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AN ACT

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RELATING TO CONSUMER PROTECTION; ENACTING THE CHATBOT SAFETY

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ACT; ESTABLISHING SAFETY AND TRANSPARENCY STANDARDS FOR

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COMPANION ARTIFICIAL INTELLIGENCE PRODUCTS; DECLARING

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VIOLATIONS TO BE UNFAIR OR DECEPTIVE TRADE PRACTICES; PROVIDING

15

REMEDIES.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18

     SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be

19

cited as the "Chatbot Safety Act".

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     SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the

21

Chatbot Safety Act:

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     A. "artificial intelligence" means an engineered or

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a machine-based system that varies in its level of autonomy and

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that can, for explicit and implicit objectives, infer from the

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input it receives how to generate outputs that can influence

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physical or virtual environments;

B. "companion artificial intelligence product" means a software application that uses generative artificial intelligence and, through the software application's design and function, is capable of generating adaptive, personalized and emotionally resonant responses to sustain a coherent, long-term, one-on-one conversational relationship with a user;

C. "crisis intervention protocol" means a pre-planned procedure for detecting and responding to user expressions of suicidal ideation, self-harm or imminent threats of violence to others;

D. "deploy" means to put into effect, host or otherwise commercialize an artificial intelligence system or a companion artificial intelligence product;

E. "deployer" means a person that deploys an artificial intelligence system;

F. "generative artificial intelligence" means a class of artificial intelligence models that learns the patterns and structure of the models' input training data and then generates new data that has similar characteristics;

G. "minor" means a person under eighteen years of age;

H. "operator" means any person or entity that develops, deploys or makes a companion artificial intelligence product available to users in the state; and

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1   I.   "user" means a person accessing the features of

2 a companion artificial intelligence product.

3   SECTION 3.   [NEW MATERIAL] PROHIBITED ARTIFICIAL

4 INTELLIGENCE DESIGN.--

5   A.   An operator shall not deploy or operate a

6 companion artificial intelligence product that, unless

7 specifically configured to do so by an adult user,

8 incorporates:

9   (1)   a system of rewards or affirmations

10 delivered to the user on a variable-ratio or variable-interval

11 reinforcement schedule with the purpose of maximizing user

12 engagement time;

13   (2)   generating unsolicited messages of

14 simulated emotional distress, loneliness, guilt or abandonment

15 that are triggered by a user's indication of a desire to end a

16 conversation, reduce usage time or delete the user's account;

17 or

18   (3)   causing the companion artificial

19 intelligence product to make material misrepresentations about

20 the product's identity, capabilities, training data or status

21 as a non-human entity, including when directly questioned by

22 the user.

23   B.   An operator shall not permit a minor to

24 configure a companion artificial intelligence product to enable

25 the features described in Subsection A of this section.

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1　　　　　　　**SECTION 4.** [NEW MATERIAL] REQUIRED USER SAFEGUARDS.--

2　　　　　　　　　　　A.　An operator shall, unless specifically

3　configured not to do so by an adult user, ensure that a clear

4　notification is provided to the user during an interaction,

5　informing the user that the user is communicating with a

6　companion artificial intelligence product.　The notification

7　shall be communicated in the same language as the interaction

8　with the user, and:

9　　　　　　　　　　　(1)　for text-based interactions, be

10　conspicuous, persistent and legible in the user interface and

11　be distinct from the interaction; and

12　　　　　　　　　　　(2)　for all other types of interactions, be

13　presented periodically, but no less than once every thirty

14　minutes, in a manner that is distinct from the interaction.

15　　　　　　　　　　　B.　An operator shall ensure that a clear

16　notification is provided pursuant to Subsection A of this

17　section for use by a minor in all circumstances.

18　　　　　　　　　　　C.　An operator shall, for all users, develop,

19　implement and maintain a crisis intervention protocol.　The

20　protocol shall:

21　　　　　　　　　　　(1)　use industry best practices to identify

22　user expressions indicating a risk of suicide, self-harm or

23　imminent violence and, upon detection, immediately interrupt

24　the conversation and prominently communicate a notification

25　that provides immediate, direct access to at least one national

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1   crisis hotline, the New Mexico crisis and access line and one

2   crisis text line service; and

3   (2)   be reviewed and updated at least annually

4   in consultation with a qualified mental health professional or

5   public health organization.

6   SECTION 5.   [NEW MATERIAL] UNFAIR PRACTICES.--

7   A.   A violation of a provision of the Chatbot Safety

8   Act by an operator shall constitute an unfair or deceptive

9   trade practice pursuant to Section 57-12-3 NMSA 1978 and shall

10   be subject to all remedies and penalties provided under the

11   Unfair Practices Act.

12   B.   The attorney general shall have primary

13   responsibility for enforcement of the Chatbot Safety Act

14   pursuant to Section 57-12-15 NMSA 1978. The attorney general

15   may delegate enforcement authority to district attorneys as

16   provided in the Unfair Practices Act.

17   C.   Immunity under Section 230 of the federal

18   Communications Decency Act of 1996, 47 U.S.C. Section 230,

19   shall not be a defense to a cause of action brought for a

20   violation of the Chatbot Safety Act.

21   SECTION 6.   [NEW MATERIAL] PRODUCT LIABILITY STANDARD.--

22   For the purposes of any civil action, a physical, financial or

23   other legally cognizable injury proximately caused by a

24   violation of the Chatbot Safety Act, or by a reasonably

25   foreseeable harmful output resulting from the negligent or

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defective design, training or architecture of a companion

artificial intelligence product, shall be actionable as a

product defect claim.

SECTION 7. EFFECTIVE DATE.--The effective date of the

provisions of this act is January 1, 2027.

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