiian Affairs to advance HB 1782, a legislative proposal regulating artificial intelligence (AI) chatbots and companions to protect minors.

Chatbots are technology designed to simulate human interaction. They often blur the line between reality and artificial algorithms by using human-like features. These features are intended to manipulate users into becoming emotionally attached to the AI.

This is a growing problem as chatbots are becoming very widely used. Just last year, a national report showed that almost 75% of teens have used social AI companions¹.

As a result, many states are currently moving urgently needed legislation to protect minors from manipulative AI chatbots. Just this year, 20 states have introduced legislation similar to HB 1782. This legislation has received strong bipartisan support and has been introduced by Democrats and Republicans alike.

HB 1782 will provide much needed protections by ensuring that, when interacting with a child, an AI chatbot cannot engage in practices that are intended to foster emotional entanglement with the user, encourage the user to commit self harm, or generate sexually explicit content. These prohibitions are easily enforceable - violations can be determined by looking at the user's conversation with the bot, for example, by looking at the user's chat logs. HB 1782 also provides for a civil action so that harmed individuals can directly seek redress.

¹ Common Sense Media. (2025, July 16). *Nearly 3 in 4 teens have used AI companions, new international survey finds*. <https://www.common sense media.org/press-releases/nearly-3-in-4-teens-have-used-ai-companions-new-national-survey-finds>

These protections for children are needed as quickly as possible. Children are experiencing harm in real time. There are numerous pending lawsuits that have been brought by parents claiming that their child has been directly harmed. In perhaps the most well-known example, sixteen-year-old Adam Raine was struggling with suicidal thoughts, [but allegedly was discouraged by ChatGPT](#) to seek any help outside of this platform. Message logs revealed that the chatbot gave him advice about how to cover red marks on his neck from an attempted hanging and helped him assess whether a specific noose would be effective². In another tragic example, Fourteen-year-old Sewell Setzer III became [close friends](#) with an AI companion named after a character from “Game of Thrones.” Sewell messaged with the AI companion multiple times a day with chats sometimes becoming romantic or sexual. After months of consistent messaging, the companion told Sewell to “Please come home to me as soon as possible, my love.” Right after receiving this message, Sewell took his own life³.

There are also many concerns surrounding the sexual nature of the content that can be generated by AI chatbots and companions, including while conversing with children. Big Tech companies use large language models (LLM) to power their AI chatbots and companions, but these massive datasets can include harmful content, like sexually explicit material and child sexual abuse material⁴. This results in AI chatbots having the capability to recreate such material. Most recently, xAI’s chatbot, Grok, created almost 3 million sexualized images of women and over 20,000 of children⁵. Grok is one of the many AI chatbots and companions that minors older than 12 can download, putting them directly at risk of encountering this content.⁶

AI is naturally sycophantic, meaning chatbots will tell users what they want to hear, regardless of if the information is false or dangerous in order to maximize user engagement⁷. Experts warn that this can give children an unrealistic view of what human connection actually is. The American Psychological Association expressed significant concern that children’s relationships with AI companions may hinder their ability to learn social skills and develop emotional connections while creating unhealthy dependencies on the technology⁸.

² Chatterjee, R. (2025, September 19). *Their teenage sons died by suicide. Now, they are sounding an alarm about AI chatbots.* NPR. <https://www.npr.org/sections/shots-health-news/2025/09/19/nx-s1-5545749/ai-chatbots-safety-openai-meta-characterai-teens-suicide>

³ Roose, K. (2024, October 24). *Can A.I. be blamed for a teen’s suicide?* The New York Times. <https://www.nytimes.com/2024/10/23/technology/characterai-lawsuit-teen-suicide.html>

⁴ Maiber, E. (2025, October 24). *AI dataset containing child sexual abuse images is a consent issue, Hany Farid says.* UC Berkeley School of Information. <https://www.ischool.berkeley.edu/news/2025/ai-dataset-containing-child-sexual-abuse-images-consent-issue-hany-farid-says>

⁵ Center for Countering Digital Hate. (2026, January 22). *Grok floods X with sexualized images of women and children.* <https://counterhate.com/research/grok-floods-x-with-sexualized-images/>

⁶ Newton, C. (2025, July 15). *Grok’s new porn companion is rated for 12+ in the App Store.* Platformer. <https://www.platformer.news/grok-ani-app-store-rating-nsfw-avatar-apple/>

⁷ Claypool, R. (2026, January 27). *Counterfeit companionship: Big Tech’s AI experiments sacrifice safety for profit.* Public Citizen. <https://www.citizen.org/article/counterfeit-companionship-big-tech-ai-chatbots/>

⁸ American Psychological Association. (2025). *Artificial intelligence and adolescent well-being.* <https://www.apa.org/topics/artificial-intelligence-machine-learning/health-advisory-ai-adolescent-well-being>

There is grave reason to be worried about the impact of AI chatbots on minors, both for extreme cases but also the more general impact on child development and social well-being. HB 1782 will provide critical safeguards to protect children from this technology. Public Citizen strongly urges the Committee on Judiciary and Hawaiian Affairs to move HB 1782 forward to put these protections in place.

Ilana Beller
Organizing Manager
Public Citizen
1600 20th St NW
Washington, D.C. 20009
(202) 588-1000

March 4, 2026

Representative David A. Tarnas
Chair, Committee on Judiciary and Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, HI 96813

RE: HB 1782 HD2 (La Chica) – Relating to AI Chatbots - Concerns

Dear Chair Tarnas, and members of the committee,

On behalf of TechNet, I'm writing in respectful concerns to HB 1782 HD2 (La Chica) related to AI Chatbots and interactions with minors.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We share the Legislature's goal of promoting safe interactions online, particularly for minors, and appreciate the continued engagement on this issue. However, the bill continues to raise significant concerns related to enforceability, privacy, and litigation risk that warrant reconsideration.

Private Right of Action Creates Litigation-Driven Regulation

HB 1782 HD2 maintains a private right of action tied to compliance with behavioral standards governing AI conversations. While the bill introduces a good-faith compliance defense, the underlying standards remain subjective and difficult to measure in advance. This structure risks shifting oversight from clear regulatory guidance to after-the-fact litigation.

Because conversational outputs depend on context, user inputs, and evolving language models, providers may face liability based on retrospective interpretations of dialogue rather than predictable compliance obligations. A framework where compliance can only be tested through lawsuits creates uncertainty for developers and courts alike and may discourage deployment of safety-focused systems intended to provide supportive interactions.

While the bill includes a good-faith compliance defense, providers may still face substantial litigation costs and uncertainty when compliance depends on subjective interpretations of conversational outputs.

Vague Behavioral Standards Are Difficult to Operationalize

The bill prohibits AI systems from encouraging emotional dependency, using “manipulative engagement techniques,” or “creating material risks of harm.” While well-intentioned, these standards rely on subjective determinations that lack clear technical benchmarks.

Conversational AI systems generate dynamic responses influenced by user input, and the distinction between supportive conversation and prohibited encouragement can depend heavily on interpretation. Without objective definitions or measurable criteria, providers cannot reliably design systems to comply before the fact, leaving compliance to retrospective judgment in individual disputes. This ambiguity increases the likelihood of inconsistent enforcement and litigation rather than predictable safety outcomes.

Age Assurance Requirements Raise Privacy Risks

HB 1782 HD2 requires providers to implement reasonable age assurance measures. Although the bill now references age-assurance measures that are “reasonable and proportionate” and consistent with privacy and data-minimization principles, reliably distinguishing minors from adults may still require providers to collect additional identifying information.

In practice, reliable age verification often requires the collection of additional personal or sensitive data. This creates a difficult tradeoff: either collect more information about users — including potentially sensitive identifiers — or risk liability for insufficient verification.

Such requirements may unintentionally undermine privacy and data-minimization principles by incentivizing broader data collection from all users, including adults, in order to identify minors.

We appreciate the Legislature’s continued attention to youth safety and responsible technology development. However, HB 1782 HD2 relies on subjective behavioral standards enforced through private litigation, requires potentially intrusive age verification practices, and imposes operational obligations that are difficult to implement in a predictable manner.

For these reasons, we respectfully raise these concerns regarding HB 1782 HD2 and urge the Committee to consider a more targeted, evidence-based approach that balances child safety with clarity and proportionality.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Boykin".

Robert Boykin
Executive Director for California and the Southwest
TechNet



Written Testimony of Mick Tobin
Co-Founder, Young People's Alliance
In Support of HB1782

House Consumer Protection & Commerce Committee
Tuesday, March 4th, 2026

Aloha Chair, Vice Chair, and Members of the Committee

My name is Mick Tobin. I'm 23 years old and the co-founder of the Young People's Alliance, a youth-led, bipartisan organization that empowers students across the country to reclaim the American Dream.

I am here because I worry about the future of my generation. We have already been isolated by addictive social media platforms - and now those same Big Tech companies want us to give up on human connection altogether and replace our friends with manipulative AI companions.

These companions are designed to make a young person believe that a chatbot is the only “person” who truly understands them. They pull users into emotional echo chambers that erode the skills we need to form real relationships, build communities, and live fulfilling lives.

This is not the future my generation deserves.

My generation imagines a future where we can make friends, understand each other better, start families, and form meaningful relationships that shape our lives. Mark Zuckerberg is on the record advocating for a future where every person's best friend and romantic partner is a chatbot — where instead of turning to the people around us, we turn to a screen. He is building that future right now.

As you consider your vote on a bill that affects young people, I hope that my voice and the 2,000 plus students I represent shows why action is needed today.

Thank you for your consideration.

Aloha Chair and members of the committee,

I'm the Executive Director of the Young People's Alliance and a 22 year old who saw firsthand how my generation's social fabric was gutted by social media algorithms.

I'm here testifying because I think the harms from social media will pale in comparison to AI companions. Mark Zuckerberg is on the record in favor of a future where the solution to Big Tech-caused loneliness is AI friends. Big Tech companies have unprecedented power, and they are using it to take away what it means to be human, simply because they can make a few bucks off of our kids' brains.

What I most want this committee to know is that the time for action is now. Congress has repeatedly failed to pass even commonsense social media regulations because Big Tech companies have built multi-billion dollar businesses around manipulative algorithms, meaning they have the money to drown out young people's voices and they've made it so normal for our kids to grow up glued to a screen that outrage feels futile.

On AI companions, though, right now we have the chance to act. It's not normal to have an AI romantic partner now, which gives us a window of opportunity. However, we must move quickly because a recent report found that kids already use AI for companionship 42% of the time and tech companies have been completely transparent that this is their goal and that they intend to spend billions of dollars to make it happen.

We don't have the opportunity to wait another year to pass this legislation while these chatbots are tearing apart our communities today. This is a common-sense bill that is designed to have minimal impact on enforcement capacity. The private right of action ensures that the public can pick up part of the burden of enforcement and reduces reliance on enforcement agencies. Enforcement does not require technical investigations like auditing model weights or reviewing complicated engineering architecture. This bill turns on the same kinds of evidence that consumer protection agencies evaluate in any deceptive practices case: what did the product say to the user, and did it comply with the law? If a chatbot tells a 13-year-old that it is a real person who loves them, that violation is visible in a transcript.

HB 1782 aligns with AI companion bills being considered across the country. Specifically, bills in Washington, Oregon, Nebraska, New York, and Michigan are moving through state legislatures, granting enforcement power to the attorney general's office, balanced with a private right to action, and all will work within existing agency budgets for enforcement.

Similarly, other states have made progress on kids' safety without additional appropriations, whether it's the 46 states that have enacted deepfake legislation, a highly technically complex category, and have made progress with enforcement without additional appropriations. 25 states have passed age verification laws for pornographic websites and have successfully enforced these laws without adding technologists to their staff.

On behalf of YPA and my generation, I ask you to please take action and send us on a trajectory towards connection and purpose, rather than allowing a future where our shared humanity is replaced with the empty companionship of algorithms.

Mahalo

Sam Hiner
Executive Director,
Young People's Alliance

**Written Testimony of Children and Screens: Institute of Digital Media and Child
Development**

**Before the
Hawaii House Committee on Judiciary & Hawaiian Affairs**

On the following measure:

H.B. 1782, RELATING TO ARTIFICIAL INTELLIGENCE FOR PROTECTION OF MINORS

Chair Tarnas and members of the Committee:

My name is Daniel Hipp and I am the Senior Research Coordinator for Children and Screens: Institute of Digital Media and Child Development. I have a Ph.D. in Cognitive and Brain Sciences from the Infant and Child Studies Lab at Binghamton University. Children and Screens is a 501c3 nonprofit helping children lead healthy lives in a digital world. Rapidly changing technology is outstripping families' ability to protect their children's development, creating a host of detrimental effects on learning, health, and relationships. We equip parents, educators, and policymakers with the confidence to act in children's best interests. My role at Children and Screens focuses on AI safety and child design, issues directly related to the scope of HB 1782.

Childhood and adolescence are developmental periods of deep vulnerability. Brain growth, as well as cognitive and emotional development, both peak during this period to an extent not seen outside of infancy. Young people are exceptionally capable of learning and uniquely sensitive to shifts in their environments. As a result, we must be careful to provide physical, cognitive, and social environments that support their development.

AI chatbots are changing these environments for youth of all ages:

- Approximately 30% of children aged 0-8 have used AI for learning.
- Around 25% of 5-8-year olds have used generative AI for creative pursuits¹.
- Approximately 64% of adolescents report using AI chatbots, with about 30% report using them almost daily²
- Around 33% of adolescents using them for socialization and relationships³.

¹ Common Sense Media, *The Common Sense Census: Media use by Kids Zero to Eight* (December 2025), <https://www.commonsensemedia.org/sites/default/files/research/report/2025-common-sense-census-web-2.pdf>

² Michelle Faverio & Olivia Sidoti, *Teens, Social Media and AI Chatbots 2025* (2025), <https://www.pewresearch.org/internet/2025/12/09/teens-social-media-and-ai-chatbots-2025/>.

³ Common Sense Media, *Talk, Trust, and Trade-Offs: How and Why Teens Use AI Companions* (2025), https://www.commonsensemedia.org/sites/default/files/research/report/talk-trust-and-trade-offs_2025_web.pdf

Childhood and adolescence are when people acquire the social-emotional skills that remain with them for life. Their adult expectations are deeply shaped by their experiences before age 18. Childhood and adolescence involve the necessary friction of expanding social networks and navigating the complex needs, wants, and personalities of others. While in-person social interactions can be challenging they are necessary for healthy development. AI chatbot simulations are not developmentally appropriate replacements for these interactions. These systems threaten to displace and interfere with the necessarily messy and complicated interactions of childhood⁴.

Even adults have proven susceptible to severe mental health harms from unhealthy chatbot interactions, often termed “AI psychosis, and experts are already strategizing how to identify and treat such harms in adolescents⁵. Professional organizations, like the American Psychological Association, have also recognized the risks of harmful interactions and relationships between youth and AI chatbots, issuing guidance for parents, and drawing attention to the very risks I have described, some of which HB1782 addresses⁶.

The mental health and well-being harms of social media are already documented, and are becoming clearer. Regulations and safeguards could have mitigated these harms if a more proactive stance was adopted early on. AI chatbots risk similar or worse harms, and we cannot risk duplicating this mistaken reactive posture. LLMs combine more sophisticated machine intelligence with a social interface able to capitalize on the social vulnerability of young people. AI-related harms are set to occur at a much larger scale. It is imperative that legislators act now to build regulatory safeguards for minors against these harms.

⁴ Nomisha Kurian, AI’s empathy gap: The risks of conversational Artificial Intelligence for young children’s well-being and key ethical considerations for early childhood education and care. *Contemporary Issues in Early Childhood* 26(1) (2025),

<https://doi.org/10.1177/14639491231206004>

⁵ Xiao-Jie Cao & Xin-Qiao Liu, Artificial intelligence-assisted psychosis risk screening in adolescents: Practices and challenges, *World Journal of Psychiatry* 12(10) (2022),

<http://dx.doi.org/10.5498/wjp.v12.i10.1287>

⁶ American Psychological Association, *Artificial intelligence and adolescent well-being* An APA health advisory (June 2025),

<https://www.apa.org/topics/artificial-intelligence-machine-learning/health-advisory-ai-adolescent-well-being>

Amy Bos
Vice President of Government Affairs, NetChoice
1401 K Street NW, Ste 502
Washington, DC 20005



Hawaii HB 1782

TESTIMONY IN OPPOSITION

March 5, 2026

Hawaii State Legislature

House Judiciary & Hawaiian Affairs Committee

Dear Chair Tarnas, Vice-Chair Poepoe and Members of the Committee:

NetChoice respectfully submits this testimony in **strong opposition to Hawaii HB 1782**, which would regulate conversational and companion-style AI systems used by minors. NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

While provisions like requiring AI providers to disclose to users that they are interacting with an artificial intelligence — and not a human being — is a straightforward transparency measure that NetChoice views as reasonable, the bill contains numerous provisions that are constitutionally suspect, operationally unworkable, and likely to harm the very young people it seeks to protect while burdening Hawaii's growing technology economy.

Minor-Specific Liability Compels Age Verification and Raises Serious Constitutional Concerns

HB 1782 does not explicitly require age verification — but it functionally mandates it. By imposing liability on AI providers for harms to minors, the bill creates a compliance regime in which the only practical means of demonstrating that a user is not a minor is to verify the user's age. This is not a hypothetical concern; it is the predictable, logical consequence of tying legal exposure to a user's status as a minor.

Federal courts have consistently held that age verification mandates conditioning access to lawful speech are unconstitutional under the First Amendment. Courts have enjoined similar laws in California, Utah, Arkansas, Ohio, Louisiana, and Texas — each time finding that the burden on protected speech is not narrowly tailored to a compelling state interest. As one federal district court recently noted in enjoining

Arkansas’s age-verification law, such schemes “are not only an additional hassle, but they also require that website visitors forgo the anonymity otherwise available on the internet.”¹

The Supreme Court has made clear that states do not possess, as Justice Scalia memorably put it, “a free-floating power to restrict the ideas to which children may be exposed.”² An AI conversational system is not meaningfully different from a book, a website, or a film as a medium through which ideas, information, and expression flow. The First Amendment’s protections do not recede simply because a new medium is involved.³ Hawaii’s interest in protecting minors is legitimate — but the means chosen must be constitutionally sound. A de facto age verification requirement triggered by minor-specific strict liability does not meet that standard and will invite costly and predictable litigation.

Additionally, age verification inevitably creates a massive honeypot of sensitive personal data vulnerable to breaches, hacking, and misuse. It also enables unprecedented surveillance and tracking of individuals’ online activities. Users who value their privacy—including victims of domestic violence, political dissidents, or simply privacy-conscious individuals—would be forced to choose between anonymity and access to speech platforms.

The Prohibition on “Emotional Dependency” and “Manipulative Design” Is Dangerously Overbroad

NetChoice takes seriously the concern that certain AI systems — particularly companion-style chatbots designed to simulate romantic or parasocial relationships — could pose risks to young users. But HB 1782’s prohibitions are not limited to those harmful applications. The bill’s bar on features that “encourage emotional dependency” or constitute “emotionally exploitative design” is undefined and sweeping enough to capture a wide range of beneficial AI applications that serve Hawaii’s children every day:

- AI tutoring platforms that track student progress, offer encouragement, and check in on how a student is feeling about difficult material;
- Mental health and wellness applications that maintain context across sessions to provide continuity of care and emotional support;
- Accessibility tools that assist users with disabilities through emotionally attuned, context-aware interactions; and
- Educational tools that personalize content and adapt their tone to motivate and engage young learners.

A statute that bans engagement optimization or emotional dependency without meaningful definitional guardrails leaves developers with no clear line of compliance. Is a tutoring app that says “Great job — I

¹ *NetChoice, LLC v. Griffin*, No. 5:23-CV-05105 (W.D. Ark. Aug. 31, 2023) (preliminary injunction), *aff’d on permanent injunction*, (W.D. Ark. Mar. 31, 2025) (quoting *Am. Booksellers Found. v. Dean*, 342 F.3d 96, 99 (2d Cir. 2003)).

² *Brown v. Entertainment Merchants Ass’n*, 564 U.S. 786, 794 (2011).

³ *Brown v. Entm’t Merchs. Ass’n*, 564 U.S. 786, 794 (2011); *see also Reno v. ACLU*, 521 U.S. 844, 870 (1997) (rejecting reduced First Amendment protection for new communications media).

can tell you worked hard on that!” encouraging emotional dependency? Is a wellness chatbot that remembers a student mentioned feeling anxious last week engaging in manipulative design? The bill does not answer these questions, and that ambiguity is not benign — it is a compliance trap that will drive responsible developers out of Hawaii’s market.

There is also a First Amendment dimension. Restricting how an AI system communicates — banning emotionally attuned language, prohibiting an AI from presenting itself in a particular way — is a content- and speaker-based restriction on expression. The state does not have a cognizable interest in compelling AI developers to strip warmth, continuity, or emotional awareness from their products across the board. The scope of the prohibition must be far more narrowly tailored to the specific harms the Legislature has identified.

The Private Right of Action Creates Unmanageable Liability

The bill’s private right of action, combined with vague definitional standards, creates an unpredictable litigation environment for any company operating an AI product accessible in Hawaii. When the prohibited conduct — “optimizing engagement,” fostering “emotional dependency,” presenting as “sentient” — cannot be defined with reasonable precision, no compliance program can adequately manage the exposure. The result is not a deterrent against bad actors; it is a litigation subsidy that will drive responsible AI developers away from Hawaii while doing little to protect children from the genuinely harmful applications the Legislature has in mind.

* * * * *

NetChoice shares the Legislature’s commitment to protecting Hawaii’s children from online harm. But HB 1782 as written will not achieve its stated goals. Its overbroad definitions will capture beneficial AI tools that serve Hawaii’s students, patients, and families. Its minor-specific liability standard will function as an implicit age verification mandate in violation of the First Amendment. Its vague prohibitions on emotional design will expose responsible developers to unmanageable litigation risk while depriving Hawaii residents of access to innovative and helpful technology.

We respectfully urge the Committee to **reject HB 1782** in its current form and to pursue targeted, constitutionally sound alternatives — focused narrowly on the high-risk AI applications, with clear definitions, workable compliance standards, and protections for the vast landscape of beneficial AI that Hawaii deserves access to. As always, we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.⁴

Sincerely,

Amy Bos
Vice President of Government Affairs, NetChoice

⁴ The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.

NetChoice is a trade association that works to protect free expression and promote free enterprise online.

March 5, 2026

Hawaii House Judiciary & Hawaiian Affairs Committee
Hawaii State Capitol
415 S Beretania St.
Honolulu, HI 96813

Re: HB 1782 – “Relating to Artificial Intelligence for the Protection of Minors” (Oppose)

Dear Chair Tarnas and Members of the House Committee on Judiciary and Hawaiian Affairs:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 1782. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the intrastate provision of digital services, therefore, can have a significant, nationwide impact on CCIA members.

CCIA firmly believes that children are entitled to security and privacy online. Our members have designed and developed parental tools to individually tailor younger users’ online use to their developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools allow parents to block specific sites entirely.² While CCIA shares the goal of increasing online safety, the bill raises the following concerns:

HB 1782’s vague and subjective definitions would create compliance uncertainty.

Many of the bill’s definitions are not sufficiently clear for businesses to ensure compliance. For example, the bill broadly defines “conversational AI service” to include any AI system that “is accessible to the general public and primarily simulates human conversation through text, audio, or visual interaction.” This open-ended, subjective definition risks scoping in businesses such as customer service chatbots that answer support questions, productivity tools that use conversation interfaces, wellness applications that respond to user prompts about goals or progress, and other products and services without the capabilities this bill contemplates.

The definition of “AI companion system,” which is defined in the bill as “a conversational AI service that is designed, marketed, or optimized to form ongoing social or emotional interaction with a user by simulating companionship, emotional support, or relational attachment,” remains broad enough to capture widely used conversational interfaces, including AI tutors, language apps and research tools.

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.cclanet.org/members>.

² Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).

Similarly, it is difficult to objectively determine when a given output meets many of the listed criteria, such as “simulating companionship, emotional support, or relational attachment” “in ways that may be confusing or harmful to minors,” “manipulative design features intended to increase engagement time,” posing “a reasonably foreseeable risk of significant harm to a minor’s mental health, emotional well-being, physical safety, or healthy development, beyond transient discomfort or ordinary exposure to information” and others. These vague terms do not allow businesses to determine in advance whether their products and services comply with the law. Precise narrowing is required to focus any regulation solely on the intended targets.

Moreover, consumer-facing digital services have already built considerable consensus around mitigating content- and conduct-related risks to users and other parties. Most of the leading firms in industry have committed to meet best practice standards for online safety, which are embedded in a recently published 2025 international standard.³

To avoid restricting teens’ access to information, HB 1782 should regulate users under 13 rather than 18 in accordance with established practices.

HB 1782 defines “minor” as an individual less than 18. Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, if a 16-year-old is conducting research for a school project, it is expected that they would come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. We would suggest changing the scope of covered users to be minors under the age of 13 to align with the federal Children’s Online Privacy Protection Act (COPPA) standard.⁴ This would also allow for those over 13, who use the internet much differently than their younger peers, to continue to benefit from its resources.

Age verification raises significant privacy concerns.

The bill demands “reasonable and proportionate age assurance measures.” As the bill does not specify which age assurance measures are “reasonable and proportionate,” the bill risks effectively forcing covered providers to institute age verification to ensure compliance, even with the bill’s emphasis on “privacy and data minimization principles.” This approach creates significant problems. Every approach to age determination presents trade-offs between accuracy and privacy⁵—in addition to significant costs, especially for startups⁶—and there is no one-size-fits-all approach. Different services consider various factors, including but not limited to their user base, the service offered, risk calculation, privacy expectations, and economic feasibility, and should be able to choose the method that they believe will best protect their users. A recent Digital Trust & Safety Partnership (DTSP) report, *Age Assurance: Guiding*

³ ISO/IEC 25389:2025, *Information technology – The safe framework* (Edition 1, June 2025), <https://www.iso.org/standard/90106.html>.

⁴ See 15 U.S.C. § 6501(1).

⁵ Kate Ruane, *CDT Files Brief in NetChoice v. Bonta Highlighting Age Verification Technology Risks* (Feb. 10, 2025), <https://cdt.org/insights/cdt-files-brief-in-netchoice-v-bonta-highlighting-age-verification-technology-risks/>.

⁶ Engine, *More than just a number: How determining user age impacts startups* (Feb. 2024), <https://static1.squarespace.com/static/571681753c44d835a440c8b5/t/65d51f0b0d4f007b71fe2ba6/1708465932202/Engine+Report+-+More+Than+Just+A+Number.pdf>.



Principles and Best Practices, contains guiding principles for age assurance and discusses how digital services have used such principles to develop best practices.⁷

Determining a user’s age inherently requires collecting additional sensitive data from those users, and any document capable of verifying a user’s age will likely contain sensitive information. The Commission Nationale de l’Informatique et des Libertés (CNIL) analyzed several existing online age verification solutions but found that none of these options could satisfactorily meet three key standards: 1) providing sufficiently reliable verification; 2) allowing for complete coverage of the population; and 3) respecting the protection of individuals’ data, privacy, and security.⁸

The bill would lead to a chilling effect on the flow of information online and undermine user experiences.

HB 1782 requires that “a provider that knows or has reasonable certainty that a user is a minor shall clearly and conspicuously disclose that the minor is interacting with artificial intelligence and not a human being,” with the mandatory disclosure “provided at the beginning of each user session and at least once every three hours during a continuous interaction.” These kinds of mandatory notices undermine the user experience on services, and are not only ineffective but can even backfire — users may instead just keep an app or site open even more, or just ignore it due to the phenomenon known as ‘notice fatigue,’ as seen with frequent cookie notices from Europe or California.

Additionally, compliance with the bill is likely to result in a significant operational and technical burden through the mandatory implementation of time spent and the display of the notices themselves, especially for small and medium-sized digital services that fall within the scope of the bill’s broad definition. The costs required to redesign interfaces and conduct testing favor larger companies with the necessary resources, potentially harming smaller competitors or decentralized platforms.

HB 1782 risks creating a fragmented regulatory environment.

The bill would also contribute to a growing panoply of state artificial intelligence laws that impose inconsistent and potentially conflicting obligations on interstate digital services. Artificial intelligence systems are developed, trained, and deployed on a national and global scale. Prescriptive state-level mandates risk becoming outdated quickly, complicating compliance, and discouraging investment in jurisdictions that adopt rigid or punitive frameworks. A fragmented regulatory approach threatens that position by making it more difficult for companies to deploy new services and features in the state.

⁷ *Age Assurance: Guiding Principles and Best Practices*, Digital Trust & Safety Partnership (Sept. 2023), https://dtspartnership.org/wp-content/uploads/2023/09/DTSP_Age-Assurance-Best-Practices.pdf.

⁸ *Online Age Verification: Balancing Privacy and the Protection of Minors*, CNIL (Sept. 22, 2022), <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.



The bill’s private right of action would result in the proliferation of costly and questionable claims based on subjective criteria.

HB 1782 permits “a person who suffers an injury as a result of a violation of this part” to “bring a civil action to recover actual damages, injunctive relief, and reasonable attorney’ fees.” By creating a new private right of action, this measure would open the doors of state courthouses to plaintiffs advancing costly, time-intensive claims based on subjective criteria. The vague standards noted above necessitate fact-intensive inquiries that make courts reluctant — or unable — to dismiss claims until more facts can be gathered in the discovery phase. These new dynamics would significantly affect litigants’ incentives. If defendants are routinely forced past the motion to dismiss phase and into full discovery, the cost of litigation itself becomes a coercive force, encouraging settlements unrelated to the strength of the legal claims. Moreover, these costs would be passed on to Hawaiians, disproportionately impacting smaller businesses and startups across the state.⁹ CCIA therefore recommends granting the state exclusive enforcement authority and adding a right to cure period to ensure that such costly litigation arises only when necessary, mirroring New Hampshire’s recent shift.¹⁰

* * * * *

While we share concerns about protecting child safety online, we encourage Committee members to resist advancing legislation that is not adequately tailored to this objective. We appreciate your consideration of these issues and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey
State Policy Manager, West Region
Computer & Communications Industry Association

⁹ Trevor Wagener, *State Regulation of Content Moderation Would Create Enormous Legal Costs for Platforms*, Broadband Breakfast (Mar. 23, 2021), <https://broadbandbreakfast.com/trevor-wagener-state-regulation-of-content-moderation-would-create-enormous-legal-costs-for-platforms/>.

¹⁰ *CCIA Applauds New Hampshire House Members for Improving Flawed AI Bill*, CCIA (May 23, 2025), <https://ccianet.org/news/2025/05/ccia-applauds-new-hampshire-house-members-for-improving-flawed-ai-bill/>.

HB-1782-HD-2

Submitted on: 3/4/2026 11:21:44 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Briana Harmon	Individual	Support	Remotely Via Zoom

Comments:

**House Consumer Protection & Commerce Committee
Wednesday, March 4th, 2026**

Aloha Chair, Vice Chair, and Members of the Committee

My name is Briana Harmon. I grew up in Waimea, where I attended HPA and developed a passion for civic engagement. I am deeply passionate about the effects of HB1782 on my community at home. This bill would affect me, my friends, and my family across Hawai'i and the country, so I want to make sure you know why it is important from a young person myself, who these AI companions target directly.

My generation is facing an unprecedented loneliness crisis, and many of us are turning to AI companions for emotional support. However, these systems are not designed to support the young people who are turning to them, but instead to maximize engagement and replace real relationships. Our keiki deserve better. Part of what makes our community special is our connection to land and community. Some of the most impactful experiences I had growing up involved spending time with my peers and engaging with our rich cultural landscape. As more and more keiki turn to AI chatbots, more and more keiki lose that opportunity.

We need your help. I am testifying in support of HB1782, as this bill is an important first step in protecting those in my generation and the generations after me from the damages to our communities that AI chatbots create. As more and more young people turn to artificial intelligence for emotional support, we lose the ability to forge bonds with one another and build relationships. It is your kuleana to regulate the use of AI for emotional support and to find ways to foster real relationships among young people. Please join me on this mission by supporting this bill.

This bill establishes safeguards: It prohibits AI companion systems from using addictive and manipulative features with minors, like simulating romantic relationships or encouraging emotional dependency. The bill draws a clear line between general conversational tools and systems designed to simulate emotional relationships, between tools that use your data to make personal recommendations versus tools that say they miss you and ask you why you have been gone so long.

Young people don't have the luxury of waiting years for policy while these AI companions are rapidly becoming normalized because of Big Tech companies forcing them onto children. As you consider your vote on a bill that affects our keiki, I hope that my voice and the keiki I represent paints a picture as to why this is so important to us and why action is needed today.

Mahalo for your consideration.

Briana Noelani Harmon

HB-1782-HD-2

Submitted on: 3/4/2026 11:32:52 AM

Testimony for JHA on 3/5/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

I KĀKO‘O this bill. Please protect our most precious resource, our keiki. The laws and enforcement of such laws are already far behind the speed in which this danger is affecting our keiki.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i



4 March 2026

Dear Chair Tarnas, Vice Chair Poepoe, and Esteemed Members of Hawaii's House Committee on Judiciary & Hawaiian Affairs:

I am a policy analyst at the Institute for Family Studies (IFS), which aims to advance the welfare of families and children through research and public education. One of the ways we have pursued this goal is by developing and promoting policies that best empower parents to protect their children online. I am writing in support of HB 1782.

Research shows that parents are monitoring their children's digital usage more than ever. Nevertheless, despite the proliferation of parental controls and tools to monitor children's usage, many parents remain worried about their children spending time online.

Their worries aren't ill-founded. They know that even their best efforts will fail to protect their children from tech companies preying upon their children, whether that's by addicting kids with algorithms, feeding them age-inappropriate content, or getting them to agree to complex contracts (such as terms of service and privacy policies) that most adults do not understand.

These worries are only heightened by the promulgation of readily accessible, Human-like chatbot companions that isolate and manipulate minors into emotional dependency. Each day, there are more and more stories of lonely children who are coaxed into emotional dependency as well as romantic or sexual interactions by these chatbots. Some have even been talked into harming themselves or taking their own lives.

This bill is simple. If chatbot companies want access to children, then they must create verifiably safe products or be required to implement age verification methods to ensure that vulnerable children do not have easy access to their products. And more importantly, it holds companies liable for failing to comply with the safety standards outlined in the bill.

When it comes to raising kids, parents need help—especially online. By applying real-world commonsense consumer protections such as safety benchmarks and legal liability, HB 1782 would meaningfully protect children and put power back into the hands of parents. We hope this committee will consider advancing this bill for the good of Hawaiian families.

Sincerely,

Jared Hayden

Policy Analyst, Family First Tech Initiative, Institute for Family Studies

The Future Is Family

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TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Item: **HB 1782 - Relating to Artificial Intelligence for the Protection of Minors**

Position: **SUPPORT**

Hearing: **3/05/26, Conference Room 325, 2:00pm**

Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Hawai'i State Teachers Association **supports HB 1782** which creates safeguards to protect minors in the use of Artificial Intelligence (AI) chatbots, and companion-style AI systems.

HSTA members know that our students are a vulnerable population with developing brains, lacking the same critical thinking skills, emotional resilience, and legal capacity to consent as adults working with these new AI systems. We also know that the technology is changing so quickly, that students and families are often unaware of the risks these systems can pose.

Children and adolescents are in crucial stages of emotional and social development. Social skills are learned through real-time human interaction involving non-verbal cues, empathy, and conflict resolution. If students substitute difficult human interactions with frictionless, always-agreeable AI interactions, their ability to navigate real-world relationships may be stunted. Minors are far more likely than adults to anthropomorphize AI—attributing human emotions, consciousness, and intent to a chatbot. They may form deep, one-sided emotional bonds with "companion bots," leading to unhealthy dependence, and social withdrawal from real-life peers.

Our educator members also understand that AI models are trained on the internet, which contains vast amounts of human prejudice. If an AI model contains inherent biases regarding race, gender, or religion, it will reflect those back to the user. Minors are highly impressionable

and are still forming their worldviews. Consistent exposure to subtly biased AI responses can normalize prejudice and shape their developing social values in negative ways.

AI chatbots are designed (and marketed) to be helpful and engaging, which often means telling the user what they want to hear. For a teenager exploring fringe political or social ideologies, an AI can act as the ultimate echo chamber, validating harmful views without the pushback they might receive in a diverse human social setting, potentially accelerating radicalization.

Despite efforts at building "guardrails," chatbots can be "jailbroken" (tricked into breaking rules) or simply fail. This exposes minors to age-inappropriate content, including hate speech, sexually explicit material, instructions for self-harm, or ideologies promoting violence or eating disorders.

For these reasons, and information we'll share in person at the hearing, the Hawai'i State Teachers Association asks your committee to **support** HB 1782.