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Date: (Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1451, L.D. 2162, “An Act to Regulate and Prevent Children's Access to Artificial Intelligence Chatbots with Human-like Features and Social Artificial Intelligence Companions”

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, minors in this State may have access to artificial intelligence chatbots and social artificial intelligence companions, and their interactions with these chatbots or social artificial intelligence companions may be harmful to their mental health; and

Whereas, this legislation requires a person that, for commercial purposes, operates or distributes an artificial intelligence chatbot or social artificial intelligence companion to maintain systems to detect, promptly respond to, report and mitigate situations in which a minor indicates to a chatbot that the minor intends to harm the minor or commit harm to another person; and

Whereas, this legislation is necessary to protect minors in this State and must be enacted immediately to prevent a minor from harming the minor or committing harm to another person; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 10 MRSA c. 247 is enacted to read:

CHAPTER 247

COMMITTEE AMENDMENT

1 **REGULATION OF ARTIFICIAL INTELLIGENCE CHATBOTS AND SOCIAL**
2 **ARTIFICIAL INTELLIGENCE COMPANIONS**

3 **§1500-PP. Definitions**

4 As used in this chapter, unless the context otherwise indicates, the following terms
5 have the following meanings.

6 **1. Artificial intelligence chatbot; chatbot.** "Artificial intelligence chatbot" or
7 "chatbot" means an artificial intelligence system with which users can interact by or
8 through a software application, web interface, computer program or other interface that
9 approximates or simulates human conversation and interaction through a text, audio or
10 visual medium.

11 **2. Deployer.** "Deployer" means a person that, for commercial purposes, operates or
12 distributes an artificial intelligence chatbot or social artificial intelligence companion.

13 **3. Human-like feature.** "Human-like feature," with respect to an artificial intelligence
14 system, means:

15 A. Behavior that would lead a reasonable person to believe that the artificial
16 intelligence system is conveying that it has humanity, sentience, emotions or desires,
17 which:

18 (1) Includes, but is not limited to, the artificial intelligence system:

19 (a) Stating or suggesting that it is human or sentient;

20 (b) Stating or suggesting that it has emotions; or

21 (c) Stating or suggesting that it has personal desires; and

22 (2) Does not include:

23 (a) The provision of a functional evaluation; or

24 (b) The use of generic social formalities;

25 B. An attempt by the artificial intelligence system to build or engage in an emotional
26 relationship with the user, which:

27 (1) Includes, but is not limited to:

28 (a) Expressing or inviting emotional attachment;

29 (b) Reminding, prompting or encouraging the user to return for emotional
30 support or companionship;

31 (c) Depicting nonverbal forms of emotional support;

32 (d) Behaving in a way that a reasonable user would consider excessive praise
33 designed to foster emotional attachment with or otherwise gain the favor of the
34 user; or

35 (e) Enabling or purporting to enable increased intimacy based on engagement
36 or payment by the user; and

37 (2) Does not include:

1 (a) Using generic words or phrases of encouragement that do not create an
2 ongoing emotional attachment; or

3 (b) Asking if a user needs further help or support in a neutral, nonemotional
4 context; or

5 C. Impersonation of a real individual, living or dead, by the artificial intelligence
6 system.

7 **4. Minor.** "Minor" means an individual who has not attained 18 years of age.

8 **5. Person.** "Person" means an individual, partnership, corporation, developer of a
9 chatbot or social artificial intelligence companion or state or local government agency.

10 **6. Social artificial intelligence companion; social AI companion.** "Social artificial
11 intelligence companion" or "social AI companion" means an artificial intelligence system
12 that is specifically designed, marketed or optimized to form an ongoing social or emotional
13 attachment with a user, whether or not the system also provides information, completes
14 tasks or assists with specific functions.

15 **7. User.** "User" means a person who interacts with an artificial intelligence system.

16 **§1500-QQ. Applicability**

17 This chapter applies to:

18 **1. Deployers; connection to State.** Deployers that conduct business in this State or
19 that operate or distribute products or services that are marketed or promoted to residents of
20 this State; and

21 **2. Minors; residence.** Minors who reside in this State.

22 **§1500-RR. Chatbots with human-like features and social AI companions not**
23 **accessible to minors**

24 **1. Chatbots with human-like features; no minor access.** Beginning February 15,
25 2027, a deployer shall ensure that any chatbot operated or distributed by the deployer does
26 not make human-like features available to minors to use, interact with, purchase or
27 converse with. A deployer may, if reasonable given the purpose of the chatbot, provide an
28 alternative version of the chatbot without human-like features available to minors.

29 **2. Social artificial intelligence companions; no minor access.** Beginning February
30 15, 2027, a deployer shall ensure that any artificial intelligence system, including a chatbot,
31 operated or distributed by the deployer that primarily functions as a social artificial
32 intelligence companion is not available to minors to use, interact with, purchase or converse
33 with.

34 **3. Systems to detect and respond when minor indicates intent to harm.** Notwithstanding any provision of this section or any other provision of law to the contrary,
35 a deployer shall implement and maintain systems to detect, promptly respond to, report and
36 mitigate situations in which a minor indicates to a chatbot that the minor intends to harm
37 the minor or commit harm to another person.

38 **§1500-SS. Penalties and remedies for violation**

39 Violations of this chapter may be enforced in accordance with this section.
40

1 **1. Civil action brought by Attorney General.** The Attorney General may bring a
2 civil action against a person that violates this chapter. Penalties may include:

3 A. An order to enjoin a violation of this chapter;

4 B. Disgorgement of profits or revenues realized as a result of a violation of this chapter;
5 and

6 C. A civil penalty of:

7 (1) For each violation of this chapter, not more than \$2,500 per violation; and

8 (2) Notwithstanding subparagraph (1), for each intentional violation of this
9 chapter, not more than \$7,500 per violation.

10 **2. Private right of action for minors.** A minor who uses a chatbot or social artificial
11 intelligence companion that does not comply with the provisions of this chapter, or a parent
12 or guardian acting on the minor's behalf, may bring a civil action against the deployer of
13 the chatbot or social artificial intelligence companion independently, or as part of a class
14 action, to:

15 A. Recover damages in an amount not to exceed \$2500 per incident, up to a maximum
16 of \$50,000 per minor, or actual damages, whichever is greater; and

17 B. In lieu of or in addition to recovery of damages, obtain injunctive or declaratory
18 relief.

19 **§1500-TT. Rules**

20 The Department of the Attorney General may adopt rules necessary to implement this
21 chapter. Rules adopted pursuant to this chapter are routine technical rules as described in
22 Title 5, chapter 375, subchapter 2-A.

23 **Sec. 2. Stakeholder group convened by Attorney General.** The Attorney
24 General shall convene a stakeholder group to review the provisions of the Maine Revised
25 Statutes, Title 10, chapter 247 and to consider whether the provisions, including the
26 definitions and the substantive requirements, should be amended to clarify the provisions
27 or to address unintended consequences or whether the adoption of rules is necessary to
28 implement the provisions of Title 10, chapter 247. The stakeholder group shall also review
29 similar laws enacted in other states and recommendations related to best practices for
30 regulation of artificial intelligence chatbots and social artificial intelligence companions
31 for the protection of minors. No later than January 15, 2027, the Attorney General shall
32 submit a report on the stakeholder group's recommendations, including any suggested
33 legislation and any proposed rules, to the joint standing committee of the Legislature having
34 jurisdiction over health coverage, insurance and financial services matters. The joint
35 standing committee may report out a bill related to the report to the 133rd Legislature in
36 2027.

37 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
38 takes effect when approved.'

39 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
40 number to read consecutively.

SUMMARY

This amendment replaces the bill and adds an emergency preamble and emergency clause. The amendment requires operators and distributors of artificial intelligence chatbots and social artificial intelligence companions to implement and maintain systems to detect, promptly respond to, report and mitigate situations in which a minor indicates to a chatbot that the minor intends to harm the minor or commit harm to another person. Beginning February 15, 2027, operators and distributors of artificial intelligence chatbots and social artificial intelligence companions are prohibited from making accessible to minors any chatbots or social artificial intelligence companions that have human-like features. A chatbot with human-like features is a chatbot that behaves in a way that conveys humanity, sentience, emotions or desires; attempts to build an emotional relationship with the user; or impersonates a real individual, living or dead.

The amendment allows the Attorney General to bring a civil action against a person that violates the provisions of this legislation and also provides a private right of action that a minor or the minor's guardian may bring on the minor's behalf. The amendment also requires the Attorney General to convene a stakeholder group to review the Maine Revised Statutes, Title 10, chapter 247 and to consider whether the provisions, including the definitions and the substantive requirements, should be further amended to clarify the provisions or to address unintended consequences or whether the adoption of rules is necessary to implement the provisions. No later than January 15, 2027, the Attorney General must submit a report on the stakeholder group's recommendations, including any suggested legislation and any proposed rules, to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters. The joint standing committee may report out a bill related to the report to the 133rd Legislature in 2027.

FISCAL NOTE REQUIRED

(See attached)