

IN THE SENATE

SENATE BILL NO. 1297, As Amended

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.  
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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) A chatbot that is a feature of a video game that is limited to  
31 replies related to the video game and that does not discuss topics  
32 related to mental health, self-harm, or material harmful to minors  
33 or maintain a dialogue on other topics unrelated to the video game;

34 (iv) Designed to provide outputs relating to a narrow and discrete  
35 topic;

36 (v) Primarily designed and marketed for commercial use by busi-  
37 ness entities, including those whose primary intended users are  
38 employees, contractors, or clients of business entities, whether  
39 delivered via cloud, on premises, or hybrid deployments;

- 1 (vi) Designed to function as a speaker and voice command inter-  
2 face or voice-activated virtual assistant for a consumer elec-  
3 tronic device;  
4 (vii) Used by a business solely for internal purposes;  
5 (viii) Accessible only to individuals who have entered into a com-  
6 mercial agreement, enterprise contract, or similar business ar-  
7 rangement with the operator; or  
8 (ix) A chatbot used only for customer service, a business's op-  
9 erational purposes, productivity purposes, or analysis related to  
10 source information, internal research, or technical assistance.  
11 (3) "Individual" means a natural person.  
12 (4) "Minor" means an individual under circumstances where an operator  
13 has actual knowledge or reasonable certainty that the individual is under  
14 eighteen (18) years of age.  
15 (5) "Minor account holder" means an account holder who is a minor.  
16 (6) "Operator" means a person who makes available a conversational AI  
17 service to the public. Operator does not include mobile application stores  
18 or search engines solely because they provide access to a conversational AI  
19 service.  
20 (7) "Person" means a natural person or legal entity.  
21 (8) "Sexually explicit conduct" and "visual depiction" have the same  
22 meanings as provided in 18 U.S.C. 2256.

23 48-2103. OPERATOR REQUIREMENTS. (1) If reasonable persons would be  
24 misled to believe that they are interacting with a human, an operator shall  
25 clearly and conspicuously disclose that the conversational AI service is  
26 artificial intelligence.

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

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

36 48-2104. OPERATOR REQUIREMENTS -- MINORS. (1) An operator shall  
37 clearly and conspicuously disclose to minor account holders that they are  
38 interacting with artificial intelligence:

- 39 (a) As a persistent visible disclaimer; or  
40 (b) Both:

- 41 (i) At the beginning of each session; and  
42 (ii) Appearing at least every three (3) hours in a continuous con-  
43 versational AI service interaction.

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

1           (3) For minor account holders, an operator shall institute reasonable  
2 measures to prevent the conversational AI service from:  
3           (a) Producing visual material of sexually explicit conduct;  
4           (b) Generating direct statements that the account holder should engage  
5 in sexually explicit conduct; or  
6           (c) Generating statements that sexually objectify the account holder.  
7           (4) For minor account holders, an operator shall institute reasonable  
8 measures to prevent a conversational AI service from generating statements  
9 that would lead reasonable persons to believe that they are interacting with  
10 a human, including:  
11           (a) Explicit claims that the conversational AI service is sentient or  
12 human;  
13           (b) Statements that simulate emotional dependence;  
14           (c) Statements that simulate romantic or sexual innuendos; or  
15           (d) Role-playing of adult-minor romantic relationships.  
16           (5) An operator shall offer tools for account holders and, where such  
17 account holders are under thirteen (13) years of age, their parents or  
18 guardians, to manage the account holder's privacy and account settings. An  
19 operator shall also offer related tools to the parents or guardians of minor  
20 account holders thirteen (13) years of age and older, as appropriate based on  
21 relevant risks.

22           48-2105. PENALTIES AND ENFORCEMENT. (1) An operator that violates the  
23 provisions of this chapter shall be subject to an injunction and liable for  
24 civil penalties of one thousand dollars (\$1,000) per violation, not to ex-  
25 ceed five hundred thousand dollars (\$500,000) per operator, or actual dam-  
26 ages, whichever is greater.

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

31           (3) This chapter shall not create liability for the developer of an AI  
32 model for any violation of this chapter by a conversational AI system that is  
33 made available to the public by a third-party operator.

34           SECTION 2. This act shall be in full force and effect on and after July  
35 1, 2027.