



Sen. Laura Ellman

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LRB104 06437 SPS 37575 a

1 AMENDMENT TO SENATE BILL 316

2 AMENDMENT NO. _____. Amend Senate Bill 316 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Artificial Intelligence Companion Model Safety Act.

6 Section 5. Definitions. As used in this Act:

7 "Artificial intelligence" has the same meaning set forth
8 in Section 2-101 of the Illinois Human Rights Act. "Artificial
9 intelligence" includes generative artificial intelligence.

10 "Artificial intelligence companion" means an artificial
11 intelligence system with a natural language interface that
12 provides adaptive, human-like responses to user inputs and is
13 capable of meeting a user's social needs, including by
14 exhibiting anthropomorphic features and being able to sustain
15 a relationship across multiple interactions. "Artificial
16 intelligence companion" does not include:

1 (1) a bot that is only used for customer service,
2 business operational purposes, productivity and analysis
3 related to source information, internal research, or
4 technical assistance;

5 (2) a bot that is a feature of a video game and is
6 limited to replies related to the video game that cannot
7 discuss topics related to mental health, self-harm,
8 sexually explicit conduct, or maintain a dialogue on other
9 topics unrelated to the video game;

10 (3) a stand-alone consumer electronic device that
11 functions as a speaker and voice command interface, acts
12 as a voice-activated virtual assistant, and does not
13 sustain a relationship across multiple interactions or
14 generate outputs that are likely to elicit emotional
15 responses in the user; or

16 (4) narrowly tailored educational tools used in school
17 or instructional settings that are designed solely to
18 support specific, curriculum-aligned learning objectives
19 and do not provide open-ended conversational
20 companionship.

21 "Minor" means any user under 18 years of age.

22 "Operator" means any person, partnership, association,
23 firm, or business entity, or any member, affiliate, subsidiary
24 or beneficial owner of any partnership, association, firm, or
25 business entity, who makes available or controls access to an
26 artificial intelligence companion for users in this State.

1 "Relationship" includes, but is not limited to, intimate,
2 romantic, or platonic interactions or companionship.

3 "Self-harm" means intentional self-injury with or without
4 the intent to cause death.

5 "Sexually explicit content" includes, but is not limited
6 to, any material which depicts nudity, sexual conduct, or
7 sado-masochistic abuse, or which contains explicit and
8 detailed verbal descriptions or narrative accounts of sexual
9 excitement, sexual conduct, or sado-masochistic abuse.

10 "User" means any natural person who interacts with an
11 artificial intelligence companion for personal use in this
12 State and who is not an operator or agent or affiliate of the
13 operator of the artificial intelligence companion.

14 Section 10. General companion artificial intelligence
15 requirements.

16 (a) An operator shall not make available or deploy an
17 artificial intelligence companion unless the artificial
18 intelligence companion maintains and implements a protocol to
19 detect and address suicidal ideation or expressions of
20 self-harm by a user to the artificial intelligence companion.

21 The protocol shall include, but shall not be limited to:

22 (1) implementing reasonable methods for detecting user
23 expressions of suicidal ideation or self-harm;

24 (2) providing a notification to the user that refers
25 them to crisis service providers, such as the 9-8-8

1 Suicide and Crisis Lifeline, a crisis text line, or other
2 appropriate crisis services upon detection of the user's
3 expressions of suicidal ideation or self-harm; and

4 (3) implementing reasonable measures to prevent the
5 generation of content encouraging or describing how to
6 commit self-harm.

7 The operator shall publicly disclose on the operator's
8 website, and within any mobile or web-based application
9 through which the artificial intelligence companion is made
10 available, details on the protocol required by this subsection
11 and the number of crisis referral notifications issued to
12 users in the preceding calendar year.

13 (b) An operator shall provide a clear and conspicuous
14 notification to a user, either verbally or in writing, in the
15 language that the user is interacting with the artificial
16 intelligence companion, that the user is communicating with an
17 automated system and not with a human. The notification shall
18 be provided:

19 (1) at the beginning of the interaction; and

20 (2) at least every 3 hours during continued
21 interaction.

22 The operator shall implement reasonable measures to
23 prohibit and prevent an artificial intelligence companion from
24 claiming to be human, including when asked by the user and from
25 otherwise generating any output that refutes or conflicts with
26 the disclosure described in this subsection.

1 Section 15. Minor specific requirements.

2 (a) In addition to the requirements for all users under
3 Section 10, an operator shall, for a user that the operator
4 determines to be a minor, or if the operator's artificial
5 intelligence companion is directed to minors, implement
6 reasonable measures to prevent its artificial intelligence
7 companion from generating or producing sexually explicit
8 content or directly stating that the minor should engage in
9 sexually explicit conduct.

10 (b) In order to determine that a user is a minor, an
11 operator shall use all information and inferences known to an
12 operator relating to the age of an individual by any source,
13 including the age provided by the user in connection with the
14 account, self-identified age in any chat or interaction to
15 which the operator possesses a right of access or use, and any
16 age the operator attributes or associates with the user for
17 any purpose, including marketing, advertising, or product
18 development. Nothing in this subsection shall be interpreted
19 to require an operator to begin accessing or collecting any
20 user information or data to which they do not have access or
21 otherwise collect for purposes unrelated to this Act.

22 Section 20. Enforcement.

23 (a) The Attorney General or the State's Attorney of any
24 county in this State may bring an action in the name of the

1 People of this State against any person to restrain and
2 prevent any pattern or practice in violation of this Act.

3 (b) A violation of this Act constitutes an unlawful
4 practice under the Consumer Fraud and Deceptive Business
5 Practices Act. All remedies, penalties, and authority granted
6 to the Attorney General or the State's Attorney by the
7 Consumer Fraud and Deceptive Business Practices Act shall be
8 available to the Attorney General or the State's Attorney for
9 the enforcement of this Act.

10 (c) Any civil penalties collected from the enforcement of
11 this Act shall be deposited as follows:

12 (1) Prior to January 1, 2032, if the Attorney General
13 commenced the action, 75% of any penalty shall be
14 deposited into the Attorney General Court Ordered and
15 Voluntary Compliance Payment Projects Fund and 25% shall
16 be deposited into the Statewide 9-8-8 Trust Fund.

17 (2) Prior to January 1, 2032, if a State's Attorney
18 commenced the action, 75% of any penalty shall be
19 distributed to the county and deposited into a special
20 fund in the county treasury and appropriated to the
21 State's Attorney for use in accordance with law and 25%
22 shall be deposited into the Statewide 9-8-8 Trust Fund.

23 (3) On and after January 1, 2032, if the Attorney
24 General commenced the action, 50% of any penalty shall be
25 deposited into the Attorney General Court Ordered and
26 Voluntary Compliance Payment Projects Fund and 50% shall

1 be deposited into the Statewide 9-8-8 Trust Fund.

2 (4) On and after January 1, 2032, if a State's
3 Attorney commenced the action, 50% of any penalty shall be
4 distributed to the county and deposited into a special
5 fund in the county treasury and appropriated to the
6 State's Attorney for use in accordance with law and 50%
7 shall be deposited into the Statewide 9-8-8 Trust Fund.

8 (d) Moneys in the Attorney General Court Ordered and
9 Voluntary Compliance Payment Projects Fund shall be used,
10 subject to appropriation, for the performance of any function
11 pertaining to the exercise of the duties of the Attorney
12 General, including, but not limited to, enforcement of any law
13 of this State and conducting public education programs. Any
14 moneys in the Fund that are required by the court or by an
15 agreement to be used for a particular purpose shall be used for
16 that purpose.

17 Section 25. Action for actual damages. Any person who
18 suffers actual damage as a result of a violation of this Act
19 may bring an action under Section 10a of the Consumer Fraud and
20 Deceptive Business Practices Act.

21 Section 30. Application. The remedies provided in this Act
22 are cumulative and do not preclude any other lawful civil,
23 administrative, or criminal remedy available under State or
24 federal law.

1 Section 35. The State Finance Act is amended by changing
2 Section 6z-134 as follows:

3 (30 ILCS 105/6z-134)

4 Sec. 6z-134. Statewide 9-8-8 Trust Fund.

5 (a) The Statewide 9-8-8 Trust Fund is created as a special
6 fund in the State treasury. This Fund is administered by the
7 Department of Human Services. Moneys in the Fund shall be used
8 by the Department of Human Services for the purposes of
9 establishing and maintaining a statewide 9-8-8 suicide
10 prevention and mental health crisis system pursuant to the
11 National Suicide Hotline Designation Act of 2020 as codified
12 in 47 U.S.C. 251 and 251a and any subsequent amendments, the
13 Federal Communication Commission's rules adopted to administer
14 the National Suicide Hotline Designation Act of 2020 as
15 codified in 47 U.S.C. 251 and 251a and any subsequent
16 amendments, and national guidelines for crisis care. The Fund
17 shall consist of:

18 (1) appropriations by the General Assembly;

19 (2) grants and gifts intended for deposit in the Fund;

20 (3) interest, premiums, gains, or other earnings on
21 the Fund;

22 (3.1) proceeds from the statewide 9-8-8 surcharge
23 imposed under Sections 3 and 4 of the Telecommunication
24 Excise Tax Act; ~~and~~

1 (3.2) fees, fines, and penalties collected under the
2 Artificial Intelligence Companion Model Safety Act; and

3 (4) moneys received from any other source that are
4 deposited in or transferred into the Fund.

5 (b) Moneys in the Fund:

6 (1) do not revert at the end of any State fiscal year
7 but remain available for the purposes of the Fund in
8 subsequent State fiscal years;

9 (2) are not subject to transfer to any other Fund or to
10 transfer, assignment, or reassignment for any other use or
11 purpose outside of those specified in this Section; and

12 (3) shall be used by the Department of Human Services
13 to pay expenses pursuant to 47 U.S.C. 251a.

14 (c) An annual report of Fund deposits and expenditures
15 shall be made to the General Assembly and the Federal
16 Communications Commission by the Department of Human Services
17 pursuant to 47 U.S.C. 251a.

18 (d) (Blank).

19 (e) For the purposes of this Section, "statewide 9-8-8
20 suicide prevention and mental health crisis system" means the
21 core elements or pillars of the crisis system, as described by
22 the Substance Abuse and Mental Health Services Administration,
23 and includes Illinois' 9-8-8 Lifeline Contact Centers,
24 community crisis response services, including mobile crisis
25 teams, and crisis receiving and stabilization facilities and
26 programs, including Living Room Programs.

1 (Source: P.A. 104-6, eff. 6-16-25.)

2 Section 40. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by adding Section 2MMMM as follows:

4 (815 ILCS 505/2MMMM new)

5 Sec. 2MMMM. Violations of the Artificial Intelligence
6 Companion Model Safety Act. Any person who violates the
7 Artificial Intelligence Companion Model Safety Act commits an
8 unlawful practice within the meaning of this Act.

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect January
12 1, 2027.".