



Sen. Rachel Ventura

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LRB104 06436 SPS 37576 a

1 AMENDMENT TO SENATE BILL 317

2 AMENDMENT NO. _____. Amend Senate Bill 317 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Consumer Artificial Intelligence Notice Act.

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

7 "Conversational artificial intelligence system" means
8 software that:

9 (1) uses "artificial intelligence" as defined in
10 Section 2-101 of the Illinois Human Rights Act; and

11 (2) engages in real-time, interactive text-based or
12 voice-based conversation directly with a consumer through
13 a chat, messaging, or voice interface.

14 "Chat interface" means an online interface that allows a
15 consumer to exchange real-time, interactive text messages or
16 voice communications with a conversational artificial

1 intelligence system.

2 "Clear and conspicuous" means that the disclosure appears
3 as a separate message at the beginning of the interaction in
4 the same font size and color as the consumer's messages.

5 "Trade and commerce" means direct, real-time interactions
6 in which a person offers to sell, or sells, goods or services
7 to a consumer through a chat, messaging, or voice interface.

8 "Trade and commerce" does not include internal business
9 operations, marketing, pricing, analytics activities, or other
10 transactions that do not involve a direct, real-time
11 interaction between the person and the consumer.

12 Section 10. Requirements. A person who uses a
13 conversational artificial intelligence system in a chat
14 interface to communicate with a consumer in the course of
15 trade or commerce shall provide the consumer with a clear and
16 conspicuous disclosure, at the beginning of the interaction,
17 that the consumer is communicating with an automated system
18 and not with a human.

19 Section 15. Application.

20 (a) Nothing in this Act shall be construed to:

21 (1) regulate the use of artificial intelligence that
22 does not interact directly with consumers through a chat
23 interface, including, but not limited to, artificial
24 intelligence used solely for internal analytics, fraud

1 detection, inventory management, pricing, or
2 recommendation systems, or other similar internal
3 applications; or

4 (2) impose liability on a business entity for the
5 design or outputs of a conversational artificial
6 intelligence system developed or provided by a third party
7 if the business entity complies with the disclosure
8 requirements of this Act.

9 (b) Nothing in this Act alters any obligation under other
10 State and federal laws.

11 Section 20. Enforcement.

12 (a) The Attorney General or the State's Attorney of any
13 county in this State may bring an action in the name of the
14 People of this State against any person to restrain and
15 prevent any pattern or practice in violation of Section 10. In
16 the enforcement of Section 10, the Attorney General or the
17 State's Attorney may accept an assurance of voluntary
18 compliance from anyone engaged in any conduct, act, or
19 practice deemed in violation of Section 10. The failure to
20 perform the terms of any such assurance constitutes prima
21 facie evidence of a violation of Section 10.

22 (b) A violation of Section 10 constitutes an unlawful
23 practice under the Consumer Fraud and Deceptive Business
24 Practices Act. All remedies, penalties, and authority granted
25 to the Attorney General or the State's Attorney by the

1 Consumer Fraud and Deceptive Business Practices Act shall be
2 available to the Attorney General or the State's Attorney for
3 the enforcement of Section 10.

4 Section 25. Action for actual damages. Any person who
5 suffers actual damage as a result of a violation of Section 10
6 may bring an action under Section 10a of the Consumer Fraud and
7 Deceptive Business Practices Act.

8 Section 30. Home rule. The regulation of disclosures
9 related to the use of artificial intelligence in commercial
10 communications with consumers is an exclusive power and
11 function of the State. A home rule unit may not regulate
12 disclosures related to the use of artificial intelligence in
13 commercial communications with consumers. This Section is a
14 denial and limitation of home rule powers and functions under
15 subsection (h) of Section 6 of Article VII of the Illinois
16 Constitution.

17 Section 900. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by adding Section 2MMMM as follows:

19 (815 ILCS 505/2MMMM new)

20 Sec. 2MMMM. Violations of the Consumer Artificial
21 Intelligence Notice Act. Any person who violates Section 10 of
22 the Consumer Artificial Intelligence Notice Act commits an

1 unlawful practice within the meaning of this Act.".