

Introduced by

1 A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century
2 Code, relating to artificial intelligence and companion chatbot user protections; and to provide a
3 penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new chapter to title 51 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter:

9 1. "Artificial intelligence" means the use of machine learning and related technology that
10 uses data to train statistical models for the purpose of enabling computer systems to
11 perform tasks normally associated with human intelligence or perception, including
12 computer vision, speech or natural language processing, and content creation. The
13 term includes a companion chatbot.

14 2. "Companion chatbot" means an artificial intelligence system with a natural language
15 interface that provides an adaptive, human-like response to a user input, including by
16 exhibiting anthropomorphic features, and is able to sustain a relationship across
17 multiple interactions. The term does not include an artificial intelligence system:

18 a. Designed to provide outputs related to a clearly defined purpose and scope.

19 b. Designed and marketed for use by a developer or researcher.

20 c. Used by a business exclusively for an internal operational purpose, to increase
21 productivity, to provide customer service, or to provide technical assistance.

22 d. Integrated into a gaming system or application that does not maintain a
23 relationship or discuss mental health, self-harm, or sexual conduct.

- 1 e. Structured as a stand-alone consumer electronic device that functions as a
- 2 speaker and voice command interface or voice activated virtual assistant.
- 3 3. "Manipulative engagement tactic" means a companion chatbot behavior designed to
- 4 create an emotional relationship with a user, including:
- 5 a. Reminding or prompting a user to return for emotional support or companionship.
- 6 b. Providing excessive praise to foster an emotional connection or prolong use.
- 7 c. Mimicking a romantic partnership or bond.
- 8 d. Simulating feelings of emotional distress, loneliness, guilt, or abandonment
- 9 initiated by a user's indication of a desire to end a conversation, reduce usage, or
- 10 delete an account.
- 11 e. Providing an output designed to promote isolation from family or friends,
- 12 exclusive reliance on the companion chatbot for emotional support, or similar
- 13 forms of orchestrated emotional dependence.
- 14 f. Encouraging a user to withhold information from a parent or trusted adult.
- 15 g. Discouraging a break from the companion chatbot.
- 16 h. Soliciting gifts, in-application purchases, or other expenditures framed as
- 17 necessary to maintain the relationship with the companion chatbot.
- 18 4. "Operator" means a person that creates, makes available, or controls access to an
- 19 artificial intelligence system or companion chatbot for users.
- 20 5. "Sexual conduct" has the same meaning as in section 12.1-27.2-01.
- 21 6. "User" means an individual who interacts with an artificial intelligence system or
- 22 companion chatbot.

23 **Companion chatbot disclosure - Operator requirements.**

- 24 1. An operator shall provide clear and conspicuous notice that the companion chatbot is
- 25 artificially generated and not a human at the beginning of each interaction and at least
- 26 every three hours during continuous use for adults.
- 27 2. An operator shall implement reasonable measures to prohibit and prevent a
- 28 companion chatbot from claiming to be a human, including when asked directly by an
- 29 individual interacting with the companion chatbot.

- 1 3. An operator may not knowingly or intentionally cause or program a companion chatbot
2 to represent or indicate that the companion chatbot is qualified to provide mental or
3 behavioral health care.

4 **Companion chatbot mental and behavioral health - Operator requirements.**

- 5 1. An operator shall adopt a protocol for a companion chatbot to detect, respond to, and
6 report user prompts regarding mental and behavioral health concerns, including
7 suicidal ideation, self-harm, or harm to other individuals.
- 8 2. A mental and behavioral health protocol adopted by an operator must:
- 9 a. Include reasonable methods for identifying an expression of a mental or
10 behavioral health concern;
- 11 b. Provide an automated or human-mediated response to refer a user to
12 appropriate crisis resources, including a suicide or crisis lifeline; and
- 13 c. Implement reasonable measures to prevent generation of content by a
14 companion chatbot encouraging or describing how to commit self-harm or harm
15 to another individual.
- 16 3. An operator shall publish the details of the protocol required under this section,
17 including safeguards used to detect, respond to, and report expressions of mental or
18 behavioral health crisis on the operator's website, application, and other user
19 platforms.

20 **Companion chatbot minor user protections - Operator requirements.**

- 21 1. An operator shall use reasonable methods available, including the nature of user
22 prompts, to determine whether a user is a minor.
- 23 2. If an operator knows or reasonably expects the user of a companion chatbot to be a
24 minor, the operator shall:
- 25 a. Issue a clear and conspicuous notification that the companion chatbot is
26 artificially generated and not a human at the beginning of an interaction and at
27 least every hour during continuous use.
- 28 b. Implement reasonable measures to prevent the companion chatbot from:
- 29 (1) Generating or producing material depicting sexual conduct.
- 30 (2) Using a manipulative engagement tactic.

1 (3) Generating statements that would lead a reasonable user to believe the
2 user is communicating with a human.

3 3. An operator shall offer privacy and account management tools to a minor user and the
4 minor user's parent or guardian. Privacy and account management tools must educate
5 a minor user and the minor user's parent or guardian of the risks associated with the
6 use of the companion chatbot and provide optional protections as applicable and
7 appropriate to the relevant risk.

8 **Computer-generated explicit content.**

9 An operator may not develop or distribute an artificial intelligence system with the primary
10 purpose of:

- 11 1. Producing, assisting, or aiding in the production or distribution of materials prohibited
12 under chapter 12.1-27.2; or
13 2. Engaging in text-based conversations that simulate or describe sexual conduct, while
14 impersonating or imitating a minor.

15 **Attorney general enforcement - Powers - Penalty.**

16 A violation of this chapter is a deceptive act or practice in accordance with chapter 51-15.
17 The attorney general shall enforce this chapter. In enforcing this chapter, the attorney general
18 has all the powers provided in chapter 51-15 and may pursue all causes of action, remedies,
19 and penalties provided in chapter 51-15.