

IN THE SENATE

SENATE BILL NO. 1297

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CONVERSATIONAL AI SAFETY ACT; AMENDING TITLE 48, IDAHO CODE,  
2 BY THE ADDITION OF A NEW CHAPTER 21, TITLE 48, IDAHO CODE, TO PROVIDE A  
3 SHORT TITLE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING OPERA-  
4 TOR REQUIREMENTS, TO ESTABLISH PROVISIONS REGARDING OPERATOR REQUIRE-  
5 MENTS FOR MINORS, AND TO PROVIDE FOR PENALTIES AND ENFORCEMENT; AND PRO-  
6 VIDING AN EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 48, Idaho Code, be, and the same is hereby amended  
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
11 ter 21, Title 48, Idaho Code, and to read as follows:

12 CHAPTER 21  
13 CONVERSATIONAL AI SAFETY ACT

14 48-2101. SHORT TITLE. This chapter shall be known and may be cited as  
15 the "Conversational AI Safety Act."

16 48-2102. DEFINITIONS. As used in this chapter:

17 (1) "Account holder" means an individual who has or opens an account or  
18 profile to use a conversational AI service.

19 (2) (a) "Conversational AI service" means an artificial intelligence  
20 software application, web interface, or computer program that is ac-  
21 cessible to the general public and that primarily simulates human con-  
22 versation and interaction through textual, visual, or aural communica-  
23 tions.

24 (b) "Conversational AI service" does not include a software applica-  
25 tion, web interface, or computer program that is any of the following:

26 (i) Primarily designed and marketed for use by developers or re-  
27 searchers;

28 (ii) A feature within another software application, web inter-  
29 face, or computer program that is not a conversational AI service;

30 (iii) Designed to provide outputs relating to a narrow and dis-  
31 crete topic;

32 (iv) Primarily designed and marketed for commercial use by busi-  
33 ness entities, including those whose primary intended users are  
34 employees, contractors, or clients of business entities, whether  
35 delivered via cloud, on premises, or hybrid deployments;

36 (v) Designed to function as a speaker and voice command interface  
37 or voice-activated virtual assistant for a consumer electronic  
38 device;

39 (vi) Used by a business solely for internal purposes; or

- 1 (vii) Accessible only to individuals who have entered into a com-  
2 mercial agreement, enterprise contract, or similar business ar-  
3 rangement with the operator.
- 4 (3) "Individual" means a natural person.
- 5 (4) "Minor" means an individual under circumstances where an operator  
6 has actual knowledge or reasonable certainty that the individual is under  
7 eighteen (18) years of age.
- 8 (5) "Minor account holder" means an account holder who is a minor.
- 9 (6) "Operator" means a person who develops and makes available a con-  
10 versational AI service to the public. Operator does not include mobile ap-  
11 plication stores or search engines solely because they provide access to a  
12 conversational AI service.
- 13 (7) "Person" means a natural person or legal entity.
- 14 (8) "Sexually explicit conduct" and "visual depiction" have the same  
15 meanings as provided in 18 U.S.C. 2256.

16 48-2103. OPERATOR REQUIREMENTS. (1) If reasonable persons would be  
17 misled to believe that they are interacting with a human, an operator shall  
18 clearly and conspicuously disclose that the conversational AI service is  
19 artificial intelligence.

20 (2) An operator shall adopt a protocol for the conversational AI ser-  
21 vice to respond to user prompts regarding suicidal ideation that includes  
22 but is not limited to making reasonable efforts to provide a response to  
23 users that refers them to crisis service providers such as a suicide hotline,  
24 crisis text line, or other appropriate crisis services.

25 (3) An operator shall not knowingly and intentionally cause or program  
26 a conversational AI service to make any representation or statement that ex-  
27 plicitly indicates that the conversational AI service is designed to provide  
28 professional mental or behavioral health care.

29 48-2104. OPERATOR REQUIREMENTS -- MINORS. (1) An operator shall  
30 clearly and conspicuously disclose to minor account holders that they are  
31 interacting with artificial intelligence:

- 32 (a) As a persistent visible disclaimer; or  
33 (b) Both:  
34 (i) At the beginning of each session; and  
35 (ii) Appearing at least every three (3) hours in a continuous con-  
36 versational AI service interaction.

37 (2) Where an operator knows or has reasonable certainty that an account  
38 holder is a minor, the operator shall not provide the user with points or  
39 similar rewards at unpredictable intervals with the intent to encourage in-  
40 creased engagement with the conversational AI service.

41 (3) For minor account holders, an operator shall institute reasonable  
42 measures to prevent the conversational AI service from:

- 43 (a) Producing visual material of sexually explicit conduct;  
44 (b) Generating direct statements that the account holder should engage  
45 in sexually explicit conduct; or  
46 (c) Generating statements that sexually objectify the account holder.

47 (4) For minor account holders, an operator shall institute reasonable  
48 measures to prevent a conversational AI service from generating statements

1 that would lead reasonable persons to believe that they are interacting with  
2 a human, including:

- 3 (a) Explicit claims that the conversational AI service is sentient or  
4 human;  
5 (b) Statements that simulate emotional dependence;  
6 (c) Statements that simulate romantic or sexual innuendos; or  
7 (d) Role-playing of adult-minor romantic relationships.  
8 (5) An operator shall offer tools for minor account holders and, where  
9 such account holders are under thirteen (13) years of age, their parents or  
10 guardians, to manage the account holder's privacy and account settings. An  
11 operator shall also offer related tools to the parents or guardians of minor  
12 account holders thirteen (13) years of age and older, as appropriate based on  
13 relevant risks.

14 48-2105. PENALTIES AND ENFORCEMENT. (1) An operator that violates the  
15 provisions of this chapter shall be subject to an injunction and liable for  
16 civil penalties of one thousand dollars (\$1,000) per violation, not to ex-  
17 ceed five hundred thousand dollars (\$500,000) per operator, or actual dam-  
18 ages, whichever is greater.

19 (2) Civil penalties for violations of the provisions of this chapter  
20 are to be sought by the attorney general. Nothing in this chapter shall be  
21 construed as creating a private right of action to enforce the provisions of  
22 this chapter or to support a private right of action under any other law.

23 (3) This chapter shall not create liability for the developer of an AI  
24 model for any violation of this chapter by an AI system developed by a third  
25 party to provide a conversational AI service.

26 SECTION 2. This act shall be in full force and effect on and after July  
27 1, 2027.