

119TH CONGRESS
1ST SESSION

S. _____

To require artificial intelligence chatbots to implement age verification measures and establish certain protections for minor users, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require artificial intelligence chatbots to implement age verification measures and establish certain protections for minor users, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children Harmed by
5 AI Technology Act” or the “CHAT Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Federal Trade Commission.

1 (2) COMPANION AI CHATBOT.—The term “com-
2 panion AI chatbot” means any software-based artifi-
3 cial intelligence system or program that exists for
4 the primary purpose of simulating interpersonal or
5 emotional interaction, friendship, companionship, or
6 therapeutic communication with a user.

7 (3) COVERED ENTITY.—The term “covered en-
8 tity” means any person that owns, operates, or oth-
9 erwise makes available a companion AI chatbot to
10 individuals in the United States.

11 (4) MINOR.—The term “minor” means any in-
12 dividual that has not attained 18 years of age.

13 (5) POPUP.—The term “popup” means a visible
14 notification on the screen of a user that can be re-
15 solved if interacted with by the user.

16 (6) SEXUALLY EXPLICIT COMMUNICATION.—
17 The term “sexually explicit communication” includes
18 any content, conversation, or material that describes,
19 depicts, or encourages sexually explicit conduct, as
20 defined in paragraph (2)(B) of section 2256 of title
21 18, United States Code.

22 (7) SUICIDAL IDEATION.—The term “suicidal
23 ideation” means, with respect to an interaction be-
24 tween a minor and a companion AI chatbot, any dia-

1 logue in which such minor expresses thoughts of
2 self-harm or suicide.

3 **SEC. 3. COVERED ENTITY OBLIGATIONS.**

4 (a) CREATION OF USER ACCOUNTS.—A covered enti-
5 ty shall require each individual accessing a companion AI
6 chatbot to make a user account in order to use or other-
7 wise interact with such chatbot.

8 (b) AGE VERIFICATION.—

9 (1) AGE VERIFICATION OF EXISTING AC-
10 COUNTS.—With respect to each user account of a
11 companion AI chatbot that exists as of the date de-
12 scribed in section 7, a covered entity shall—

13 (A) on such date, freeze any such account;

14 (B) in order to restore the functionality of
15 such account, require that the user provide age
16 information that is verifiable using a commer-
17 cially available method or process that is rea-
18 sonably designed to ensure accuracy; and

19 (C) using such age information, classify
20 each user as a minor or an adult.

21 (2) AGE VERIFICATION OF NEW ACCOUNTS.—At
22 the time an individual creates a new user account to
23 use or interact with a companion AI chatbot, a cov-
24 ered entity shall—

1 (A) request age information from the indi-
2 vidual; and

3 (B) verify the individual's age using a com-
4 mercially available method or process that is
5 reasonably designed to ensure accuracy.

6 (c) MINOR ACCOUNT PROTECTIONS.—If the age
7 verification process described in subsection (b) determines
8 that a user is a minor, a covered entity shall—

9 (1) require the account of such user to be affili-
10 ated with a parental account, which such covered en-
11 tity has verified using a commercially available
12 method or process that is reasonably designed to en-
13 sure accuracy;

14 (2) obtain verifiable parental consent from the
15 holder of the account before allowing a minor to ac-
16 cess and use the companion AI chatbot;

17 (3) immediately inform the holder of the paren-
18 tal account of any interaction involving suicidal idea-
19 tion; and

20 (4) block the minor's access to any companion
21 AI chatbot that engages in sexually explicit commu-
22 nication.

23 (d) CONFIDENTIALITY OF AGE VERIFICATION
24 DATA.—A covered entity shall protect the confidentiality
25 of age information provided by a user for age verification

1 by limiting the collection, processing, use, and storage of
2 such information to what is strictly necessary to verify a
3 user's age, obtain verifiable parental consent, or maintain
4 compliance records.

5 (e) MONITORING FOR SUICIDAL IDEATION.—A cov-
6 ered entity shall monitor companion AI chatbot inter-
7 actions for suicidal ideation and, in response to any such
8 interaction, provide to the user and the parental account
9 affiliated with such user appropriate resources by pre-
10 senting contact information for the National Suicide Pre-
11 vention Lifeline.

12 (f) NOTIFICATION OF ARTIFICIAL CHATBOT.—At the
13 beginning of any interaction between a user and a com-
14 panion AI chatbot, and not less frequently than every 60
15 minutes during such interaction thereafter, a covered enti-
16 ty shall display to such user a clear popup that notifies
17 the user that they are not engaging in dialogue with a
18 human counterpart.

19 **SEC. 4. COMPLIANCE.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the Commission shall issue
22 guidance to assist covered entities in complying with the
23 requirements of this Act.

24 (b) LIMITATION.—In any enforcement action brought
25 pursuant to this Act, the Commission shall allege a spe-

1 cific violation of a provision of this Act. The Commission
2 may not base an enforcement action on, or execute a con-
3 sent order based on, practices that are alleged to be incon-
4 sistent with any guidance issued by the Commission with
5 respect to this Act, unless the practices are alleged to vio-
6 late a provision of this Act. A person may use such guid-
7 ance as evidence of compliance with this Act.

8 **SEC. 5. ENFORCEMENT.**

9 (a) ENFORCEMENT BY THE COMMISSION.—

10 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
11 TICES.—A violation of this Act or a regulation pro-
12 mulgated under this Act shall be treated as a viola-
13 tion of a rule defining an unfair or deceptive act or
14 practice under section 18(a)(1)(B) of the Federal
15 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

16 (2) POWERS OF THE COMMISSION.—

17 (A) IN GENERAL.—The Commission shall
18 enforce this Act in the same manner, by the
19 same means, and with the same jurisdiction,
20 powers, and duties as though all applicable
21 terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were in-
23 corporated into and made a part of this Act.

24 (B) PRIVILEGES AND IMMUNITIES.—Any
25 person who violates this Act or a regulation

1 promulgated under this Act shall be subject to
2 the penalties and entitled to the privileges and
3 immunities provided in the Federal Trade Com-
4 mission Act (15 U.S.C. 41 et seq.).

5 (C) AUTHORITY PRESERVED.—Nothing in
6 this section shall be construed to limit the au-
7 thority of the Commission under any other pro-
8 vision of law.

9 (b) ENFORCEMENT BY STATES.—

10 (1) IN GENERAL.—

11 (A) CIVIL ACTIONS.—In any case in which
12 the attorney general of a State has reason to
13 believe that an interest of the residents of that
14 State has been or is threatened or adversely af-
15 fected by the engagement of any person in a
16 practice that violates this Act, the State, as
17 parens patriae, may bring a civil action on be-
18 half of the residents of the State in a district
19 court of the United States of appropriate juris-
20 diction to—

21 (i) enjoin that practice;

22 (ii) enforce compliance with the re-
23 quirements of this Act;

1 (iii) obtain damages, restitution, or
2 other compensation on behalf of residents
3 of the State; or

4 (iv) obtain such other relief as the
5 court may consider to be appropriate.

6 (B) NOTICE.—

7 (i) IN GENERAL.—Before filing an ac-
8 tion under subparagraph (A), the attorney
9 general of the State involved shall provide
10 to the Commission—

11 (I) a written notice of that ac-
12 tion; and

13 (II) a copy of the complaint for
14 that action.

15 (ii) EXEMPTION.—

16 (I) IN GENERAL.—Clause (i)
17 shall not apply with respect to the fil-
18 ing of an action by an attorney gen-
19 eral of a State under this subsection
20 if the attorney general determines
21 that it is not feasible to provide the
22 notice described in that clause before
23 the filing of the action.

24 (II) NOTIFICATION.—In an ac-
25 tion described in subclause (I), the at-

1 torney general of a State shall provide
2 notice and a copy of the complaint to
3 the Commission at the same time as
4 the attorney general files the action.

5 (2) INTERVENTION.—

6 (A) IN GENERAL.—On receiving notice
7 under paragraph (1)(B), the Commission shall
8 have the right to intervene in the action that is
9 the subject of the notice.

(B) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under paragraph (1), it shall have the right—

13 (i) to remove the action to the appro-
14 priate district court of the United States;

15 (ii) to be heard with respect to any
16 matter that arises in that action; and

17 (iii) to file a petition for appeal.

(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

24 (A) conduct investigations;

25 (B) administer oaths or affirmations; or

1 (C) compel the attendance of witnesses or
2 the production of documentary and other evi-
3 dence.

4 (4) ACTIONS BY THE COMMISSION.—In any
5 case in which an action is instituted by or on behalf
6 of the Commission for a violation of this Act, no
7 State may, during the pendency of that action, insti-
8 tute an action under paragraph (1) against any de-
9 fendant named in the complaint in that action for
10 such violation.

11 (5) VENUE; SERVICE OF PROCESS.—

12 (A) VENUE.—Any action brought under
13 paragraph (1) may be brought in—

14 (i) the district court of the United
15 States that meets applicable requirements
16 relating to venue under section 1391 of
17 title 28, United States Code; or

18 (ii) a State court of competent juris-
19 diction.

20 (B) SERVICE OF PROCESS.—In an action
21 brought under paragraph (1), process may be
22 served in any district in which the defendant—

23 (i) is an inhabitant; or

24 (ii) may be found.

1 **SEC. 6. SAFE HARBOR.**

2 A covered entity is deemed not liable for a violation
3 of this Act if the covered entity demonstrates it has—

4 (1) relied in good faith on age information pro-
5 vided by a user of the companion AI chatbot for
6 purposes of verifying the age of such user;

7 (2) complied with the guidance described in sec-
8 tion 4; and

9 (3) reasonably conformed to widely accepted in-
10 dustry standards or best practices, or to standards
11 or best practices identified by the Commission, for
12 age verification and applied those standards or best
13 practices consistently and in good faith.

14 **SEC. 7. EFFECTIVE DATE.**

15 This Act shall take effect on the date that is 1 year
16 after the date of enactment of this Act.