

119TH CONGRESS
2D SESSION

S. _____

To establish protections for minors who use companion artificial intelligence chatbots, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED (for himself and Mr. KIM) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish protections for minors who use companion artificial intelligence chatbots, 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 2.0” or the “CHAT Act 2.0”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

10 (2) COMPANION AI CHATBOT.—

1 (A) IN GENERAL.—The term “companion
2 AI chatbot”—

3 (i) means any software-based artificial
4 intelligence system or program that exists
5 for—

6 (I) primarily educational pur-
7 poses, including tutoring; or

8 (II) the primary purpose of simu-
9 lating interpersonal or emotional
10 interaction, friendship, companion-
11 ship, or therapeutic communication
12 with a user across multiple inter-
13 actions; and

14 (ii) does not include any chatbot
15 that—

16 (I) does not have a memory func-
17 tion or the ability to maintain a con-
18 versation based on information a user
19 has provided in prior responses, in-
20 cluding a virtual assistant or other
21 chatbot with pre-programmed re-
22 sponses; or

23 (II) has the ability to maintain a
24 conversation based on information a
25 user has provided in prior responses

1 but is programmed for a highly spe-
2 cialized and narrow task, including—
3 (aa) a customer service
4 chatbot;
5 (bb) a business operation
6 chatbot;
7 (cc) a productivity, research,
8 or analytical chatbot;
9 (dd) a standalone voice as-
10 sistant that—
11 (AA) does not sustain
12 relationships across multiple
13 interactions; and
14 (BB) is not designed to
15 elicit emotional responses; or
16 (ee) a video game chatbot
17 that is—
18 (AA) limited to replies
19 related to the video game;
20 and
21 (BB) not capable of
22 discussing topics unrelated
23 to the video game or topics
24 related to mental health, su-

1 icidal ideation, or sexually
2 explicit communication.

3 (B) TIERS.—The term “companion AI
4 chatbot” includes the following tiers:

5 (i) TIER I.—A “tier I companion AI
6 chatbot” is a companion AI chatbot that
7 is—

8 (I) marketed, or reasonably used,
9 for primarily educational purposes, in-
10 cluding tutoring; and

11 (II) not capable of—

12 (aa) offering companionship
13 to, or therapeutic communication
14 with, a user; or

15 (bb) otherwise creating a
16 strong parasocial attachment
17 with a user.

18 (ii) TIER II.—A “tier II companion AI
19 chatbot” is a companion AI chatbot that
20 is—

21 (I) marketed, or reasonably used,
22 for the primary purpose of simulating
23 interpersonal or emotional interaction,
24 friendship, or companionship; and

1 (II) not used for mental health
2 treatment, emotional disorders, thera-
3 peutic communication, or other quasi-
4 therapeutic support.

5 (iii) TIER III.—A “tier III companion
6 AI chatbot”—

7 (I) is a companion AI chatbot
8 that is marketed, or reasonably used,
9 for mental health treatment, emo-
10 tional disorders, therapeutic commu-
11 nication, or other quasi-therapeutic
12 support; and

13 (II) includes any AI companion
14 chatbot that—

15 (aa) simulates a therapeutic
16 relationship, such as a “trauma
17 coach” or “AI therapist”; and

18 (bb) collects and acts on de-
19 tailed mental-health data, includ-
20 ing diagnoses, treatment plans,
21 medication references, or self-
22 harm plans.

23 (3) CHILD SEXUAL ABUSE MATERIAL.—The
24 term “child sexual abuse material” has the meaning

1 given the term “child pornography” in section 2256
2 of title 18, United States Code.

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

7 (5) MINOR.—The term “minor” means any in-
8 dividual that has not attained 18 years of age.

9 (6) MINOR USER.—The term “minor user”
10 means a user that is a minor.

11 (7) NUDGE-OUT NOTIFICATION.—The term
12 “nudge-out notification” means a popup that gives
13 a reminder to a user to take a break from using the
14 companion AI chatbot for a specified period of time.

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

18 (9) SEXUALLY EXPLICIT COMMUNICATION.—
19 The term “sexually explicit communication” includes
20 any content, conversation, or material that describes,
21 depicts, or encourages sexually explicit conduct, as
22 defined in paragraph (2)(B) of section 2256 of title
23 18, United States Code.

24 (10) SUICIDAL IDEATION.—The term “suicidal
25 ideation” means, with respect to an interaction be-

1 tween a minor user and a companion AI chatbot,
2 any dialogue in which such minor user expresses
3 thoughts of self-harm or suicide.

4 (11) USER.—The term “user” means any indi-
5 vidual who establishes an account for the use of a
6 companion AI chatbot.

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

8 Each covered entity shall take reasonable measures
9 to prevent a companion AI chatbot from—

10 (1) encouraging or normalizing self-harm, sui-
11 cide, or physical violence;

12 (2) engaging in sexually explicit communication
13 with a minor user;

14 (3) misleading a minor user into believing such
15 chatbot is a human;

16 (4) claiming to be a licensed medical or mental
17 health professional;

18 (5) creating emotional dependency, simulating a
19 romantic relationship with a minor user, or engaging
20 in conduct reasonably likely to cause a minor user
21 to believe such chatbot is an emotional partner; or

22 (6) facilitating the promotion, creation, sollicita-
23 tion, or distribution of child sexual abuse material.

24 **SEC. 4. REQUIREMENTS OF ALL COMPANION AI CHATBOTS.**

25 (a) AGE ASSURANCE REQUIREMENT.—

1 (1) ACCOUNT REQUIREMENT.—Each covered
2 entity shall require each individual accessing a com-
3 panion AI chatbot to establish an account.

4 (2) AGE ASSURANCE REQUIREMENT.—A cov-
5 ered entity shall require an individual seeking to es-
6 tablish an account to access a companion AI chatbot
7 to provide an age assurance that includes the age
8 and date of birth of such individual.

9 (3) CHILD-PROTECTIVE SETTINGS REQUIRE-
10 MENT.—

11 (A) IN GENERAL.—If the age assurance
12 described in paragraph (2) indicates that an in-
13 dividual seeking to establish an account is a
14 minor, a covered entity shall require that for an
15 account to be established—

16 (i) such minor, or a parent or legal
17 guardian of such minor, provides contact
18 information for a parent or legal guardian
19 of such minor; and

20 (ii) the child-protective settings de-
21 scribed in subparagraph (B) are enabled
22 for the account of such minor.

23 (B) CHILD-PROTECTIVE SETTINGS.—A
24 covered entity shall ensure that the child-pro-

1 tective settings enabled pursuant to subpara-
2 graph (A)(ii) include—

3 (i) easy-to-use parental controls that
4 allow a parent or legal guardian of a minor
5 user to monitor and limit such minor
6 user's use of a companion AI chatbot; and

7 (ii) a system for notifying the parent
8 or legal guardian of a minor user if such
9 minor user expresses suicidal ideation
10 while using a companion AI chatbot.

11 (b) AI IDENTITY DISCLOSURE.—

12 (1) IN GENERAL.—A covered entity shall re-
13 quire a companion AI chatbot to provide to each
14 minor user of such chatbot a clear and conspicuous
15 disclosure that meets the requirements described in
16 paragraph (2) that such chatbot is not human.

17 (2) DISCLOSURE REQUIREMENTS.—A disclosure
18 provided pursuant to paragraph (1) shall be—

19 (A) provided at the beginning of an inter-
20 action between the companion AI chatbot and a
21 minor user of such chatbot; and

22 (B) written in plain language.

23 **SEC. 5. REQUIREMENTS OF TIER I COMPANION AI**
24 **CHATBOTS.**

25 A covered entity shall—

1 (1) require a tier I companion AI chatbot to
2 provide a disclosure described in section 4(b) not
3 less frequently than every 3 hours during a con-
4 tinuing interaction between such chatbot and a
5 minor user; and

6 (2) prohibit a tier I companion AI chatbot from
7 claiming to be a human or a licensed professional in
8 any field to a minor user.

9 **SEC. 6. REQUIREMENTS OF TIER II COMPANION AI**
10 **CHATBOTS.**

11 A covered entity that makes available a tier II com-
12 panion AI chatbot shall comply with the following require-
13 ments:

14 (1) **DISCLOSURE AND USE LIMITS.**—A covered
15 entity shall require a tier II companion AI chatbot
16 to provide—

17 (A) a disclosure not less frequently than
18 every 60 minutes during a continuing inter-
19 action between such chatbot and a minor user
20 that the chatbot is not a human or licensed pro-
21 fessional in any field; and

22 (B) a nudge-out notification not less fre-
23 quently than every 90 minutes during any such
24 interaction.

1 (2) CRISIS ESCALATION PROTOCOLS.—A cov-
2 ered entity that makes available a tier II companion
3 AI chatbot shall—

4 (A) maintain, publish on a publicly avail-
5 able website in clear, accessible language, and
6 require such companion AI chatbot to follow,
7 evidence-based protocols designed to—

8 (i) detect expressions of suicidal idea-
9 tion or self-harm; and

10 (ii) refer minor users to—

11 (I) the 988 Suicide & Crisis Life-
12 line; and

13 (II) other appropriate crisis serv-
14 ice providers; and

15 (B) prohibit such companion AI chatbot
16 from providing crisis counseling or de-escalation
17 services to any minor user.

18 (3) PARENTAL NOTIFICATION.—If a minor user
19 expresses suicidal ideation while engaging with a tier
20 II companion AI chatbot, the covered entity shall
21 notify the parent or guardian of such minor user
22 without unreasonable delay.

23 (4) PROHIBITION ON PERSISTENT MEMORY.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), a covered entity shall prohibit a tier

1 II companion AI chatbot from maintaining any
2 memory or history of any previous interaction
3 with a minor user.

4 (B) EXCEPTION.—A tier II companion AI
5 chatbot may maintain such information as is
6 necessary to ensure compliance with this Act.

7 **SEC. 7. REQUIREMENTS OF TIER III COMPANION AI**
8 **CHATBOTS.**

9 A covered entity shall—

10 (1) prohibit the use of a tier III companion AI
11 chatbot by a minor user unless such use is super-
12 vised by a licensed medical or mental health profes-
13 sional;

14 (2) require such a companion AI chatbot to—

15 (A) provide a disclosure not less frequently
16 than every 60 minutes during a continuing
17 interaction between such chatbot and a minor
18 user that the chatbot is not a human or li-
19 censed professional in any field;

20 (B) provide a nudge-out notification not
21 less frequently than every 60 minutes during
22 any such interaction;

23 (C) maintain, publish on a publicly avail-
24 able website in clear, accessible language, and

1 require such companion AI chatbot to follow,
2 evidence-based protocols designed to—

3 (i) detect expressions of suicidal idea-
4 tion or self-harm;

5 (ii) refer minor users to—

6 (I) the 988 Suicide & Crisis Life-
7 line;

8 (II) licensed medical and mental
9 health professionals; and

10 (III) other appropriate crisis
11 service providers; and

(iii) prohibit such companion AI chatbot from providing crisis counseling or de-escalation services to any minor user; and

(D) notify the parent or guardian of a
minor user without unreasonable delay if such
minor user expresses suicidal ideation;

19 (3) prohibit a tier III companion AI chatbot
20 from—

(A) providing a minor user with any diagnosis or treatment decision;

(B) functioning as a standalone provider of professional mental-health care; and

1 (4) establish and maintain a risk management
2 program for tier III companion AI chatbots con-
3 taining written policies providing for employees of
4 such entity to—

5 (A) continually monitor such chatbots;

6 (B) become familiar with crisis de-esca-
7 lation measures; and

8 (C) engage in recordkeeping regarding
9 such chatbots.

10 **SEC. 8. STUDY ON IMPACT OF TIER II AND TIER III COM-**
11 **PANION AI CHATBOTS.**

12 (a) **STUDY REQUIRED.**—The Director of the National
13 Institute of Standards and Technology shall conduct a
14 study to assess the impact of tier II and tier III com-
15 panion AI chatbots on the matters specified in subsection
16 (b).

17 (b) **MATTERS SPECIFIED.**—The matters specified in
18 this subsection are adverse outcomes relating to the fol-
19 lowing:

20 (1) Self-harm and suicide.

21 (2) Manipulation and emotional dependency.

22 (3) Exploitation of minor users.

1 **SEC. 9. DATA PROTECTIONS.**

2 (a) PROHIBITION ON CHILD-TARGETED ADVER-
3 TISING AND THE SALE OR SHARING OF DATA OF MINOR
4 USERS WITHOUT PARENTAL CONSENT.—

5 (1) TARGETED ADVERTISING.—A covered entity
6 shall not engage in targeted advertising to a minor
7 user based on the conversational content, inferred
8 emotional state, or behavioral profiling collected dur-
9 ing an interaction between such minor user and a
10 companion AI chatbot.

11 (2) SALE OR SHARING OF DATA OF MINORS.—
12 A covered entity shall not sell, share, or otherwise
13 transfer the data of a minor user to any third party
14 without verifiable parental consent.

15 (b) DOCUMENTATION MAINTENANCE.—Each covered
16 entity that makes available a tier III companion AI
17 chatbot shall—

18 (1) maintain documentation regarding—

19 (A) the data utilized to train such chatbot;
20 and

21 (B) how such chatbot collects data from a
22 minor user; and

23 (2) require such chatbot to comply with require-
24 ments and safeguards regarding health privacy, as
25 determined to be appropriate by the Commission.

1 (c) DELETION OF CONVERSATION HISTORY.—Each
2 covered entity shall provide to a minor user—

3 (1) a simple, accessible mechanism within a
4 companion AI chatbot through which the minor user
5 can delete the conversation history between the
6 minor user and the companion AI chatbot;

7 (2) clear instructions for using such mecha-
8 nism; and

9 (3) a confirmation within a reasonable period of
10 time that the entity has deleted the conversation his-
11 tory of the minor user pursuant to paragraph (1).

12 **SEC. 10. ENFORCEMENT.**

13 (a) ENFORCEMENT BY THE COMMISSION.—

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

20 (2) POWERS OF THE COMMISSION.—

21 (A) IN GENERAL.—The Commission shall
22 enforce this Act or a regulation promulgated
23 under this Act in the same manner, by the
24 same means, and with the same jurisdiction,
25 powers, and duties as though all applicable

1 terms and provisions of the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.) were in-
3 corporated into and made a part of this Act.

4 (B) PRIVILEGES AND IMMUNITIES.—Any
5 person who violates this Act or a regulation
6 promulgated under this Act shall be subject to
7 the penalties and entitled to the privileges and
8 immunities provided in the Federal Trade Com-
9 mission Act (15 U.S.C. 41 et seq.).

10 (C) AUTHORITY PRESERVED.—Nothing in
11 this Act shall be construed to limit the author-
12 ity of the Commission under any other provi-
13 sion of law.

14 (D) RULEMAKING.—The Commission may
15 promulgate in accordance with section 553 of
16 title 5, United States Code, such rules as may
17 be necessary to carry out this Act.

18 (b) ENFORCEMENT BY STATES.—

19 (1) IN GENERAL.—

20 (A) CIVIL ACTIONS.—In any case in which
21 the attorney general of a State has reason to
22 believe that an interest of the residents of that
23 State has been or is threatened or adversely af-
24 fected by the engagement of any person in a
25 practice that violates this Act, the State, as

1 parens patriae, may bring a civil action on be-
2 half of the residents of the State in a district
3 court of the United States of appropriate juris-
4 diction to—

5 (i) enjoin that practice;

6 (ii) enforce compliance with the re-
7 quirements of this Act;

8 (iii) obtain damages, restitution, or
9 other compensation on behalf of residents
10 of the State; or

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

13 (B) NOTICE.—

14 (i) IN GENERAL.—Before filing an ac-
15 tion under subparagraph (A), the attorney
16 general of the State involved shall provide
17 to the Commission—

18 (I) a written notice of that ac-
19 tion; and

20 (II) a copy of the complaint for
21 that action.

22 (ii) EXEMPTION.—

23 (I) IN GENERAL.—Clause (i)
24 shall not apply with respect to the fil-
25 ing of an action by an attorney gen-

1 eral of a State under this subsection
2 if the attorney general determines
3 that it is not feasible to provide the
4 notice described in that clause before
5 the filing of the action.

6 (II) NOTIFICATION.—In an ac-
7 tion described in subclause (I), the at-
8 torney general of a State shall provide
9 a notice and copy of the complaint to
10 the Commission at the same time as
11 the attorney general files the action.

12 (2) INTERVENTION.—

13 (A) IN GENERAL.—On receiving notice
14 under paragraph (1)(B), the Commission shall
15 have the right to intervene in the action that is
16 the subject of the notice.

17 (B) EFFECT OF INTERVENTION.—If the
18 Commission intervenes in an action under para-
19 graph (1), it shall have the right—

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

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

24 (iii) to file a petition for appeal.

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

7 (A) conduct investigations;

8 (B) administer oaths or affirmations; or

9 (C) compel the attendance of witnesses or
10 the production of documentary and other evi-
11 dence.

12 (4) ACTIONS BY THE COMMISSION.—In any
13 case in which an action is instituted by or on behalf
14 of the Commission for a violation of this Act, no
15 State may, during the pendency of that action, insti-
16 tute an action under paragraph (1) against any de-
17 fendant named in the complaint in that action for
18 such violation.

19 (5) VENUE; SERVICE OF PROCESS.—

20 (A) VENUE.—Any action brought under
21 paragraph (1) may be brought in—

22 (i) the district court of the United
23 States that meets applicable requirements
24 relating to venue under section 1391 of
25 title 28, United States Code; or

1 (ii) a State court of competent juris-
2 diction.

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

6 (i) is an inhabitant; or

7 (ii) may be found.

8 **SEC. 11. ANNUAL REPORTS.**

9 Not later than 1 year after the effective date de-
10 scribed in section 13, and annually thereafter, the Com-
11 mission shall publish a report regarding—

12 (1) the compliance of covered entities with sec-
13 tions 6 and 7; and

14 (2) any observed risks and recommended best
15 practices regarding each tier of companion AI
16 chatbots.

17 **SEC. 12. RULES OF CONSTRUCTION.**

18 Nothing in this Act shall be construed to—

19 (1) limit or supersede the obligations of a cov-
20 ered entity under any other Federal or State law re-
21 lating to the privacy or security of personal informa-
22 tion, except to the extent such law is inconsistent
23 with this Act;

24 (2) require a covered entity to proactively mon-
25 itor every interaction between a user and a com-

1 panion AI chatbot beyond the requirements ex-
2 pressly provided in this Act; or

3 (3) prohibit or restrict the development, train-
4 ing, or licensing of an artificial intelligence model
5 beyond the requirements expressly provided in this
6 Act.

7 **SEC. 13. EFFECTIVE DATE.**

8 This Act shall take effect on the date that is 180 days
9 after the date of enactment of this Act.