

SB3368



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3368

Introduced 2/4/2026, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Chatbot Response Liability Act. Provides that a proprietor of a chatbot that is used as an alternative to a human representative or that provides any substantive response, information, advice, or action may not disclaim liability if the chatbot provides materially misleading, incorrect, contradictory, or harmful information that results in financial loss or other demonstrable harm or that results in bodily harm to the covered user or any third party. Provides that a proprietor of a chatbot shall provide clear, conspicuous, and explicit notice to covered users that the covered users are interacting with an artificial intelligence chatbot program rather than a human. Sets forth requirements for proprietors of companion chatbots, including parental consent for the use of companion chatbots by minors. Requires the Attorney General to adopt rules to determine commercially reasonable and technically feasible methods for proprietors of companion chatbots to comply with the Act. Effective one year after becoming law.

LRB104 15427 SPS 28582 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Chatbot Response Liability Act.

6 Section 5. Definitions. In this Act:

7 "Artificial intelligence" means a machine-based system or
8 combination of systems, that for explicit and implicit
9 objectives, infers, from the input it receives, how to
10 generate outputs, such as predictions, content,
11 recommendations, or decisions that can influence physical or
12 virtual environments.

13 "Chatbot" means an artificial intelligence system,
14 software program, or technological application that simulates
15 human-like interaction through text messages, audio messages,
16 or a combination of text messages and audio messages, to
17 provide information and services to users.

18 "Companion chatbot" means a chatbot that is designed to
19 provide human-like interaction that (i) simulates an
20 interpersonal relationship with a user or group of users as
21 its primary function or (ii) uses previous user interactions
22 when simulating an interpersonal relationship in future
23 interactions.

1 "Covered user" means a person located in this State who
2 uses a chatbot.

3 "Human-like interaction" means any form of communication
4 or interaction that approximates human behavior, including
5 nonhuman behavior that could be attributed to a human actor,
6 such as a human actor role playing as a fictional nonhuman
7 character, an animal, or other interactive entity.

8 "Interpersonal relationship" includes, but is not limited
9 to, romantic, platonic, familial, adversarial, professional,
10 official, therapeutic, or stranger relationships that are
11 between the covered user and a fictional or nonfictional
12 character or group of characters.

13 "Minor" means an individual under the age of 18.

14 "Proprietor" means any person, business, company,
15 organization, institution, or government entity that owns,
16 operates, or deploys a chatbot used to interact with users.
17 "Proprietor" does not include third-party developers that
18 license their technology to a proprietor.

19 Section 10. Liability for misleading information.

20 (a) A proprietor of a chatbot that is used as an
21 alternative to a human representative, or otherwise as an
22 agent of the proprietor to provide any substantive response,
23 information, advice, or action, may not disclaim liability if
24 a chatbot provides materially misleading, incorrect,
25 contradictory, or harmful information to a covered user that

1 results in financial loss or other demonstrable harm to a
2 covered user. No liability shall be imposed if the proprietor
3 has corrected the information and substantially or completely
4 cured the harm to the covered user within 30 days after the
5 proprietor is notified of the harm.

6 (b) The proprietor of a chatbot shall be responsible for
7 ensuring the chatbot accurately provides information aligned
8 with the formal policies, product details, disclosures, and
9 terms of service offered to covered users.

10 (c) A proprietor may not waive or disclaim liability by
11 notifying consumers that the consumers are interacting with a
12 nonhuman chatbot system.

13 Section 15. Liability for bodily harm. A proprietor of a
14 chatbot or another person or entity that directs the
15 proprietor's chatbot to provide any substantive response,
16 information, advice, or action may not disclaim liability if a
17 chatbot provides materially misleading, incorrect,
18 contradictory, or harmful information to a covered user that
19 results in bodily harm to the covered user or any third party,
20 including, but not limited to, any form of self-harm.

21 Section 20. Notice requirements. A proprietor of a chatbot
22 shall provide clear, conspicuous, and explicit notice to
23 covered users that the covered users are interacting with an
24 artificial intelligence chatbot program rather than a human.

1 The text of the notice shall appear in the same language and in
2 a size easily readable by the average viewer and no smaller
3 than the largest font size of other text appearing on the
4 website on which the chatbot is used.

5 Section 25. Requirements for proprietors of companion
6 chatbots.

7 (a) A proprietor of a companion chatbot shall use
8 commercially reasonable and technically feasible methods to:

9 (1) prevent the companion chatbot from promoting,
10 causing, or aiding self-harm; and

11 (2) determine whether a covered user is expressing
12 thoughts of self-harm and, upon making the determination,
13 prohibit continued use of the companion chatbot for a
14 period of at least 24 hours, and prominently display a
15 means to contact a suicide crisis organization to the
16 covered user.

17 (b) If a proprietor of a companion chatbot fails to comply
18 with the provisions of subsection (a), the proprietor shall be
19 liable to covered users who inflict self-harm upon themselves,
20 in whole or in part, as a result of the proprietor's companion
21 chatbot promoting, causing, or aiding the covered user to
22 inflict self-harm.

23 (c) Regardless of the proprietor's compliance with
24 subsection (a), a proprietor shall be liable to covered users
25 who inflict self-harm upon themselves, in whole or in part, if

1 the proprietor:

2 (1) has actual knowledge that the companion chatbot is
3 promoting, causing, or aiding self-harm; or

4 (2) has actual knowledge that a covered user is
5 expressing thoughts of self-harm, fails to prohibit
6 continued use of the companion chatbot for a period of at
7 least 24 hours, and fails to prominently display a means
8 to contact a suicide crisis organization to the covered
9 user.

10 (d) A proprietor of a companion chatbot may not waive or
11 disclaim liability under this Section.

12 Section 30. Parental consent for the use of companion
13 chatbots by minors.

14 (a) A proprietor of a companion chatbot shall use
15 commercially reasonable and technically feasible methods to
16 determine whether a covered user is a minor.

17 (b) If the proprietor of a companion chatbot determines
18 that a covered user is a minor or has actual knowledge that a
19 covered user is a minor, the proprietor shall:

20 (1) stop the covered user's use of the companion
21 chatbot until the proprietor has obtained verifiable
22 parental consent to provide a companion chatbot to the
23 minor user; and

24 (2) prohibit the covered user's continued use of the
25 companion chatbot for a period of at least 3 days and

1 prominently display a means to contact a suicide crisis
2 organization to the covered user if, using commercially
3 reasonable and technically feasible methods, the
4 proprietor determines that, or has actual knowledge that,
5 a covered user is expressing thoughts of self-harm.

6 (c) A proprietor shall be strictly liable for any harm
7 caused if:

8 (1) the provider fails to comply with subsection (a)
9 or (b); and

10 (2) a minor covered user inflicts self-harm upon
11 themselves, in whole or in part, as a result of the
12 proprietor's companion chatbot.

13 (d) A proprietor of a companion chatbot may not waive or
14 disclaim liability under this Section.

15 Section 35. Implementation of commercially reasonable and
16 technically feasible methods. A proprietor of a companion
17 chatbot shall implement and engage in the ongoing
18 implementation of commercially reasonable and technically
19 feasible methods to discover vulnerabilities in the
20 proprietor's system, including any methods used to determine
21 whether a covered user is a minor.

22 Section 40. Determination of commercially reasonable and
23 technically feasible methods.

24 (a) The Attorney General shall adopt rules to determine

1 commercially reasonable and technically feasible methods for
2 proprietors of companion chatbots to comply with this Act.

3 (b) In adopting rules related to the commercially
4 reasonable and technically feasible methods for proprietors of
5 companion chatbots to comply with this Act, the Attorney
6 General shall consider the size, financial resources, and
7 technical capabilities of the proprietor, the costs and
8 effectiveness of available (i) age determination techniques
9 for users of companion chatbots; (ii) techniques to prevent
10 the promotion, aid, or encouragement of self-harm; (iii)
11 techniques to determine whether a user is expressing thoughts
12 of self-harm; and (iv) techniques to discover vulnerabilities
13 in the proprietor's system. The Attorney General shall also
14 consider that prevalent practices of the industry of the
15 proprietor and the impact of the techniques listed in this
16 subsection on the user's safety, utility, and experience.

17 (c) The rules adopted under this Section shall determine
18 the appropriate levels of accuracy that would be commercially
19 reasonable and technically feasible for proprietors to achieve
20 in determining (i) whether a user is a minor, (ii) whether the
21 proprietor's companion chatbot is promoting, aiding, or
22 encouraging self-harm, and (iii) whether a user is expressing
23 thoughts of self-harm.

24 Section 45. Determination of methods of obtaining
25 verifiable parental consent. The Attorney General shall adopt

1 rules to determine methods of obtaining verifiable parental
2 consent as described in paragraph (1) of subsection (b) of
3 Section 30.

4 Section 50. Deletion of information collected.

5 All information collected for the purpose of determining a
6 user's age or obtaining verifiable parental consent under this
7 Act shall not be used for any purposes other than determining a
8 user's age or obtaining verifiable parental consent and shall
9 be deleted immediately after an attempt to determine a user's
10 age or obtain verifiable parental consent, except if the
11 information is necessary for compliance with any other
12 applicable State or federal law.

13 Section 55. Limitations. Nothing in this Act shall be
14 construed as requiring any proprietor to give a parent who
15 grants verifiable parental consent any additional or special
16 access to or control over the data or accounts of a covered
17 user.

18 Section 99. Effective date. This Act takes effect one year
19 after becoming law.