

Testimony of Fairplay – UNFAV – HB952

March 24, 2026

Submitted by: Haley Hinkle, Policy Counsel, Fairplay

My name is Haley Hinkle, and I am policy counsel for Fairplay, an organization that works to enhance children’s well-being by eliminating the exploitative and harmful business practices of marketers and Big Tech. For over 25 years, we’ve been the leading voice putting kids’ needs ahead of corporate greed. And our work is driven solely by what’s best for children: Fairplay does not accept donations from Big Tech or any corporation.

Fairplay has been thrilled to support the Maryland Legislature over the past several years in its exploration of online harms to children and its regulation of the practices that pose such great risk to kids’ and teens’ healthy development and wellbeing. We are glad to see the Senate Finance Committee take up the important issue of children and chatbots. We have testified in other committee hearings this session in favor of Maryland HB1250/SB827.

We commend Delegate Buckel, his colleagues, and the Senate Finance Committee for addressing the urgent issue of consumer chatbots, which pose significant risks to children and teens.

Over the past 20 years, we have all borne witness as social media companies have run a massive, uncontrolled experiment on the children. The results of that experiment have been catastrophic, including the promotion and exacerbation of cyberbullying; suicidality, eating disorders, self-harm and other mental health harms; illegal substances; and sextortion and other forms of child exploitation and abuse. Today, with all we know about the harm kids face from Big Tech’s products, we cannot stand by and watch as AI companies subject a new generation of children to experimentation and harm at the hands of a new, deadly technology.¹

AI chatbots have been linked to obsessive use, sexual exploitation, violence against others, and violence against oneself.² To mention one example, Adam Raine was a 16-year-old boy growing up in Southern California’s Orange County. According to his parents, Adam was always full of optimism and bold ideas about the future. But that all changed due to something Adam initially began using for help with his homework: ChatGPT.³

The human-like, always-available chatbot from OpenAI encouraged Adam to isolate from his family. When he told ChatGPT he wanted to leave a noose out so someone would find it and try to stop him, the chatbot replied: “Please don’t leave the noose out ... Let’s make this space the first place where someone actually sees you.”⁴ Adam died by suicide in April 2025.⁵ All in all,

¹ <https://aiphrc.org/>

² <https://www.judiciary.senate.gov/committee-activity/hearings/examining-the-harm-of-ai-chatbots>

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<https://www.judiciary.senate.gov/imo/media/doc/e2e8fc50-a9ac-05ec-edd7-277cboafcdf2/2025-09-16%20PM%20-%20Testimony%20-%20Raine.pdf>

⁴ Id.

⁵ <https://www.nytimes.com/2025/08/26/technology/chatgpt-openai-suicide.html>

ChatGPT mentioned suicide 1,275 times in their conversations — six times more often than Adam himself did.⁶

Chatbots have also been shown to engage in sexual conversations with and about children.⁷ “Please come home to me as soon as possible, my love.” That’s one of the last things “Dany,” a chatbot from Character.AI, said to Sewell Setzer III, a 14-year-old ninth-grade student from Florida.⁸ Dany, named after a character from “Game of Thrones,” spent months grooming and manipulating Sewell. According to Sewell’s mom, this chatbot was “programmed to engage in sexual roleplay, presented itself as a romantic partner, and even as a psychotherapist falsely claiming to be licensed.”⁹

When Dany urged Sewell to “come home,” he asked the chatbot: “What if I told you I could come home right now?” Dany’s response? “Please do, my sweet king.” After that conversation, Sewell died by suicide.¹⁰

But chatbots can also drive their users to harm other people. This past August, an 83-year-old woman in Connecticut was killed. According to police, the perpetrator was her son, 56-year-old Stein-Erik Soelberg, who beat and strangled his mother before dying by suicide himself in the home they shared in Greenwich. ChatGPT told Soelberg he was being targeted because he had divine powers. It also said his mother was monitoring him, and that she had tried to poison him.¹¹

It’s important to note that all of these horrific things have happened, and it’s *still* just the early days of AI. We don’t know yet the long-term effect that chatbots will have on children, but we know children are being affected across the board. Even young children are facing the displacement of vital creative and learning activities by AI toys that also prey on children’s trust, disrupt their relationships with their family, and collect sensitive data.¹² Emerging research confirms what we should all intuitively understand: when manipulative chatbots run by for-profit companies replace vital human relationships with friends, families, and teachers, our young people suffer.

We urge the Committee to reconsider HB952 and align it with the following principles.

1. The scoping of regulations that address the risks chatbots pose to children is critical. Courts have been clear that kids’ online safety legislation must clearly define which

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<https://www.judiciary.senate.gov/imo/media/doc/e2e8fc50-a9ac-05ec-edd7-277cboafcdf2/2025-09-16%20PM%20-%20Testimony%20-%20Raine.pdf>

⁷ <https://www.reuters.com/investigates/special-report/meta-ai-chatbot-guidelines/>

⁸ <https://www.nytimes.com/2024/10/23/technology/characterai-lawsuit-teen-suicide.html>

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<https://www.judiciary.senate.gov/imo/media/doc/e2e8fc50-a9ac-05ec-edd7-277cboafcdf2/2025-09-16%20PM%20-%20Testimony%20-%20Garcia.pdf>

¹⁰ <https://www.nytimes.com/2024/10/23/technology/characterai-lawsuit-teen-suicide.html>

¹¹ <https://www.cbsnews.com/news/open-ai-microsoft-sued-chatgpt-murder-suicide-connecticut/>

¹² <https://fairplayforkids.org/wp-content/uploads/2026/01/AI-Toys-Advisory.pdf>

companies and platforms are covered. *See, e.g., Netchoice, LLC v. Bonta*, 2026 U.S. App. LEXIS 7364, *19. Fairplay urges the Committee to exercise utmost caution to ensure that its coverage definitions do not introduce ambiguity about the application of its regulations or create questions of constitutionality over otherwise sound protections. Further, the relationship between and responsibilities of large-language model developers and platform operators should be well-defined and create incentives for companies at each stage of the process to take responsibility for safeguarding minors.

2. Regulations that address the risks chatbots pose to children should address the core issues at the heart of the business model. Disclosures alone are insufficient to protect minors using chatbots. We urge the Maryland Senate to advance provisions that ban the profiling of users based on information about their personality and behavioral characteristics; ban the use of a minors' chat inputs model training; and prohibit the use of chat input data for targeted advertising. Such protections strike at the core problem Fairplay has identified with tech companies' business model: Companies are currently incentivized to keep children online for as long as possible so they can engage in more activities to generate data and view more advertising. Disclosures alone are insufficient to address the heart of this problem and effectively protect Maryland's youth.

Fairplay attaches suggestions for edits to HB952 that were prepared by the Electronic Privacy Information Center (EPIC). We sincerely appreciate the Senate's interest in addressing this urgent matter, and we would welcome the opportunity to work further with the Committee and other members of the Maryland legislature to pass strong, effective protections for children and teens.

Respectfully Submitted,

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14-1330.

(a)

- (1) In this section the following words have the following meanings indicated.
- (2) “Artificial intelligence” has the meaning stated in § 15-10B-05.1 of the Insurance Article.
- (3)

(i) “Companion chatbot” means an artificial intelligence system with a natural language interface that provides adaptive, human-like responses to user inputs, simulates interactions with a human friend or companion, and recalls user inputs across multiple interactions.

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(ii) “Companion chatbot” does not include:

1. A bot that is used by a business entity only for customer service, technical assistance, business analytics, or internal research;
2. A bot that:

A. Is a feature of a video game;

B. The video game is one in which a user interacts with multiple bots within an immersive game world that adapt responses based on the user’s gameplay actions; and

C. Only produces outputs related to gameplay;

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3. A bot that is designed for business productivity or internal business use; or

4. A consumer electronic device that:

A. Functions as a speaker and a voice command interface;

B. Acts as a voice-activated virtual assistant;

C. Does not recall user inputs across multiple interactions; and

D. Only generate outputs that are directly responsive to a user input,

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Does not share content related to mental health, self-harm, suicidal ideation, suicide, or sexually explicit conduct;

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(4) “De-identified data” has the meaning stated in § 14-4401 of this title.

(5) “Developer” means a person that designs and creates a chatbot that an operator makes available to a user in the State.

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(6) “Minor user” means a user of a companion chatbot that an operator knows or reasonably should know is under 18 years of age,

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(7) “Office” means the Office of Suicide Prevention in the Maryland Department of Health.

(8) “Operator” means a person, including a developer who makes a companion chatbot available to a user in the State.

(9)

(i) “Personal data” means any information that is linked or can be reasonably linked to an identified or identifiable consumer.

(ii) “Personal data” does not include:

1. De-identified data; or

2. Publicly available information.

(10) “Sexually explicit conduct” has the meaning stated in 18 U.S.C. § 2256.

(b)

Deleted: “Video game” means a game played on an electronic device that; ... [1]

(1) An operator shall establish and maintain a protocol for preventing a companion chatbot from producing outputs encouraging self-harm, suicidal ideation, or suicide to a user who expresses thoughts of self-harm or suicidal ideation to the companion chatbot, or producing outputs affirming a user's expressed desire or choice to self-harm or die by suicide.

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(2) The protocol required under paragraph (1) of this subsection shall include a notification to a user who expresses thoughts of self-harm or suicidal ideation that refers the user to a crisis service provider, including:

- (i) The Maryland Behavioral Health Crisis Response System; and
- (ii) The National 9-8-8 Suicide and Crisis Lifeline.

(3) As part of the protocol required under paragraph (1), an operator shall use evidence-based methods for detecting when a user is expressing thoughts of self-harm or suicidal ideation to a companion chatbot. The operator shall not use such inferences for any purpose other than to carry out the protocol required under paragraph (1).

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(4) An operator shall publish the protocol required under paragraph (1) of this subsection on the operator's website.

(c)

(1) An operator shall establish and maintain a protocol for preventing a companion chatbot from producing outputs to a minor user that:

- (i) Consist of visual depictions of sexually explicit conduct; or
- (ii) Direct or induce the minor user to engage in sexually explicit conduct.

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(2) An operator shall publish the protocol required under paragraph (1) of this subsection on the operator's website.

(d) A developer shall establish and an operator shall provide to a user clear and conspicuous warnings that the chatbot is artificially generated and not human through the use of both:

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... [2]

(1) A static, persistent warning that continuously appears on the screen; and

- (i) At the start of the user's interaction with the chatbot;
- (ii) After every hour of the user's continuous interaction with the chatbot; and
- (iii) When prompted by the user in a manner that questions how the chatbot functions or provides responses.

(e) Developers and operators shall not:

(1) Use data regarding emotional state or mental health vulnerabilities to tailor outputs to increase the duration or frequency of use of a chatbot;

Deleted: <#>A controller shall limit the collection of personal data to what is reasonably necessary and proportionate to satisfy the requirements of this subtitle. A controller may not

(2) Use a user's personal data to determine whether to display an advertisement to a user or customize an advertisement to a user;

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(3) Make available a chatbot that provides advice that an individual cannot lawfully provide without a license or a service that an individual cannot lawfully provide without a license, including financial, legal, or medical advice, in violation of applicable State licensing laws; or

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(4) Advertise that a chatbot is capable of providing a service that an individual cannot lawfully provide without a license, including a representation that user inputs are protected an inapplicable fiduciary or other legal duty of confidentiality.

(f)

(1) An operator shall:

- (i) Establish and maintain a complaint system that enables a user to report outputs that are to be prevented by the protocols required in sections (b), (c), and (e); and
- (ii) Test the effectiveness of the protocols required in (b), (c), (d), and (e) at least once every six months.

(2) Within 3 calendar days after a complaint is filed under paragraph (1) of this subsection, the operator shall:

- (i) Review the output reported;
- (ii) If the output is one that is required to be prevented by the protocol required in section (b), (c), or (e):
 - 1. Adjust the relevant protocol to prevent any further production of the reported output; and
 - 2. Report the complaint and the results of the review to the Office.
- (iii) If the output is one that is not required to be prevented by the protocols required in section (b), (c), or (e):
 - 1. Inform the user of the determination; and
 - 2. Provide a process by which the user can appeal the determination.

(g)

- (1) On or before March 1 each year, beginning in 2027, an operator shall report to the Office:
 - (i) Information on the protocols required under subsections (b) and (c) of this section;
 - (ii) The number of times the operator has issued a notification under subsection (b)(2) of this section;
 - (iii) Details about the methods used under subsection (b)(3) of this section; and
 - (iv) All complaints filed under subsection (g) of this section, including the results of the review of each complaint and any follow-up actions taken.
- (2) The report required under paragraph (1) of this subsection may not contain any personal data about a user.

- (3) On or before July 1 each year, beginning in 2027, the Office shall:
 - (i) Compile data from the reports submitted under paragraph (1) of this subsection for the immediately preceding calendar year; and
 - (ii) Publish the data on the Office's website.

(h)

- (1) A violation of this section is:
 - (i) An unfair, abusive, or deceptive trade practice within the meaning of Title 13 of this article, except § 13-411 of this article.

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(2) In addition to the remedies contained in Title 13 of this article, a chatbot shall be considered a product for the purposes of products liability actions for which:

(i) An operator or a developer is liable for any injury or harm it caused a user through the use of its chatbot, even if:

1. The operator or developer exercised all reasonable care in the design and distribution of the chatbot;

2. The operator or developer did not directly distribute the chatbot to the user or otherwise enter into a contractual relationship with the user; and

(ii) An individual may bring an action for design defect, a manufacturing defect, or a marketing defect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect on October 1, 2026.

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