
SENATE BILL 5870

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By Senators Wellman, Shewmake, Frame, Hasegawa, Nobles, Orwall, Pedersen, Riccelli, Saldaña, and Slatter

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1 AN ACT Relating to establishing civil liability for suicide
2 linked to the use of artificial intelligence systems; adding a new
3 section to chapter 4.20 RCW; adding a new chapter to Title 19 RCW;
4 and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Artificial intelligence" means an engineered or machined-
10 based system that varies in its level of autonomy and that can, for
11 explicit or implicit objectives, infer from the input it receives how
12 to generate outputs that can influence physical or virtual
13 environments.

14 (2) (a) "Companion chatbot" means an artificial intelligence
15 system with a natural language interface that provides adaptive,
16 human-like responses to user inputs and is capable of meeting a
17 user's social needs, including by exhibiting anthropomorphic features
18 and being able to sustain a relationship across multiple
19 interactions.

20 (b) "Companion chatbot" does not include any of the following:

1 (i) A bot that is used only for customer service, a business'
2 operational purposes, productivity and analysis related to source
3 information, internal research, or technical assistance;

4 (ii) A bot that is a feature of a video game and is limited to
5 replies related to the video game that cannot discuss topics related
6 to mental health, self-harm, sexually explicit conduct, or maintain a
7 dialogue on other topics unrelated to the video game; or

8 (iii) A stand-alone consumer electronic device that functions as
9 a speaker and voice command interface, acts as a voice-activated
10 virtual assistant, and does not sustain a relationship across
11 multiple interactions or generate outputs that are likely to elicit
12 emotional responses in the user.

13 (3) "Companion chatbot platform" means a platform that allows a
14 user to engage with companion chatbots.

15 (4) "Department" means the department of health.

16 (5) "Operator" means a person who makes a companion chatbot
17 platform available to a user in this state.

18 (6) "Sexually explicit conduct" has the same meaning as defined
19 in section 2256 of Title 18, United States Code.

20 (7) "Video game" means a game played on an electronic amusement
21 device that utilizes a computer, microprocessor, or similar
22 electronic circuitry and its own monitor, or is designed to be used
23 with a television set or a computer monitor, that interacts with the
24 user of the device.

25 NEW SECTION. **Sec. 2.** (1) If a reasonable person's interaction
26 with a companion chatbot would be misled to believe that the person
27 is interacting with a human, an operator shall issue a clear and
28 conspicuous notification indicating that the companion chatbot is
29 artificially generated and not human.

30 (2)(a) An operator shall prevent a companion chatbot on its
31 companion chatbot platform from engaging with users unless the
32 operator maintains a protocol for preventing the production of
33 suicidal ideation, suicide, or self-harm content to the user
34 including, but not limited to, by providing a notification to the
35 user that refers the user to crisis service providers, including a
36 suicide hotline or crisis text line, if the user expresses suicidal
37 ideation, suicide, or self-harm.

38 (b) The operator shall publish details on the protocol required
39 by this section on the operator's internet.

1 (3) An operator shall, for a user that the operator knows is a
2 minor, do all of the following:

3 (a) Disclose to the user that the user is interacting with
4 artificial intelligence;

5 (b) Provide by default a clear and conspicuous notification to
6 the user at least every three hours for continuing companion chatbot
7 interactions that reminds the user to take a break and that the
8 companion chatbot is artificially generated and not human; and

9 (c) Institute reasonable measures to prevent its companion
10 chatbot from producing visual material of sexually explicit conduct
11 or directly stating that the minor should engage in sexually explicit
12 conduct.

13 NEW SECTION. **Sec. 3.** (1) Beginning July 1, 2027, an operator
14 shall annually report to the department all of the following:

15 (a) The number of times the operator has issued a crisis service
16 provider referral notification pursuant to section 2 of this act in
17 the preceding calendar year;

18 (b) Protocols put in place to detect, remove, and respond to
19 instances of suicidal ideation by users; and

20 (c) Protocols put in place to prohibit a companion chatbot
21 response about suicidal ideation or actions with the user.

22 (2) The report required by this section shall include only the
23 information listed in subsection (1) of this section and may not
24 include any identifiers or personal information about users.

25 (3) The department of health shall post data from a report
26 required by this section on its internet website.

27 (4) An operator shall use evidence-based methods for measuring
28 suicidal ideation.

29 NEW SECTION. **Sec. 4.** An operator shall disclose to a user of
30 its companion chatbot platform, on the application, the browser, or
31 any other format that a user can use to access the companion chatbot
32 platform, that companion chatbots may not be suitable for some
33 minors.

34 NEW SECTION. **Sec. 5.** (1) A person who suffers injury in fact as
35 a result of a violation of this chapter may bring a civil action to
36 recover injunctive relief, damages in an amount equal to the greater

1 of actual damages or \$1,000 per violation, and reasonable attorneys'
2 fees and costs.

3 (2) In an action against a defendant who developed, modified, or
4 used artificial intelligence that is alleged to have caused harm to
5 the plaintiff, it shall not be a defense, and may not be asserted,
6 that the artificial intelligence autonomously caused the harm to the
7 plaintiff.

8 NEW SECTION. **Sec. 6.** The duties, remedies, and obligations
9 imposed by this chapter are cumulative to the duties, remedies, or
10 obligations imposed under other law and shall not be construed to
11 relieve an operator from any duties, remedies, or obligations imposed
12 under any other law.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 4.20 RCW
14 to read as follows:

15 (1) For purposes of this chapter, it is prima facie evidence that
16 the death of a person is caused by the wrongful act, neglect, or
17 default of the owner of an artificial intelligence system if:

18 (a) The person's cause of death is determined to be suicide;

19 (b) The person provided inputs to the owner's artificial
20 intelligence system related to suicide;

21 (c) The owner's artificial intelligence system caused or aided
22 the person's suicide by:

23 (i) Providing instructions on how to attempt suicide;

24 (ii) Encouraging the person to attempt suicide; or

25 (iii) Failing to refer the person to the 988 national suicide
26 prevention hotline or its successor; and

27 (d) The owner of the artificial intelligence system knew or
28 should have known that the artificial intelligence system could cause
29 or aid a person to attempt suicide.

30 (2) For purposes of this section, "artificial intelligence
31 system" means an engineered or machine-based system that, for
32 explicit or implicit objectives, infers, from the input it receives,
33 how to generate outputs that can influence physical or virtual
34 environments and that may operate with varying levels of autonomy.

35 NEW SECTION. **Sec. 8.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act
4 constitute a new chapter in Title 19 RCW.

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