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## Testimony of the Department of Commerce and Consumer Affairs

Before the  
Senate Committee on Commerce and Consumer Protection  
and  
Senate Committee on Labor and Technology  
February 10, 2026  
9:28 a.m.  
Via Videoconference  
Conference Room 229

On the following measure:  
**S.B. 3001, RELATING TO ARTIFICIAL INTELLIGENCE**

Chair Keohokalole, Chair Elefante, and Members of the Committee:

My name is Radji Tolentino and I am an Enforcement Attorney with the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department appreciates the intent of this bill and offers comments.

The purposes of this bill are to require operators of conversational artificial intelligence services in the State to issue certain disclosures to account holders and users, require operators to develop protocols to prevent the production of suicidal ideations in account holders and users, establish protections for minor account holders of conversational artificial intelligence services, require operators to submit annual reports to the Department of Commerce and Consumer Affairs containing certain information, and allow the Department of the Attorney General to bring a civil action against operators who violate certain requirements and establishes statutory penalties.

We support the intent of this bill to protect Hawaii residents from the risks associated with conversational AI. As AI becomes a standard part of our digital lives, we will see an increasing risk of these tools being used to mislead or manipulate individuals. Vulnerable groups, such as seniors and children, are at a higher risk of being deceived by AI that mimics human empathy or provides false information. AI sycophancy is a real risk. This bill creates necessary safeguards to ensure that technology serves the public without compromising their safety or privacy.

Should the Committee wish to pass this bill, we respectfully request the following amendments to enhance consumer protections:

(1) Add a "data minimization" provision similar to Page 6, Line 18 – Page 7, Line 7 in H.B. 1782 requiring companies to collect and keep only the data they actually need to run the service, preventing them from harvesting unnecessary personal information;

(2) Amend subsection (f) to state that any violation of this law is considered an unfair or deceptive practice in trade or commerce under chapter 480. This will provide DCCA, in addition to the Department of the Attorney General, clear legal authority to take action against companies that violate this law; and

(3) Include an appropriation to support enforcement by our office, including funding for a technologist position. A technologist would provide essential expertise to help attorneys and investigators understand how AI systems function, how data is used and weighted, and whether automated decisions comply with the law. This role would be critical for evaluating technical evidence, identifying unfair or deceptive practices, drafting targeted subpoenas, and effectively enforcing the statute in a rapidly evolving and highly technical area.

Thank you for the opportunity to testify on this bill.



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

**Date:** 02/10/2026

**Time:** 09:28 AM

**Location:** CR 229 & Videoconference

**Committee:** CPN/LBT

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB3001, RELATING TO ARTIFICIAL INTELLIGENCE.

**Purpose of Bill:** Requires operators of conversational artificial intelligence services in the State to issue certain disclosures to account holders and users. Requires operators to develop protocols to prevent the production of suicidal ideations in account holders and users. Establishes protections for minor account holders of conversational artificial intelligence services. Beginning January 1, 2027, requires operators to submit annual reports to the Department of Commerce and Consumer Affairs containing certain information. Allows the Department of the Attorney General to bring a civil action against operators who violate certain requirements and establishes statutory penalties.

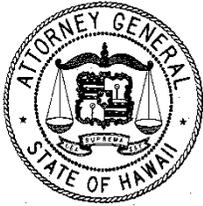
**Department's Position:**

The Hawaii State Department of Education (Department) supports SB 3001.

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.



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 3001, RELATING TO ARTIFICIAL INTELLIGENCE.

**BEFORE THE:**

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON  
LABOR AND TECHNOLOGY

**DATE:** Tuesday, February 10, 2026      **TIME:** 9:28 a.m.

**LOCATION:** State Capitol, Room 229

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

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Chairs Keohokalole and Elefante and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments.

This bill requires operators of conversational artificial intelligence services in the State to: (1) provide certain disclosures to account holders and users; (2) develop protocols to prevent the production of suicidal ideations in account holders and users; (3) establish protections for minor account holders and users; and (4) submit annual reports to the Department of Commerce and Consumer Affairs containing certain information. The bill also establishes statutory penalties and allows the Department to bring civil actions for violations.

As currently drafted, this bill may be subject to constitutional challenge under the First and Fourteenth Amendments of the United States Constitution due to subsection (d) of the new section to be added to chapter 481B, Hawaii Revised Statutes (HRS). Laws that regulate speech based on its content are presumptively unconstitutional, although a state 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 as an acceptable means to prevent minors from accessing sexually explicit content, subject to intermediate scrutiny).

The restrictions in section 481B- (d)(2)(A) and (B) requiring reasonable measures to prevent the conversational artificial intelligence service from "[p]roducing visual material of sexually explicit conduct" (page 4, lines 3-4) and "[g]enerating direct statements that the account holder should engage in sexually explicit conduct" (page 4, lines 5-7) may be less vulnerable to challenge because section 481B- (k) includes a definition of "[s]exually explicit conduct" (page 9, lines 8-9) and because the State has more power to protect minors from depictions of sexually explicit conduct. See *id.* However, the restriction in section 481B- (d)(2)(C) requiring reasonable measures to prevent the conversational artificial intelligence service from "[g]enerating statements that sexually objectify the account holder" (page 4, lines 8-9) could present vagueness concerns because the bill does not define "sexually objectify." To mitigate this issue, we recommend including a definition for "sexually objectify"—such as "to make sexual comments directed at the account holder's or user's body or appearance."

Section 481B- (d)(3), HRS, seeks to regulate the content of conversational artificial intelligence services' outputs. A statute preventing a conversational artificial intelligence service from making the statements described in subsections (d)(3)(A), (d)(3)(B), and (d)(3)(C) (page 4, lines 15-20), may be viewed as a content-based law and subject to challenge under the First Amendment. Moreover, subsections (d)(3)(B) and (d)(3)(C) may face constitutional vagueness challenges. Terms such as "[s]tatements that simulate emotional dependence" (page 4, line 17) and "[s]tatements that simulate romantic or sexual innuendos" (page 4, lines 19-20) are not defined, and it is unclear what kinds of statements these phrases would encompass. Without clear definitions, there is a greater possibility that these provisions could be enforced arbitrarily. As a result, these paragraphs may be more vulnerable to challenges under both the First and Fourteenth Amendments to the United States Constitution. To mitigate these issues, we recommend deleting subsection (d)(3) as these restrictions are potentially vague and may also infringe on protected speech.

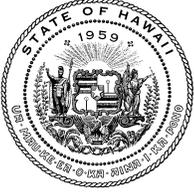
We acknowledge the legislative intent behind subsection (d)(3) is to prevent conversational artificial intelligence services from misleading users into thinking they are interacting with a human. To further that compelling governmental interest, we

recommend inserting the following wording after page 3, line 9, as subsection (c)(5)  
(with subsequent paragraphs renumbered accordingly):

- (5) Institute reasonable measures to prevent the conversational artificial intelligence service from making any representation or statement that would lead a reasonable person to believe that they are interacting with a human where the user is seeking or receiving crisis intervention for self-harm or suicide.

We also recommend including a definition for "crisis intervention" such as "communication intended to provide immediate support or assistance in response to a user seeking help for, referencing, or expressing self-harm, suicidal ideation, or suicide."

Thank you for the opportunity to provide comments.



**STATE HEALTH PLANNING  
AND DEVELOPMENT AGENCY**  
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

**JOSH GREEN, MD**  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

**KENNETH S. FINK, MD, MGA, MPH**  
DIRECTOR OF HEALTH  
KA LUNA HO'ŌKELE

**JOHN C. (JACK) LEWIN, MD**  
ADMINISTRATOR

February 6, 2026

**TO:** COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
Senator Jarrett Keohokaloe, Chair  
Senator Carol Fukunage, Vice Chair

Committee on Labor and Technology  
Senator Brandon J.C. Elefante, Chair  
Senator Rachele Lamosao, Vice Chair  
Honorable Members

**FROM:** John C. (Jack) Lewin, MD, Administrator, SHPDA, and Sr. Advisor to Governor  
Josh Green, MD on Healthcare Innovation

**RE: SB 3001 -- RELATING TO ARTIFICIAL INTELLIGENCE**

**HEARING:** Tuesday, February 10, 2026 @ 9:28 am; Conference Room 229

**POSITION:** SUPPORT with COMMENTS

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Testimony:

SHPDA supports SB3001 with comments.

This bill establishes ways to regulate conversational artificial intelligence (AI) in Hawai'i adding mandatory disclosures, mental health and safety protocols, youth protections, reporting requirements and enforcement and penalties. These are critical guardrails around the rapid deployment of conversational AI systems safeguarding consumers, especially minors, and reinforcing responsible and transparent digital engagement.

By mandating clear notifications that AI is not human, this bill prevents deception and fosters informed user interactions. It also provides age-appropriate disclosures and hourly reminders and bans manipulative reward strategies which reduce the risk of addition-like behavior.

This bill provides clear, safety-first standards for AI developers, promoting innovation within ethical boundaries. SB3001 is a proactive measure that places consumer protection at the heart of AI policy. It adopts the best practices to maintain safety, transparency and accountability.

Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA

*HB \*\*\*\*: testimony of SHPDA (2026), continued.*

## TESTIMONY OF NAHELANI PARSONS ON BEHALF OF GOOGLE IN SUPPORT OF SB 3001

Date: Tuesday, February 10, 2026

Time: 9:28 a.m.

**Aloha, Chair Keohokalole and Chair Elefante and members of the Committees.** Thank you for the opportunity to discuss the critical intersection of generative AI and youth safety.

My name is Nahelani Parsons, on behalf of Google's Government Affairs and Public Policy team, testifying in **support** of **SB 3001** Relating to Artificial Intelligence. Recommended amendments shared below.

Google has a long history of investing in Hawai'i, and our commitment extends to the safety and well-being of its children and youth.

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We believe that generative AI, like Gemini, can be a powerful tool for learning, creativity, and preparing young people for an AI-driven future. However, we recognize that **minors have unique developmental needs** that require unique protections.

That is why we have taken a deliberate, "safety-by-design" approach to Gemini for users under 18 (U18). Our protections, developed in consultation with internal and external child development experts, include:

- **Persona Safeguards:** We developed Gemini to help prevent claims of sentience or the simulation of human-like relationships. This helps prevent minors from developing emotional dependencies on AI.
- **Suicide and Self-Harm Protocols:** We have a longstanding protocol for communications that appear to reflect suicidal ideation or self-harm expressed by a user, regardless of age. We immediately refer these users to crisis service providers, such as suicide hotlines.
- **Age-Appropriate Content Safeguards:** We implement robust guardrails to help prevent sexually explicit content, harassment, and instructions for dangerous activities.

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While Google has proactively implemented these safeguards, we believe that **well-crafted legislation can play a meaningful role** to establish a consistent "responsibility floor" across the entire industry. We are here today to support SB 3001, a thoughtful and effective bill that reflects a risk-based approach to safety.

We support this legislation because it:

1. **Codifies Safety Guardrails:** It requires all operators to implement reasonable measures against sexually explicit content and the simulation of romantic or sentient personas for minors.
2. **Mandates Transparency:** It requires clear disclosures so that minors know they are interacting with an AI, not a human.
3. **Bans “gamification”:** It bans "gamification" techniques where chatbots provide points or similar rewards to encourage increased engagement.
4. **Empowers Parents:** It ensures that parents of children under 13 have tools to manage their child's access and settings, while offering appropriate supervision options for teens.

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## Conclusion

Legislation should focus on **protecting kids in the online world, not keeping them from it.** This is especially true as generative AI tools play a greater role in our lives. This measure provides the "rules of the road" necessary to hold companies accountable while preserving the ability for Hawai'i's youth to benefit from this transformative technology.

Thank you again for the opportunity to testify. I look forward to answering your questions and working together to ensure a safer digital future for Hawai'i's youth.

## Recommended amendments:

- Page 2, amend line 4, from “every hour” to “every three hours.”  
This recommendation is consistent with existing laws in California and New York so as to avoid an unworkable patchwork of laws across the 50 states
- Page 2, delete section (2), line 18 through to page 3, line 2.  
This is duplicative of subsection (1) and not technically feasible. If we identify a violative prompt or output, products will not provide a response.
- Page 3, delete sections (5) and (6), lines 10-14.  
These sections are unclear.
- Page 5, amend section (4), lines 1-11 to read as follows:  
(4) Offer tools to manage the minor account holder's or user's privacy and account settings, to:  
(A) The minor account holder or user; and  
(B) The parent or guardian of the minor account holder or user if the minor account holder or user is under sixteen years of age;

provided that the operator shall also make the tools required by this paragraph available to the parent or guardian of a minor account holder or user sixteen years of age and above as appropriate based on relevant risks."

Legislation should require that online services offer a range of privacy-preserving settings that help parents address the unique needs and preferences of their family.

- Page 6, delete section (f), lines 4-5.  
Inclusion of this provision constitutes a Private Right of Action.
- Page 7, amend section (k), lines 10-14.  
(k) For the purposes of this section:  
"Account holder" or "user" means a person who:  
(1) Hhas, or generates, an account or profile to use a conversational artificial intelligence service; or  
(2) Uses a conversational artificial intelligence service as a guest or through a temporary account without creating an account or profile.  
This isn't workable as the requirements in the bill can only be met if the user is logged into their account or profile.
- Page 7, beginning on line 20, amend definition of, "Conversational artificial intelligence service," to read as follows:  
"Conversational artificial intelligence service" or "service" means an artificial intelligence software application, web interface, or computer program, including any system that is integrated into or operates in conjunction with another social media platform, application, web interface, or computer program, that is accessible to the general public that primarily simulates human conversation and interaction through textual, visual, or aural communications."  
There are a range of systems integrated into other platforms or applications that wouldn't be appropriately covered by this bill. To name a couple of examples, Google Maps incorporates generative AI to help users discover new places, and people can use Gemini in Google Docs to summarize the main points of a lengthy document.
- Page 9, amend the effective date to allow for one year after enactment into law to allow platforms to prepare and implement relevant requirements.



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Statement of  
**Coltrane Kubo**  
COO  
Aidgentic LLC  
before the



**COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

Tuesday, February 10, 2026  
9:28 AM

State Capitol, Conference Room 423 & Videoconference  
In consideration of  
**SB3001**  
**RELATING TO ARTIFICIAL INTELLIGENCE**

Aidgentic LLC **OPPOSES** SB3001 in its current form, which establishes disclosure requirements and liability protocols for operators of conversational artificial intelligence services. While we deeply appreciate and share the legislature's goal of protecting users, and particularly minors, from harmful content and suicidal ideation, we believe the mechanism of enforcement proposed in this measure is technically infeasible and misdirected.

The primary flaw in this measure lies in its failure to distinguish between "model providers" and "operators." Model providers are the massive organizations (such as OpenAI, Anthropic, or Google) that train the foundation models and control their core safety protocols. "Operators," by contrast, are often small businesses and local agencies, like Aidgentic, that build applications on top of these pre-existing models.

Currently, virtually all major foundation models (GPT, Claude, Gemini) already possess fine-tuned safeguards regarding harm, weapons development, suicide, and explicit material. However, these safeguards are intrinsic to the model itself, not the application layer built by the operator. Despite billions of dollars invested in safety by providers, these models can still be circumvented, leading to rare but serious instances of generated harm. Because these flaws are intrinsic to the core model, a downstream operator has no technical capacity to guarantee the prevention of such outputs.

Holding local operators liable for the intrinsic behaviors of foundation models is akin to holding a website builder liable for a flaw in the web browser. If passed, this bill would effectively mandate that small Hawaii businesses solve technical safety challenges that even the world's largest tech companies have not yet fully resolved. It would impose liability for "intrinsic flaws" that are outside the operator's control.

Aidgentic is an AI-focused automation agency that helps small and midsize businesses adopt practical AI and modern digital infrastructure. We strive to build responsible workflows, but we cannot accept liability for the probabilistic nature of the underlying models we do not own. This measure would likely force local AI innovators to cease operations or relocate to jurisdictions where liability is placed appropriately on the model providers rather than the downstream integrators.

Thank you for the opportunity to offer these comments.