



Sen. Rachel Ventura

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LRB104 06436 SPS 37925 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 customer service artificial intelligence
8 system" means a product 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 "Conversational customer service artificial intelligence
15 system" does not include internal business operations,
16 marketing, pricing, analytics activities, or other

1 transactions that do not involve a direct, real-time
2 interaction between the person and the consumer.

3 "Chat interface" means an online interface that allows a
4 consumer to exchange real-time, interactive text messages or
5 voice communications with a conversational artificial
6 intelligence system.

7 "Clear and conspicuous" means that the disclosure appears
8 as a separate message, either verbally or in writing, in the
9 language that the user is interacting and communicating with
10 the conversational customer service artificial intelligence
11 system at the beginning of the interaction in at least the same
12 font size and color as the consumer's messages if the
13 disclosure is in writing or in a manner that clearly calls
14 attention to the verbal disclosure.

15 "Product" means any tangible object or goods distributed
16 in commerce, including any service provided in connection with
17 the product.

18 Section 10. Requirements. A person who uses a
19 conversational customer service artificial intelligence system
20 in a chat interface to communicate with a consumer shall
21 provide the consumer with a clear and conspicuous disclosure
22 that the consumer is communicating with an automated system
23 and not with a human.

24 Section 15. Application.

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

2 (1) regulate the use of artificial intelligence that
3 does not interact directly with consumers through a chat
4 interface, including, but not limited to, artificial
5 intelligence used solely for internal analytics, fraud
6 detection, inventory management, pricing, or
7 recommendation systems, or other similar internal
8 applications; or

9 (2) impose liability on a business entity for the
10 design or outputs of a conversational customer service
11 artificial intelligence developed or provided by a third
12 party if the business entity complies with the disclosure
13 requirements of this Act.

14 (b) The remedies provided by this Act are cumulative and
15 do not preclude any other lawful civil, administrative, or
16 criminal remedy available under State or federal law,
17 including, but not limited to, product liability actions.

18 Section 20. Enforcement.

19 (a) The Attorney General or the State's Attorney of any
20 county in this State may bring an action in the name of the
21 People of this State against any person to restrain and
22 prevent any pattern or practice in violation of Section 10.
23 Any person that may be subject to an action for a violation of
24 Section 10 shall be given at least 7 days advanced notice by
25 the Attorney General or State's Attorney prior to the

1 commencement of an action to enforce Section 10. The person
2 receiving the notice shall have the opportunity to provide an
3 assurance of voluntary compliance to the Attorney General or
4 the State's Attorney and the Attorney General or the State's
5 Attorney may accept the assurance when submitted. The failure
6 to perform the terms of the assurance constitutes prima facie
7 evidence of a violation of Section 10.

8 (b) A violation of Section 10 constitutes an unlawful
9 practice under the Consumer Fraud and Deceptive Business
10 Practices Act. All remedies, penalties, and authority granted
11 to the Attorney General or the State's Attorney by the
12 Consumer Fraud and Deceptive Business Practices Act shall be
13 available to the Attorney General or the State's Attorney for
14 the enforcement of Section 10.

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

19 Section 30. Home rule. The regulation of disclosures
20 related to the use of artificial intelligence in commercial
21 communications with consumers is an exclusive power and
22 function of the State. A home rule unit may not regulate
23 disclosures related to the use of artificial intelligence in
24 commercial communications with consumers. This Section is a

1 denial and limitation of home rule powers and functions under
2 subsection (h) of Section 6 of Article VII of the Illinois
3 Constitution.

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

6 (815 ILCS 505/2MMMM new)

7 Sec. 2MMMM. Violations of the Consumer Artificial
8 Intelligence Notice Act. Any person who violates Section 10 of
9 the Consumer Artificial Intelligence Notice Act commits an
10 unlawful practice within the meaning of this Act.".