

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To ensure that providers of chatbots clearly and conspicuously disclose to users who are minors that chatbots are artificial intelligence systems, not natural persons, and do not provide advice from licensed professionals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HOUCHIN introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure that providers of chatbots clearly and conspicuously disclose to users who are minors that chatbots are artificial intelligence systems, not natural persons, and do not provide advice from licensed professionals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Adoles-
5 cents From Exploitative BOTs Act” or the “SAFE BOTs
6 Act”.

1 **SEC. 2. REQUIREMENTS FOR CHATBOTS USED BY MINORS.**

2 (a) CERTAIN STATEMENTS PROHIBITED.—A chatbot
3 provider may not provide to a covered user a chatbot that
4 states to the covered user that the chatbot is a licensed
5 professional (unless such statement is true).

6 (b) DISCLOSURE REQUIRED.—

7 (1) IN GENERAL.—A chatbot provider shall
8 clearly and conspicuously disclose, in accordance
9 with paragraphs (2) and (3), to each covered user of
10 a chatbot of such provider notice of the following:

11 (A) The chatbot is an artificial intelligence
12 system and not a natural person.

13 (B) Resources for contacting a suicide and
14 crisis intervention hotline.

15 (2) TIMING.—

16 (A) AI SYSTEM DISCLOSURE.—A disclosure
17 under paragraph (1)(A) shall be made—

18 (i) at the initiation of the first inter-
19 action of a covered user with a chatbot;
20 and

21 (ii) at any point at which, during an
22 interaction of a covered user with a
23 chatbot, the covered user prompts the
24 chatbot about whether the chatbot is an
25 artificial intelligence system.

1 (B) CRISIS RESOURCES DISCLOSURE.—A
2 disclosure under paragraph (1)(B) shall be
3 made at any point at which, during an inter-
4 action of a covered user with a chatbot, the cov-
5 ered user prompts the chatbot about suicide or
6 suicidal ideation.

7 (3) USE OF PLAIN LANGUAGE.—A disclosure
8 under paragraph (1) shall be made in a clear, age-
9 appropriate, and plain language manner that is rea-
10 sonably understandable by a minor.

11 (c) POLICIES REQUIRED.—A chatbot provider shall
12 establish, implement, and maintain reasonable policies,
13 practices, and procedures—

14 (1) to ensure that a chatbot of the provider ad-
15 vises a covered user to take a break from the
16 chatbot at the point at which a continuous and unin-
17 terrupted interaction of the covered user with the
18 chatbot has lasted for 3 hours; and

19 (2) to address, with respect to covered users—

20 (A) sexual material harmful to minors;

21 (B) gambling; and

22 (C) the distribution, sale, or use of illegal
23 drugs, tobacco products, or alcohol.

1 (d) EFFECTIVE DATE.—Subsections (a), (b), and (c)
2 shall take effect on the date that is 1 year after the date
3 of the enactment of this Act.

4 (e) ENFORCEMENT BY FEDERAL TRADE COMMIS-
5 SION.—

6 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of subsection (a), (b), or (c)
8 shall be treated as a violation of a regulation under
9 section 18(a)(1)(B) of the Federal Trade Commis-
10 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair
11 or deceptive acts or practices.

12 (2) POWERS OF COMMISSION.—The Federal
13 Trade Commission shall enforce subsections (a), (b),
14 and (c) in the same manner, by the same means,
15 and with the same jurisdiction, powers, and duties
16 as though all applicable terms and provisions of the
17 Federal Trade Commission Act (15 U.S.C. 41 et
18 seq.) were incorporated into and made a part of this
19 section. Any person who violates subsection (a), (b),
20 or (c) shall be subject to the penalties and entitled
21 to the privileges and immunities provided in the
22 Federal Trade Commission Act.

23 (3) AUTHORITY PRESERVED.—Nothing in this
24 subsection may be construed to limit the authority

1 of the Federal Trade Commission under any other
2 provision of law.

3 (f) ACTIONS BY STATES.—

4 (1) IN GENERAL.—In any case in which the at-
5 torney general of a State, or an official or agency of
6 a State, has reason to believe that an interest of the
7 residents of such State has been or is threatened or
8 adversely affected by an act or practice in violation
9 of subsection (a), (b), or (c), the State, as *parens*
10 *patriae*, may bring a civil action on behalf of the
11 residents of the State in an appropriate State court
12 or an appropriate district court of the United States
13 to—

14 (A) enjoin such act or practice;

15 (B) enforce compliance with such sub-
16 section;

17 (C) obtain damages, restitution, or other
18 compensation on behalf of residents of the
19 State; or

20 (D) obtain such other legal and equitable
21 relief as the court may consider to be appro-
22 priate.

23 (2) NOTICE.—Before filing an action under this
24 subsection, the attorney general, official, or agency
25 of the State involved shall provide to the Federal

1 Trade Commission a written notice of such action
2 and a copy of the complaint for such action. If the
3 attorney general, official, or agency determines that
4 it is not feasible to provide the notice described in
5 this paragraph before the filing of the action, the at-
6 torney general, official, or agency shall provide writ-
7 ten notice of the action and a copy of the complaint
8 to the Federal Trade Commission immediately upon
9 the filing of the action.

10 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
11 SION.—

12 (A) IN GENERAL.—On receiving notice
13 under paragraph (2) of an action under this
14 subsection, the Federal Trade Commission shall
15 have the right—

16 (i) to intervene in the action; and

17 (ii) upon so intervening—

18 (I) to be heard on all matters
19 arising therein; and

20 (II) to file petitions for appeal.

21 (B) LIMITATION ON STATE ACTION WHILE
22 FEDERAL ACTION IS PENDING.—If the Federal
23 Trade Commission or the Attorney General of
24 the United States has instituted a civil action
25 for violation of subsection (a), (b), or (c) (re-

1 ferred to in this subparagraph as the “Federal
2 action”), no State attorney general, official, or
3 agency may bring an action under this sub-
4 section during the pendency of the Federal ac-
5 tion against any defendant named in the com-
6 plaint in the Federal action for any violation of
7 such subsection alleged in such complaint.

8 (4) RULE OF CONSTRUCTION.—For purposes of
9 bringing a civil action under this subsection, nothing
10 in this Act shall be construed to prevent an attorney
11 general, official, or agency of a State from exercising
12 the powers conferred on the attorney general, offi-
13 cial, or agency by the laws of such State to conduct
14 investigations, administer oaths and affirmations, or
15 compel the attendance of witnesses or the production
16 of documentary and other evidence.

17 (g) STUDY ON CHATBOTS AND MENTAL HEALTH OF
18 MINORS.—

19 (1) IN GENERAL.—The Secretary of Health and
20 Human Services, acting through the Director of the
21 National Institutes of Health, shall conduct a 4-year
22 longitudinal study to evaluate the risks and benefits
23 of chatbots with respect to the mental health of mi-
24 nors, including with respect to loneliness, anxiety,

1 social skill building, social isolation, depression, self-
2 harm, and suicidal ideation.

3 (2) CONSULTATION.—In carrying out the study
4 under paragraph (1), the Secretary shall consult
5 with—

6 (A) the Director of the National Institute
7 of Mental Health;

8 (B) pediatric mental health experts;

9 (C) technologists;

10 (D) ethicists; and

11 (E) educators.

12 (3) REPORT.—Not later than 4 years after the
13 date of the enactment of this Act, the Secretary, act-
14 ing through the Director, shall submit to the Com-
15 mittee on Energy and Commerce of the House of
16 Representatives and the Committees on Commerce,
17 Science, and Transportation and Health, Education,
18 Labor, and Pensions of the Senate a report on the
19 results of the study conducted under paragraph (1)
20 and any related recommendations.

21 (h) RELATIONSHIP TO STATE LAWS.—No State or
22 political subdivision of a State may prescribe, maintain,
23 or enforce any law, rule, regulation, requirement, stand-
24 ard, or other provision having the force and effect of law,
25 if such law, rule, regulation, requirement, standard, or

1 other provision covers a matter described in subsection
2 (a), (b), or (c).

3 (i) RULE OF CONSTRUCTION.—Nothing in this Act
4 may be construed to require the affirmative collection by
5 a chatbot provider of any personal information with re-
6 spect to the age of a user that a chatbot provider is not
7 already collecting in the normal course of business.

8 (j) SEVERABILITY.—If any provision of this Act or
9 the application of this Act to any person or circumstance
10 is held invalid, the remaining provisions of this Act and
11 the application of this Act to other persons or cir-
12 cumstances shall not be affected.

13 (k) DEFINITIONS.—In this Act:

14 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-
15 tificial intelligence” has the meaning given such
16 term in section 5002 of the National Artificial Intel-
17 ligence Initiative Act of 2020 (15 U.S.C. 9401).

18 (2) CHATBOT.—The term “chatbot” means an
19 artificial intelligence system, marketed to and avail-
20 able for use by consumers, that engages in inter-
21 active, natural-language communication with a user
22 and generates or selects content in response to user
23 inputs (including text, voice, or other inputs) using
24 a conversational context.

25 (3) CHATBOT PROVIDER.—

1 (A) IN GENERAL.—The term “chatbot pro-
2 vider” means a person that provides a chatbot
3 directly to a consumer for the use of the con-
4 sumer, including through a website, mobile ap-
5 plication, or other online means.

6 (B) LIMITATION.—A person that provides
7 a website, mobile application, or other online
8 service that includes a chat function incidental
9 to the predominant purpose of such website, ap-
10 plication, or service shall not be treated as a
11 chatbot provider solely on the basis of such inci-
12 dental chat function.

13 (4) COVERED USER.—The term “covered user”
14 means a user of a chatbot if the provider of such
15 chatbot—

16 (A) has actual knowledge that such user is
17 a minor; or

18 (B) would know that such user is a minor
19 if not for willful disregard.

20 (5) MINOR.—The term “minor” means an indi-
21 vidual under the age of 17 years.

22 (6) SEXUAL MATERIAL HARMFUL TO MINORS.—
23 The term “sexual material harmful to minors”
24 means a picture, image, graphic image file, film, vid-
25 eotape, or other visual depiction that—

1 (A)(i) taken as a whole and with respect to
2 minors, appeals to the prurient interest in nu-
3 dity, sex, or excretion;

4 (ii) depicts, describes, or represents, in a
5 patently offensive way with respect to what is
6 suitable for minors, an actual or simulated sex-
7 ual act or sexual contact, actual or simulated
8 normal or perverted sexual acts, or lewd exhi-
9 bition of the genitals; and

10 (iii) taken as a whole, lacks serious lit-
11 erary, artistic, political, or scientific value as to
12 minors; or

13 (B) is child pornography.