

SB 827 - Consumer Protection and Product Liability – Chatbots

Written Testimony (Favorable)

Submitted by: Betsy Tao, MCCPTA Technology Committee Chair, Distraction Free Schools Maryland

Chair Beidle, Vice Chair Hayes, and esteemed members of the Finance Committee:

My name is Betsy Tao, and I have two children in Montgomery County Public Schools. I serve as the Chair of the [Technology Committee](#) for the Montgomery County Council of PTAs (MCCPTA). I am also the Maryland state lead for the [Distraction Free Schools Policy Project](#). In both roles, I advocate for a learning environment that is free of the harmful distractions of digital media, whether it's on personal mobile devices or school-issued laptops.

I commend Senator Hester for putting forward a bill that seeks to address critical concerns regarding AI chatbots from a products liability perspective and addresses the business model incentives that drive the harms caused by chatbots. As a parent and PTA leader, my primary concern is the access students have to chatbots in schools, on school-issued devices. Here in Montgomery County, we have no clear guidelines on use of artificial guidance by educators and students, and yet AI chatbots have popped up like mushrooms after a spring rain all over student Chromebooks, as software updates on previously approved applications. When we raised this issue with the school district, there did not seem to be an easy way to turn these features off. I accidentally learned of these chatbots only because my 7th grade daughter told me that she was playing with Flexi, one of the chatbots on her school Chromebook, in class.

Chatbots are the latest intruders into classrooms in which students are already overusing devices. The MCCPTA Technology Committee recently issued a [report](#) summarizing over a thousand responses to a survey of MCPS families from November to January. Over 70% of respondents are concerned about Chromebook use in schools. Almost 90% wanted more textbooks and paper over screens. Now, parents no longer just worry about their kids playing games and watching YouTube during the school day, but they also have to worry about their kids' access to chatbots. A [recent study](#) conducted based on real time data of the way students use chatbots in school found that “[r]oughly one in five student interactions with generative artificial intelligence on school technology involved cheating, self-harm, bullying and other problematic behaviors.”

Beyond concerns about how students might be using chatbots, there's also the fact that chatbots as designed are not tools per se. Tools execute a human decision in a way the human can control. Chatbots have the *appearance* of being a teacher – the child controls the question they ask, but they do not control how the teacher responds. The difference is that teachers are vetted, trained, supervised, and accountable for what they say to students. Who is accountable for the outputs of chatbots?

The harms increase with the ways chatbots are used beyond the classroom, such as the much reported suicides caused by Character AI. Recently, I read about how [AI “companions” can “change the way children grow up.”](#) The article describes how chatbots are becoming more popular and more persuasive – human users can't tell that they're not real and they're more persuasive than other humans because of the “personalization strategy” in their design that's intended to maximize engagement. These chatbots are embedded in social media and other platforms that children are already on for 6-8 hours a day, and are greedily siphoning the data provided by children's engagement in order to further personalize and develop the models they're built on, while all that data is being sold and resold by third party brokers to unknown entities.

I found myself wondering how parents can keep up with these technology developments in order to even remotely protect their children. How many parents are aware of new technologies and features that pop up with increasing frequency on existing platforms, what risks they pose, and how they should mitigate the harm on their kids?

I don't think most parents can, and it's not fair to ask them to, nor is it fair to put the burden on children to “learn how to navigate AI safely.” The reality is that tech companies poured billions into maximizing *engagement* on social media, leading to a [mental health crisis among youth](#) and a [loneliness epidemic](#). Now, in a dystopian twist, the same tech companies are selling the solution to the problems they created, in the form of AI chatbots and companions designed to maximize *attachment*. It should surprise no one that [these chatbots are already driving young people to despair and suicide](#).

This bill takes an important step by putting the burden back on companies to design their products in a way that is not exploitative and unsafe. Most importantly, it sets clear liability standards that hold chatbot providers responsible when their products cause harm, and provides strong enforcement mechanisms that allow states and individuals harmed by chatbots to hold companies accountable. I urge you to issue a favorable report for Senate Bill 827.

Betsy Tao, Rockville, MD