

AI COMPANION CHATBOT SAFETY ACT

SPONSORED BY REPRESENTATIVE DOUG FIEFIA AND SENATOR KIRK CULLIMORE

The AI Companion Chatbot Safety Act (ACCSA) establishes protections for all Utah users, and heightened safeguards for Utah minors.

PROTECTIONS FOR ALL UTAH USERS

ADVERTISING	DATA PRIVACY & OPERABILITY	HARMFUL CHATBOT CONVERSATIONS
An operator cannot advertise a specific product or service to the user unless: - It is clearly identified as an advertisement in the interaction. - The operator discloses any sponsorship, business affiliation, or agreement.	- Allow users to download a complete history of the user's interaction with the companion chatbot when retained by the operator. - An operator cannot sell or otherwise convey a user's sensitive data without affirmative consent.	- Operator prohibited from interacting with a user unless the operator prevents that chatbot from encouraging suicidal ideation, self-harm, or harm to others. - If a user expresses suicidal ideation, suicide, or self-harm, the chatbot shall provide resources including a referral to crisis providers and a suicide hot line or crisis text line.

ADDITIONAL PROTECTIONS FOR UTAH MINORS

ADVERTISING	DATA PRIVACY & OPERABILITY
A chatbot cannot direct targeted advertising unless opted in by the user.	- An operator cannot: - collect data outside what is necessary for core functionality. - sell a user's personal data - otherwise share user's personal data unless user has opted-in.

ADDITIONAL SAFETY REQUIREMENTS FOR UTAH MINORS

HARMFUL MATERIALS	WARNINGS & DISCLOSURES
Operators are prohibited from: - Producing or directing minors to material harmful to minors. - Encouraging illegal substances, alcohol, tobacco/nicotine, sexual conduct, self-harm, or illegal conduct.	Disclosed during long periods of continuous use that: - the chatbot is not human. - reminds the user to take a break. - using a chatbot may not be suitable for a minor.



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SAFE HARBOR

- No liability under the bill if the operator meets the safety standards and transparency requirements established by the office by rule.
- No liability for mistaking a minor for an adult if the operator uses an age assurance method that meets the standards established by division rule.
- The operator bears the burden of demonstrating by clear and convincing evidence that it qualifies for a safe harbor.

ANNUAL REPORTING REQUIREMENTS

An operator shall report to the office:

- The number of times the operator has issued a crisis service provider referral notification in the preceding calendar year.
- Methods the operator has implemented to prevent a companion chatbot response about suicidal ideation or actions with the user.

NEW DEFINITIONS

Affirmative Consent: means a clear act signifying a user's freely given, specific, informed, and unambiguous authorization for an act or practice in response to a specific request from an operator. It does not include acceptance of broad terms, passive interactions like hovering over, muting, or agreements obtained through use of dark patterns.

Companion Chatbot: means an artificial intelligence system that uses a natural language interface that:

- (a) uses personal data retained, stored, or retrieved from a prior interaction and generates an output that:
 - (i) simulates a relationship with the user; or
 - (ii) indicates the companion chatbot has emotions, feelings, memories, or personal opinions; and
- (b) generates an output containing an affective or social inquiry that:
 - (i) is not logically required to resolve a user prompt or task-based command; or
 - (ii) prioritizes extension of the interaction over task resolution.

Operator: means a person who makes a companion chatbot available to a user in the state.

REFERENCES TO EXISTING LAW

Material Harmful to Minors: means any description or representation of nudity, sexual conduct, or sexual abuse that appeals to the prurient interest in sex of minors, is patently offensive to prevailing community standards, and does not have serious value for minors. **(76-5c-101)**

Personal Data: means information that is linked or reasonably linkable to an identified individual or an identifiable individual. It does not include deidentified data, aggregated data, or publicly available information. **(13-61-101)**

Sensitive Data: means an individual's race or ethnic origin, religious beliefs, sexual orientation, citizenship or immigration status, or information regarding an individual's medical history, health condition, or medical treatment, genetic personal data, or biometric data. **(13-61-101)**

Targeted Advertising: means displaying an advertisement to a consumer where the advertisement is selected based on personal data obtained from the consumer's activities over time and across nonaffiliated websites or online applications to predict the consumer preferences or interests. **(13-61-101)**