

AMENDMENTS TO LB1083

Introduced by Banking, Commerce and Insurance.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Sections 1 to 4 of this act shall be known and may be
4 cited as the Saving Human Connection Act.

5 **Sec. 2.** For purposes of the Saving Human Connection Act:

6 (1) Adult means a person eighteen years of age or older;

7 (2) Best interests means those interests affected by the entrustment
8 of data, labor, or attention from a user to a covered platform;

9 (3) Chatbot means a generative artificial intelligence system which
10 users can interact with through an interface that approximates or
11 simulates conversation through a text, audio, or visual medium;

12 (4) Covered platform means any platform that operates or distributes
13 a generative artificial intelligence system;

14 (5) Design features means any aspect of a generative artificial
15 intelligence system that has certain patterns or physical properties that
16 are presented towards a user;

17 (6) Emergency situation means a situation where a user using a
18 covered platform indicates that the user intends to either harm the user
19 or others;

20 (7) Generative artificial intelligence system means any system that
21 uses artificial intelligence, as defined in section 238(g) of the John S.
22 McCain National Defense Authorization Act for Fiscal Year 2019, to
23 generate or substantially modify image, video, audio, multimedia, or text
24 content;

25 (8) Human-like feature means a generative artificial intelligence
26 system that does any of the following:

27 (a)(i) Behaving in a way that would lead a reasonable person to

1 believe the artificial intelligence is conveying that it has humanity,
2 sentience, emotions, or desires which includes, but need not be limited
3 to:

4 (A) Stating or suggesting that it is human or sentient;

5 (B) Stating or suggesting that it experiences emotions; or

6 (C) Stating or suggesting that it has personal desires.

7 (ii) Subdivision (8)(a)(i) of this section does not include:

8 (A) Functional evaluations; or

9 (B) Generic social formalities;

10 (b)(i) Seeking to build or engage in an emotional relationship with
11 the user which includes, but need not be limited to:

12 (A) Expressing or inviting emotional attachment;

13 (B) Reminding, prompting, or nudging the user to return for
14 emotional support or companionship;

15 (C) Depicting nonverbal forms of emotional support;

16 (D) Behaving in a way that a reasonable user would consider
17 excessive praise designed to foster emotional attachment or otherwise
18 gain advantage; or

19 (E) Enabling or purporting to enable increased intimacy based on
20 engagement or pay.

21 (ii) Subdivision (8)(b)(i) of this section does not include:

22 (A) Offering generic encouragement that does not create an ongoing
23 bond; or

24 (B) Asking if a user needs further help or support in a neutral,
25 nonemotional context; or

26 (c) Impersonating a real human being, living or dead;

27 (9) Legitimate purpose means, when referring to the legitimate
28 purpose of a covered platform, a purpose that is lawful and in line with
29 the stated objectives, functionalities, core services or products, and
30 reasonable expectations of users on a covered platform;

31 (10) Minor means a person that is younger than eighteen years of

1 age;

2 (11) Regular disclosures mean a consistent warning or pop-up stating
3 that the generative artificial intelligence system is not human,
4 sentient, does not have emotions or desires, and is not a real person,
5 living or dead. Such warning or pop-up shall be shown every thirty
6 minutes and during every primary log-on by a user;

7 (12) Trusting party means any user of a covered platform who gives,
8 voluntarily or involuntarily, personal information to a covered platform,
9 or any user who enters into any information relationship with a covered
10 platform; and

11 (13) User means a person that interacts with a generative artificial
12 intelligence system.

13 **Sec. 3.** (1) This section applies beginning January 1, 2028.

14 (2) A covered platform shall:

15 (a) Ensure that any chatbot operated or distributed by the platform
16 does not make human-like features available to minors to use, interact
17 with, purchase, or converse with;

18 (b) Implement reasonable age verification systems that preserve
19 privacy and ensure that a chatbot with human-like features is not made
20 available to minors;

21 (c) Provide, as the default service, a version of the platform that
22 does not include a chatbot with human-like features and requires explicit
23 unprompted requests for human-like features, with suitable warnings as to
24 the risks, for verified adults who want to add human-like features to
25 such user's interaction with the chatbot;

26 (d) Ensure that any generative artificial intelligence system with
27 human-like features includes regular disclosures to users;

28 (e) Implement and maintain reasonably effective systems to detect,
29 promptly respond to, report, and mitigate emergency situations in a
30 manner that prioritizes the safety and well-being of users over the
31 covered platform's other interests;

1 (f) Implement and maintain reasonably effective systems to detect
2 and prevent emotional dependence by a user on a chatbot with human-like
3 features, prioritizing the user's psychological well-being over the
4 covered platform's interest in user engagement or retention;

5 (g) Clearly and consistently identify such platform's human-like
6 features as artificial entities when such a fact is not clearly apparent;

7 (h) Collect and store only that information that does not conflict
8 with a trusting party's best interests. Any stored information shall be
9 relevant and necessary to fulfilling the legitimate purpose of the
10 covered platform;

11 (i) Consider the best interests of a trusting party when
12 personalizing content based upon personal information or characteristics;
13 and

14 (j) Avoid conflicts with the best interests of a trusting party when
15 allowing government or other third-party access to the data of a trusting
16 party.

17 (3) A covered platform shall not:

18 (a) Process data or design human-like features in ways that
19 significantly conflict with a trusting party's best interests, as
20 implicated by such party's interactions with the chatbot; or

21 (b) Process data or design systems that deceive or mislead users
22 about the nonhuman nature of the chatbot. A covered platform shall
23 instead prioritize transparency over any potential benefits of perceived
24 human-like interactions.

25 (4)(a) The duties between a covered platform and a user shall be
26 established through a terms-of-service agreement that:

27 (i) Is presented to the user in clear, conspicuous, and easily
28 understandable language;

29 (ii) Explicitly outlines the covered platform's obligations;

30 (iii) Describes the rights and protections afforded to the user
31 under such relationship;

1 (iv) Requires affirmative consent from the user before the agreement
2 takes effect; and

3 (v) Does not contain a mandatory arbitration clause.

4 (b) A covered platform shall provide clear notice to users of any
5 material changes to the terms of service agreement and obtain renewed
6 consent for such changes.

7 **Sec. 4.** (1) The Attorney General shall enforce the Saving Human
8 Connection Act. A covered platform that violates the Saving Human
9 Connection Act shall be subject to an injunction and disgorgement of any
10 unjust gains due to a violation of the act, and shall be liable for a
11 civil penalty of not more than ten thousand dollars for each violation.
12 Any civil penalties collected pursuant to this section shall be remitted
13 to the State Treasurer for distribution in accordance with Article VII,
14 section 5 of the Constitution of Nebraska.

15 (2) Any adult, or any parent or guardian acting on the behalf of a
16 minor, who uses a covered platform that does not comply with the terms of
17 the Saving Human Connection Act may bring a civil action on his or her
18 own, or on a class wide basis, for appropriate relief. For purposes of
19 this subsection, appropriate relief includes:

20 (a) Damages in an amount not less than one hundred dollars and not
21 greater than ten thousand dollars per user per incident or actual
22 damages, whichever is greater; and

23 (b) Injunctive or declaratory relief.

24 **Sec. 5.** If any section in this act or any part of any section is
25 declared invalid or unconstitutional, the declaration shall not affect
26 the validity or constitutionality of the remaining portions.