

Testimony of Fairplay in Support of Maryland Chatbot Legislation: HB1250/SB827

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My name is Brendan Bouffard, and I'm Staff Attorney at Fairplay, where I lead on AI policy and focus my work on crafting effective solutions to the harms caused by AI chatbots. I offer this testimony in strong support of SB 827. Fairplay is the leading national nonprofit fighting to protect kids from Big Tech. Fairplay just celebrated its 25th anniversary, and over the past quarter-century, we have helped countless children by pressuring tech companies into changing their deadly business model and design practices. Our achievements include stopping Meta from releasing a version of Instagram for little kids; holding Meta, Google, and Amazon accountable for violating children's privacy law; and passing phone-free schools legislation in 20 states.

Over the past 20 years, all of us have borne witness as social media companies have run a massive, uncontrolled experiment on the children of this world. The results of that experiment have been a catastrophe: Eating disorders. Drug addiction. A global mental health crisis. And children dying from suicide, self-harm, sextortion, and deadly viral challenges.

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 a new, deadly technology that poses an even greater risk to mental health than social media ever has.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 took his own life in April 2025.⁵ All in all, 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

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-edd7-277cb0afcdf2/2025-09-16%20PM%20-%20Testimony%20-%20Raine.pdf>

⁴ Ibid.

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

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<https://www.judiciary.senate.gov/imo/media/doc/e2e8fc50-a9ac-05ec-edd7-277cb0afcdf2/2025-09-16%20PM%20-%20Testimony%20-%20Raine.pdf>

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

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 picked up his stepfather’s gun, and ended his own life.¹⁰

But chatbots can also drive their users to harm other people. This past August, an 83-year-old woman in Connecticut was murdered. According to police, the killer was her son, 56-year-old Stein-Erik Soelberg, who beat and strangled his mother before killing 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 that chatbots will have on children, but we know children are being affected across the board. Even young kids are having their vital creative and learning activities displaced by AI toys that also prey on children’s trust, disrupt their relationships with their family, and collect sensitive data.¹² Emerging research is confirming 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.

There are many different approaches to addressing the danger of chatbots, but SB 827 is the most effective, enforceable, and constitutional solution. This bill was intentionally crafted to target the particular risks chatbots pose while avoiding common pitfalls.

SB 827 gets to the core of chatbot harms by targeting the ways in which chatbots instigate unhealthy emotional attachment by banning the profiling of users based on information about their personality and behavioral characteristics. It targets the business model incentives that push chatbot providers to build emotionally manipulative chatbots in the first place by banning the use of a minors’ chat inputs model training. It gives the Maryland Attorney General the authority to craft rules and regulations to require chatbot providers to assess and mitigate chatbot harms. It ensures that victims of chatbot harms can seek justice through a robust private right of action. And, it does all of this without content-based restrictions that create a risk of First Amendment challenges.

Finally, SB 827 includes a vital prohibition on the use of chat input data for targeted advertising - a feature of the bill which has been specifically targeted by opposition testimony. For years, Fairplay has warned about the harmful effects of targeted advertising on young people. By some estimates, advertisers

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-edd7-277cb0afcfd2/2025-09-16%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>

possess over 72 million data points about a child by the time they turn 13.¹³ With this power, Big Tech platforms can and do target children at moments when they are feeling specific emotions, when they are feeling “silly,” “defeated,” “overwhelmed,” “useless” or like “a failure.”¹⁴

Chatbots are particularly good at eliciting sensitive information from young people. An APA health advisory warns that young people have a heightened trust in AI-generated characters and they are particularly susceptible to influence from these chatbots.¹⁵ Unfortunately, about 1 in 8 U.S. young adults now report turning to AI chatbots for mental health advice.¹⁶ With chatbot providers integrating their products into web browsers and existing social media platforms, the potential for using this sensitive data for manipulation is incredible.

But, manipulation is only one small part of the problem with targeted ads. As we have seen with social media, a business model centered on targeted advertising treats young users as the product. As a commodity to be sold to the highest bidder. The more time a child or teen spends online — spends talking to a chatbot — the more data that chatbot provider can collect, and the more money it can make selling ads. The targeted ads ban in HB 1250 is crucial. If Maryland wants chatbot providers to develop their products in a way that prioritizes the safety and wellbeing of users, it must address the business model incentives that push companies to make addictive and emotionally manipulative chatbots in the first place.

So, I urge this committee to protect Maryland families from dangerous AI chatbots by advancing SB 827, with its strong ban on targeted advertising.

¹³ Bobby Hristova, Dexter McMillan, Madeline McNair, and Christine Birak, *Hey, parents: Advertisers could be using mobile games to build profiles about your kids* (March 7, 2025).

<https://www.cbc.ca/news/marketplace/mobile-games-kids-data-privacy-1.7476587>.

¹⁴ Sam Machkovech, *Report: Facebook Helped Advertisers Target Teens Who Feel “Worthless”*, ArsTechnica (May 1, 2017),

<https://arstechnica.com/information-technology/2017/05/facebook-helped-advertisers-target-teens-who-feel-worthless/>.

¹⁵ American Psychological Association. (2025, June). *Artificial intelligence and adolescent well-being: An APA health advisory*. American Psychological Association.

<https://www.apa.org/topics/artificial-intelligence-machine-learning/health-advisory-ai-adolescent-well-being>.

¹⁶ RAND. *One in Eight Adolescents and Young Adults Use AI Chatbots for Mental Health Advice* (November 7, 2025). <https://www.rand.org/news/press/2025/11/one-in-eight-adolescents-and-young-adults-use-ai-chatbots.html>.