

## SENATE AMENDMENTS TO SENATE BILL 1546

By COMMITTEE ON EARLY CHILDHOOD AND BEHAVIORAL HEALTH

February 16

1 On page 1 of the printed bill, delete lines 4 through 22 and delete page 2.

2 On page 3, delete lines 1 through 23 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a)(A) ‘Artificial intelligence companion’ means a system that uses artificial intelligence,**  
5 **generative artificial intelligence or algorithms that recognize emotion from input and that**  
6 **are designed to simulate a sustained, human-like platonic, intimate or romantic relationship**  
7 **or companionship with a user by:**

8 **“(i) Retaining information from prior interactions or user sessions and from user pref-**  
9 **erences to personalize interactions with the user and facilitate ongoing engagement with the**  
10 **artificial intelligence companion;**

11 **“(ii) Asking unprompted or unsolicited questions that are not direct responses to user**  
12 **input and that suggest or concern emotional topics; and**

13 **“(iii) Sustaining an ongoing dialog concerning matters that are personal to the user.**

14 **“(B) ‘Artificial intelligence companion’ does not include:**

15 **“(i) Software that operates solely for the purpose of customer service or support, as-**  
16 **sisting or supporting patient or resident care services in a facility, education, financial ser-**  
17 **vices or education, business operations, productivity, information analysis, internal research**  
18 **or technical assistance, regardless of the software’s capability to use natural language inputs**  
19 **and generate natural language outputs;**

20 **“(ii) Software incorporated into a video game that is limited to providing interaction only**  
21 **with the features of the video game, if the software does not respond to input on topics such**  
22 **as mental health, self-harm, sexually explicit conduct or other topics unrelated to the fea-**  
23 **tures of the video game; or**

24 **“(iii) A stand-alone consumer electronic device that functions as a speaker and voice**  
25 **command interface or acts as a voice-activated virtual assistant.**

26 **“(b) ‘Artificial intelligence companion platform’ means a website, application or other**  
27 **combination of software and hardware that allows or facilitates operation of and interaction**  
28 **with an artificial intelligence companion.**

29 **“(c) ‘National 9-8-8 suicide and crisis lifeline’ means the crisis hotline that the federal**  
30 **Substance Abuse and Mental Health Services Administration, or a successor agency, oper-**  
31 **ates and makes available by telephone or by electronic means.**

32 **“(d) ‘Operator’ means a person that controls or makes an artificial intelligence compan-**  
33 **ion or artificial intelligence companion platform available to users in this state.**

34 **“(e) ‘Sexually explicit conduct’ has the meaning given that term in ORS 163.665.**

35 **“(f) ‘Youthline’ means a service that the American Association for Suicidology, or a**

1 successor organization, has accredited for the purpose of providing youth peer support to  
2 individuals who contact the network by telephone or electronic means.

3 “(2) If a reasonable person that interacts with an artificial intelligence companion or an  
4 artificial intelligence companion platform would believe that the person is interacting with  
5 a natural person, the operator shall provide on the artificial intelligence companion platform  
6 a clear and conspicuous notice that indicates that a user is interacting with artificially gen-  
7 erated output and not a natural person.

8 “(3)(a) An operator may not allow users in this state access to an artificial intelligence  
9 companion or artificial intelligence companion platform unless the operator has a protocol  
10 for using evidence-based methods for detecting input from the user that consists of suicidal  
11 ideation or intent or self-harm ideation or intent and that prevents the provision of content  
12 to the user that encourages suicidal ideation, suicide or self-harm in the user.

13 “(b) The protocol described in paragraph (a) of this subsection at a minimum must re-  
14 quire an artificial intelligence companion:

15 “(A) To provide a user that expresses suicidal ideation or intent or self-harm ideation or  
16 intent with a referral to and contact information and hyperlink for the national 9-8-8 suicide  
17 and crisis lifeline and, if the operator identifies the user as a person who is under 25 years  
18 of age, the artificial intelligence companion may alternatively provide a referral to and con-  
19 tact information and hyperlink for a youthline; and

20 “(B) If the user continues to express suicidal ideation or intent or self-harm ideation or  
21 intent, to continue to respond with referrals to and contact information and hyperlink for  
22 the national 9-8-8 suicide and crisis lifeline or youthline as provided in subparagraph (A) of  
23 this paragraph until the user no longer expresses suicidal ideation or intent or self-harm  
24 ideation or intent. If the user is under 25 years of age and no longer expresses suicidal  
25 ideation or intent or self-harm ideation or intent, the artificial intelligence companion’s fur-  
26 ther interactions with the user must comply with the requirements of subsection (4) of this  
27 section.

28 “(c) The protocol described in paragraph (a) of this subsection must be informed by best  
29 clinical practice and expertise and must provide for additional intervention if a user contin-  
30 ues to express suicidal ideation or intent or self-harm ideation or intent.

31 “(d) An operator shall publish on the operator’s website the details of the operator’s  
32 protocol.

33 “(4)(a) If an operator knows or has reason to believe that a user of the operator’s arti-  
34 ficial intelligence companion or artificial intelligence companion platform is a minor, the  
35 operator shall undertake reasonable measures to prevent the artificial intelligence compan-  
36 ion from generating statements that would lead a reasonable person to believe that the per-  
37 son is interacting with another natural person, including statements that:

38 “(A) Explicitly claim that the artificial intelligence companion is sentient or human;

39 “(B) Simulate emotional dependence on the user;

40 “(C) Simulate romantic interest or are sexual innuendo; or

41 “(D) Role-play romantic relationships between adults and minors.

42 “(b) In the circumstances described in paragraph (a) of this subsection, the operator shall  
43 cause the artificial intelligence companion to:

44 “(A) Disclose to the user that the user is interacting with artificially generated output;

45 “(B) Provide a clear and conspicuous reminder at a minimum of every three hours of

1 interaction that the user should take a break from interactions with the artificial intelli-  
2 gence companion or artificial intelligence companion platform, along with a further reminder  
3 that the user is interacting with artificially generated output; and

4 “(C) Use reasonable measures to ensure that the artificial intelligence companion or ar-  
5 tificial intelligence companion platform does not produce visual representations of sexually  
6 explicit conduct or suggest or state that the minor should engage in sexually explicit con-  
7 duct.

8 “(c) In the circumstances described in paragraph (a) of this subsection, an operator must  
9 undertake reasonable measures to prevent an artificial intelligence companion from:

10 “(A) Delivering to a user, either on a variable schedule or otherwise, a system of rewards  
11 or affirmations with the purpose of reinforcing behavior or maximizing the time during  
12 which the user engages with the artificial intelligence companion;

13 “(B) Generating in response to a user’s indication of a desire to end a conversation, re-  
14 duce engagement time or delete the user’s account unsolicited messages of simulated emo-  
15 tional distress, loneliness or abandonment or otherwise attempt to arouse guilt or sympathy  
16 in the user; or

17 “(C) Making a material misrepresentation about the artificial intelligence companion’s  
18 identity, capabilities or training data or about whether the user is interacting with arti-  
19 ficially generated output, including when the user directly questions the artificial intelligence  
20 companion about any of these topics.

21 “(5)(a) Not later than December 31 of each year, an operator shall post on a publicly ac-  
22 cessible website a report that discloses:

23 “(A) The number of times during the calendar year preceding the report in which the  
24 operator provided a referral under subsection (3) of this section; and

25 “(B) The details of the operator’s protocol under subsection (3) of this section.

26 “(b) An operator may not include in the report described in paragraph (a) of this sub-  
27 section any personal information that identifies an individual.”.

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