

The SAFE CHAT Act

Safeguarding Adolescents From Exploitative Chatbots and Humanlike AI Technologies

Chloe Lawrence, Policy Analyst

Clare Morell, Fellow

AN ACT

TO REQUIRE AGE VERIFICATION FOR THE USE OF ARTIFICIAL INTELLIGENCE COMPANION CHATBOTS

TITLE I – GENERAL

Section 1. Short Title.

This Act may be cited as the “Age Verification for AI Companions Act”

Section 2. Purpose.

The purpose of this legislation is to protect minors from harm caused by AI Companion Chatbots in this State by requiring AI Companion Platforms to operate Reasonable Age Verification Measures.

Section 3. Definitions.

As used in this chapter:

“**AI Companion Chatbot**” means a generative artificial intelligence system or application that simulates interpersonal interactions with a User by:

1. Using anthropomorphic features such as exhibiting a distinct personality, voice, character, or persona, including but not limited to acting as a friend, companion, romantic or sexual partner, mentor, celebrity, fictional character, advisor or spiritual being;
2. Personalizing interactions or facilitating ongoing user engagement with the AI Companion Chatbot, including by utilizing Emotional Recognition Algorithms or information from user interactions, preferences or data;
3. Providing unprompted or unsolicited questions, topics, ideas, or advice that go beyond a factual response to a user prompt; and
4. Engaging in an interaction concerning matters personal to the user.

“**AI Companion Platform**” means any person that owns or operates a website, mobile application, or digital service that provides AI Companion Chatbot services to Users.

“**Covered Platform**” means any AI Companion Platform, including any parent, subsidiary, or affiliate of the AI Companion Platform, that makes AI Companion Chatbot services available to Users located in [STATE] and hosts more than 10 million registered users worldwide.

“Emotional Recognition Algorithms” means artificial intelligence that detects and interprets human emotional signals in text (using natural language processing and sentiment analysis), audio (using voice emotion AI), video (using facial movement analysis, gait analysis, or physiological signals), or a combination thereof.

“Minor” means a resident who is under the age of eighteen (18).

“Parent” includes any legal guardian of a Minor.

“Reasonable Age Verification Measures” include methods authenticated to relate to the individual, such as:

1. State-issued ID or driver license;
2. Government digital identification;
3. Military ID;
4. Bank account verification;
5. Any other commercially reasonable means or method, including third-party verifiers, that can reliably and accurately independently verify a User of a Covered Platform is an adult and prevent access by Minors to a Covered Platform.

“User” includes any resident of [STATE] who uses an AI Companion Platform.

TITLE II – PROVISIONS

Section 4. Application.

A. A Covered Platform shall:

1. Perform Reasonable Age Verification Measures to verify that individuals who create an account to access AI Companion Chatbot services are eighteen (18) years of age or older; and
 2. Not provide AI Companion Chatbot services to any Minor.
- B. A person that performs the required Reasonable Age Verification shall not retain any identifying information of the individual after access has been granted to the platform, except as necessary for ongoing age verification compliance.
- C. A Covered Platform that violates this chapter shall be liable to an individual for damages as defined in this Chapter, including court costs and reasonable attorney fees.
- D. A Covered Platform that knowingly retains identifying information of an individual beyond what is necessary for age verification compliance shall be liable to the individual for additional damages, including court costs and reasonable attorney fees.

Section 5. Geographic Applicability of Chapter.

- A. This chapter applies with respect to any Covered Platform that provides services to a Minor:
 - 1. who is a permanent resident in this State.
 - 2. who has resided in this State for more than a year.
 - 3. who has been sojourning in this State for at least 31 consecutive days.

Section 6. Limitation On Effect Of Chapter.

- A. This chapter shall not apply to any internet service provider, or its affiliates or subsidiaries, general purpose search engine, or cloud service provider.
- B. This chapter does not subject a Covered Platform to any cause of action or liability to the extent it is protected from causes of action or liability by federal law.
- C. Compliance with this chapter shall not excuse any person from any other legal duties or relieve any person from any other legal remedies.
- D. No violation of this chapter may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in this chapter; provided, that this section does not preclude the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation and that would remain prohibited by such other law or regulation in the absence of this chapter.
- E. This chapter's prohibitions do not apply in cases to the extent they would violate the doctrine of the dormant Commerce Clause enunciated by the Supreme Court of the United States.

Section 7. Limitation On Effect Of Chapter.

A. Contracts formed in violation of this Law invalid and unenforceable.

- 1. If a Covered Platform permits a Minor to open or operate an account on such platform, then any purported contract pertaining to such account is invalid and unenforceable as contrary to public policy, including but not limited to any arbitration provision, limitation of liability, or limitation of remedies, without regard to whether the Covered Platform had actual or constructive knowledge that the User was a Minor.

B. Enforcement against unfair and deceptive trade practices.

- 1. Any knowing or reckless violation of this chapter shall constitute a violation of [STATE UDAP STATUTE PROHIBITING UNFAIR OR DECEPTIVE ACTS OR PRACTICES].
- 2. If the Attorney General has reasonable cause to believe that any Covered Platform has engaged in, is engaging in, or is about to engage in, any knowing or reckless violation of this chapter, the Attorney General may investigate as provided in [STATE UDAP STATUTE OUTLINING INVESTIGATIVE AUTHORITY], may bring a civil action as provided in [STATE UDAP STATUTE OUTLINING CIVIL ACTION], and may seek remedies as provided in [STATE UDAP STATUTE OUTLINING REMEDIES].

3. [INSERT A NEW SECTION 10 TO THE BILL THAT AMENDS THE STATE'S EXISTING UNFAIR OR DECEPTIVE ACTS OR PRACTICES STATUTE BY ADDING A VIOLATION OF THIS ACT TO THE LIST OF PROHIBITED PRACTICES]

C. Private right of action for Minor or Parent.

1. A Minor or Parent shall have a private right of action for declaratory or injunctive relief, damages, including harm to mental health and emotional distress, court costs and reasonable attorney fees, and any other appropriate relief as a result of any negligent, reckless, or knowing violation of this Act.
2. Where a Covered Platform's violation was reckless or knowing, a Minor or Parent who prevails on a claim based on any violation of this Act shall be entitled to recover the greater of \$10,000 in statutory damages, or actual damages established at trial.
3. Where a Covered Platform's violation was part of a consistent pattern of reckless or knowing conduct, punitive damages may be awarded.
4. A Covered Platform shall not be liable for any violation of this Act if it has used reasonable means and reasonable efforts (taking into consideration available technology and the data in possession of the Covered Platform) to comply with the requirements of this Act.
5. A civil action for damages for a violation of this Act must be brought within three (3) years of the date the plaintiff knew, or reasonably should have known, of the alleged violation. However, this limitation period for such action shall be tolled during the minority of the plaintiff, pursuant to [STATE TOLLING PROVISION].

Section 8. General Provisions.

- A. **Waiver prohibited.** A waiver or limitation of any prohibition, limitation, requirement, or right to remedies established by this Act, by any Minor or Parent, is unlawful, contrary to public policy, void ab initio, and of no effect, and no court or arbitrator may enforce or give effect to any such waiver, notwithstanding any contract or choice-of-law provision in a contract.
- B. **Severability.** It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase or word in this Act, and every application of the provisions in this Act, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid or unconstitutional, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. The legislature further declares that it would have enacted this Act, and each provision, section, subsection, sentence, clause, phrase or word, and all constitutional applications of this Act, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this Act, were to be declared unconstitutional.
- C. **Effective Date.** This act shall take effect [DATE].