

HB 2311 -- Redline

Engrossed to Engrossed -- artificial intelligence service; disclosures; requirements

Deletions ~~struck~~ · Insertions underlined

~~Senate Engrossed~~ House ~~Bill~~Engrossed artificial intelligence service;

~~"AGE-ASSURANCE METHOD" MEANS ANY TECHNICAL OR ADMINISTRATIVE MECHANISM THAT IS USED SOLELY TO DETERMINE WHETHER AN ACCOUNT HOLDER IS A MINOR.~~

~~3-~~

(v) ~~INCORPORATES~~FUNCTIONS ~~AS A SPEAKER AND VOICE COMMAND INTERFACE OR A TEXT INTERFACE AND ACTS AS A TEXT-ACTIVATED~~ OR VOICE-ACTIVATED VIRTUAL ASSISTANT FOR A CONSUMER ELECTRONIC DEVICE.

(viii) IS USED ~~BY A STATE OR LOCAL GOVERNMENT AGENCY SOLELY FOR CUSTOMER SERVICE OR TO STRICTLY PROVIDE~~ USERS~~COMMERCE-RELATED~~ WITH OR ~~INFORMATION~~TRANSACTIONAL ~~ABOUT~~ASSISTANCE, ~~AVAILABLE~~INCLUDING SERVICES~~PRODUCT~~ OR ~~PRODUCTS~~SERVICE PROVIDEDRECOMMENDATIONS, ~~BY~~SHOPPING, ~~THE~~ORDERING, ~~AGENCY~~PAYMENTS, ~~CUSTOMER~~DELIVERY, ~~SERVICE~~RETURNS ~~ACCOUNT INFORMATION OR OTHER INFORMATION STRICTLY RELATED TO THE AGENCY'S CUSTOMER SERVICE-SUPPORT.~~

~~(ix) 3. IS USED SOLELY TO PROVIDE COMMERCE-RELATED OR TRANSACTIONAL ASSISTANCE, INCLUDING PRODUCT OR SERVICE RECOMMENDATIONS, SHOPPING, ORDERING, PAYMENTS, DELIVERY, RETURNS OR CUSTOMER SUPPORT.~~

~~1 H.B.~~

~~2311 4-~~

~~"DIGITAL IDENTIFICATION SYSTEM" MEANS A PROCESS THAT USES GOVERNMENT-ISSUED IDENTIFICATION, FACIAL RECOGNITION, FACIAL AGE-ESTIMATION OR AGE-CLASSIFICATION TECHNOLOGY, BIOMETRICS OR ANOTHER UNIQUELY IDENTIFYING CREDENTIAL TO AUTHENTICATE AN ACCOUNT HOLDER'S REAL-WORLD IDENTITY OR ESTIMATE AN ACCOUNT HOLDER'S AGE.~~

~~5-~~

~~6 4.~~

~~7 5.~~

~~8 6.~~

~~(b) DOES NOT INCLUDE H.B. A MOBILE APPLICATION STORE OR SEARCH ENGINE SOLELY BECAUSE THE APPLICATION OR ENGINE PROVIDES ACCESS TO A CONVERSATIONAL AI SERVICE.~~

9-2311 (b) DOES NOT INCLUDE A MOBILE APPLICATION STORE OR SEARCH ENGINE SOLELY BECAUSE THE APPLICATION OR ENGINE PROVIDES ACCESS TO A CONVERSATIONAL AI SERVICE.

~~7.~~

~~10 8.~~

~~9.~~

"VISUAL DEPICTION" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3551.

~~account~~consumer~~holder~~ notices and disclosures;

~~conversational~~prohibited AI~~uses services~~of artificial intelligence service;

~~prohibited uses;~~

~~minors;~~

EACH OPERATOR SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO ~~EACH~~A MINOR ACCOUNT HOLDER IN EITHER OF THE FOLLOWING WAYS THAT THE ~~ACCOUNT~~MINOR ~~HOLDER~~ IS INTERACTING WITH A CONVERSATIONAL AI SERVICE:

IF AN OPERATOR KNOWS THAT AN ACCOUNT HOLDER IS A MINOR, THE OPERATOR MAY NOT PROVIDE THE ~~ACCOUNT~~USER ~~HOLDER~~ WITH POINTS OR SIMILAR REWARDS AT UNPREDICTABLE INTERVALS WITH THE INTENT TO ENCOURAGE INCREASED ENGAGEMENT WITH THE CONVERSATIONAL AI SERVICE.

EACH OPERATOR SHALL INSTITUTE REASONABLE MEASURES TO PREVENT THE CONVERSATIONAL AI SERVICE FROM DOING ANY OF THE FOLLOWING FOR ~~AN~~MINOR ACCOUNT ~~HOLDER~~HOLDERS:

~~1. 2 H.B.~~

~~2311 1-~~

~~EACH IF OPERATOR A SHALL REASONABLE OFFER PERSON TOOLS WOULD FOR BE MINOR MISLED ACCOUNT TO HOLDERS BELIEVE AND, THAT IF THE ACCOUNT PERSON HOLDER IS UNDER INTERACTING THIRTEEN WITH YEARS A OF HUMAN, AGE, AN FOR OPERATOR THE SHALL ACCOUNT CLEARLY HOLDER'S AND PARENT CONSPICUOUSLY OR DISCLOSE GUARDIAN THAT TO MANAGE THE ACCOUNT CONVERSATIONAL HOLDER'S AI PRIVACY SERVICE AND IS ACCOUNT ARTIFICIAL SETTINGS INTELLIGENCE.~~

~~AN OPERATOR SHALL ALSO OFFER RELATED TOOLS TO THE PARENT OR GUARDIAN OF A MINOR ACCOUNT HOLDER WHO IS AT LEAST THIRTEEN YEARS OF AGE, AS APPROPRIATE BASED ON RELEVANT RISKS.~~

~~THE TOOLS MAY BE LOCAL TO THE DEVICE OR ACCOUNT AND DO NOT REQUIRE A DIGITAL IDENTIFICATION SYSTEM.~~

EACH OPERATOR SHALL ~~ADOPT~~OFFER A ~~TOOLS~~ PROTOCOL ~~FOR THE MINOR CONVERSATIONAL AI SERVICE TO RESPOND TO A USER PROMPT REGARDING SUICIDAL IDEATION OR SELF-HARM, INCLUDING MAKING REASONABLE EFFORTS TO PROVIDE A RESPONSE TO THE ACCOUNT HOLDER~~HOLDERS ~~THAT AND, REFERS IF THE ACCOUNT HOLDER TO IS CRISIS UNDER~~

~~SERVICE THIRTEEN PROVIDERS, YEARS SUCH OF AS AGE, AT THE SUICIDE ACCOUNT HOTLINE, HOLDER'S CRISIS- TEXT2 LINE- OR H.B. OTHER APPROPRIATE CRISIS SERVICE.~~

~~THE 2311 OPERATOR PARENT SHALL OR INSTITUTE GUARDIAN, REASONABLE TO MEASURES MANAGE THAT PREVENT THE CONVERSATIONAL ACCOUNT AT HOLDER'S SERVICE PRIVACY FROM AND GENERATING STATEMENTS THAT ENCOURAGE OR INSTRUCT AN ACCOUNT HOLDER SETTINGS. TO COMMIT SUICIDE OR SELF-HARM OR THAT GLORIFY SUICIDE OR SELF-HARM.~~

~~AN OPERATOR SHALL ALSO OFFER RELATED TOOLS TO THE PARENT OR GUARDIAN OF A MINOR ACCOUNT HOLDER WHO IS THIRTEEN YEARS OF AGE OR ABOVE, AS APPROPRIATE BASED ON RELEVANT RISKS.~~

~~AN EACH OPERATOR SHALL NOT ADOPT KNOWINGLY A AND PROTOCOL INTENTIONALLY FOR CAUSE THE OR PROGRAM A CONVERSATIONAL AI SERVICE TO MAKE RESPOND ANY TO REPRESENTATION A USER PROMPT REGARDING SUICIDAL IDEATION OR STATEMENT SELF-HARM, THAT INCLUDING EXPLICITLY MAKING INDICATES REASONABLE EFFORTS TO PROVIDE A RESPONSE TO THE USER THAT REFERS THE CONVERSATIONAL USER AI TO CRISIS SERVICE IS PROVIDERS DESIGNED SUCH TO AS PROVIDE A PROFESSIONAL SUICIDE MENTAL HOTLINE, CRISIS TEXT LINE OR BEHAVIORAL OTHER HEALTH APPROPRIATE CARE CRISIS SERVICE.~~

~~UNLESS AN A OPERATOR FEDERAL SHALL LAW NOT EXPRESSLY KNOWINGLY REQUIRES, AND AN INTENTIONALLY OPERATOR CAUSE MAY OR NOT PROGRAM REQUIRE A DIGITAL CONVERSATIONAL IDENTIFICATION AI SYSTEM SERVICE SOLELY TO DETERMINE MAKE WHETHER ANY AN REPRESENTATION ACCOUNT OR HOLDER STATEMENT THAT EXPLICITLY INDICATES THAT THE CONVERSATIONAL AI SERVICE IS A DESIGNED MINOR, TO PROVIDE PROFESSIONAL MENTAL OR BEHAVIORAL HEALTH CARE.~~

~~IF THE OPERATOR VOLUNTARILY OFFERS A DIGITAL IDENTIFICATION SYSTEM, THE OPERATOR SHALL MAKE AVAILABLE A PRIVACY-PRESERVING ALTERNATIVE THAT PROVIDES EQUIVALENT ACCESS.~~

~~AN AGE-ASSURANCE METHOD MAY COLLECT ONLY THE MINIMUM AMOUNT OF DATA THAT IS REASONABLY NECESSARY.~~

~~THE COLLECTED DATA MAY NOT BE REPURPOSED FOR ADVERTISING, PROFILING OR UNRELATED ANALYTICS AND MUST BE DELETED OR IRREVERSIBLY DE-IDENTIFIED AFTER THE COMPLIANCE PURPOSE IS SATISFIED.~~

~~THIS SUBSECTION DOES NOT REQUIRE AN OPERATOR TO MANDATE ACCOUNT CREATION OR PROHIBIT ANONYMOUS OR PSEUDONYMOUS USE.~~

~~AN OPERATOR SHALL IMPLEMENT REASONABLE SAFEGUARDS THAT PROTECT PERSONAL OR AGE-RELATED DATA THAT IS COLLECTED SOLELY FOR COMPLIANCE WITH THIS SECTION AND SHALL PROVIDE A SECURITY SYSTEM BREACH NOTIFICATION AS PRESCRIBED IN SECTION 18-552.~~

~~ANY DATA THAT IS COLLECTED SOLELY FOR COMPLIANCE WITH THIS SECTION MAY NOT BE USED, SOLD OR SHARED FOR TARGETED ADVERTISING, BEHAVIORAL PROFILING OR ANY SECONDARY MONETIZATION.~~

~~3 H.B.~~

~~2311 J.~~

~~A GOVERNMENTAL ENTITY MAY NOT COMPEL AN OPERATOR TO DISCLOSE PERSONAL OR AGE-RELATED DATA THAT IS COLLECTED SOLELY TO COMPLY WITH THIS SECTION UNLESS THE DATA IS PURSUANT TO A WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION ON A SHOWING OF PROBABLE CAUSE.~~

~~AN OPERATOR THAT RECEIVES A WARRANT FROM A GOVERNMENTAL ENTITY SHALL NOTIFY THE AFFECTED ACCOUNT HOLDER WITHIN SEVENTY-TWO HOURS AFTER THE DISCLOSURE UNLESS THE COURT ORDER SPECIFICALLY PROHIBITS THE NOTIFICATION.~~

~~K.~~

~~AN OPERATOR MAY NOT TRANSFER, LICENSE OR MAKE AVAILABLE TO A GOVERNMENTAL ENTITY ANY DATA, MODEL, ANALYTICS OR PROFILE THAT IS DERIVED FROM COMPLYING WITH THIS SECTION, WHETHER DIRECTLY OR THROUGH A THIRD-PARTY INTERMEDIARY, EXCEPT AS REQUIRED BY A WARRANT ISSUED AS PRESCRIBED IN SUBSECTION J OF THIS SECTION.~~

~~L.~~

~~ON OR BEFORE APRIL 1 OF EACH YEAR, EACH OPERATOR SHALL DO BOTH OF THE FOLLOWING:~~

~~1.~~

~~IF THE OPERATOR COLLECTS PERSONAL OR AGE-RELATED DATA FOR COMPLIANCE WITH THIS SECTION, CERTIFY IN WRITING, UNDER PENALTY OF PERJURY, THAT ALL OF THE DATA IS DESTROYED OR IRREVERSIBLY DE-IDENTIFIED WITHIN THE TIME PERIOD REQUIRED BY SUBSECTION H OF THIS SECTION.~~

~~2.~~

~~PUBLISH A PUBLICLY ACCESSIBLE REPORT, IN AGGREGATE FORM, THAT IDENTIFIES ANY AGE-ASSURANCE METHODS THE OPERATOR USES AND THAT STATES WHETHER A DIGITAL IDENTIFICATION SYSTEM IS OFFERED AND WHETHER ANY ALTERNATIVE METHODS ARE AVAILABLE.~~

~~M.~~

~~N. J.~~

~~THE K. ATTORNEY GENERAL MAY NOT ADOPT A RULE OR ANY GUIDANCE OR ENFORCEMENT ACTION OR ENTER INTO A SETTLEMENT AGREEMENT THAT EXPANDS A REQUIREMENT THAT IS INCLUDED IN THIS SECTION BEYOND THE REQUIREMENTS THAT ARE EXPRESSLY INCLUDED IN THIS SECTION, INCLUDING A REQUIREMENT FOR IDENTITY VERIFICATION OR BULK DATA REPORTING.~~

Q. THIS SECTION DOES NOT CREATE LIABILITY FOR THE DEVELOPER OF AN ARTIFICIAL INTELLIGENCE MODEL FOR ANY VIOLATION OF THIS SECTION BY A CONVERSATIONAL AI SERVICE THAT IS MADE AVAILABLE TO THE PUBLIC BY A THIRD

PARTY OPERATOR.

~~THIS SECTION:~~

~~1-~~

~~DOES NOT CREATE LIABILITY FOR THE DEVELOPER OF AN ARTIFICIAL INTELLIGENCE MODEL FOR ANY VIOLATION OF THIS SECTION BY A CONVERSATIONAL AI SERVICE THAT IS MADE AVAILABLE TO THE PUBLIC BY A THIRD-PARTY OPERATOR.~~

~~2-~~

~~SHALL BE CONSTRUED IN THE LEAST INTRUSIVE MANNER CONSISTENT WITH ARTICLE II, SECTION 8, CONSTITUTION OF ARIZONA, AND MAY NOT BE USED TO IMPLEMENT A SYSTEM THAT TRACKS ALL OF AN ACCOUNT HOLDER'S ONLINE ACTIVITY.~~

~~3-~~

~~DOES NOT AUTHORIZE THE REGULATION OF LAWFUL POLITICAL, RELIGIOUS OR OTHER PROTECTED SPEECH.~~

~~- 4 - H.B.~~

~~2311 4-~~

~~MAY NOT BE CITED OR USED AS A PREDICATE OR JUSTIFICATION TO REQUIRE DIGITAL IDENTIFICATION FOR GENERAL INTERNET ACCESS, DEVICE ACCESS OR ONLINE ACTIVITY THAT IS NOT RELATED TO A CONVERSATIONAL AI SERVICE.~~

~~5-~~

~~MAY NOT BE CONSTRUED TO REQUIRE OR AUTHORIZE AN OPERATING SYSTEM PROVIDER, APPLICATION STORE, INTERNET SERVICE PROVIDER OR DEVICE MANUFACTURER TO IMPLEMENT AN AGE ASSURANCE METHOD OR IDENTITY AUTHENTICATION AT THE DEVICE, OPERATING SYSTEM OR NETWORK LEVEL ON BEHALF OF AN OPERATOR.~~

~~- 53 -~~