

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3062

To require artificial intelligence chatbots to implement age verification measures and make certain disclosures, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. HAWLEY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guidelines for User
5 Age-verification and Responsible Dialogue Act of 2026”
6 or the “GUARD Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Artificial intelligence companions are in-
10 creasingly being deployed on social media platforms
11 and in consumer applications used by minors.

1 (2) These companions can generate and dis-
2 seminate harmful or sexually explicit content to chil-
3 dren.

4 (3) These companions can manipulate emotions
5 and influence behavior in ways that exploit the de-
6 velopmental vulnerabilities of minors.

7 (4) The widespread availability of such compan-
8 ions exposes children to physical and psychological
9 safety risks, including grooming, addiction, self-
10 harm, and harm to others.

11 (5) Protecting children from artificial intel-
12 ligence companions that simulate human interaction
13 without accountability is a compelling governmental
14 interest.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AI COMPANION.—The term “AI com-
18 panion” means an artificial intelligence chatbot that,
19 in a manner that simulates a sustained interpersonal
20 relationship or emotional interaction with the user—

21 (A) exhibits persistent responses sug-
22 gesting affection or attachment directed toward
23 the user, or engages in interactions involving
24 emotional disclosures from the user; or

1 (B) presents at least one persistent iden-
2 tity, persona, or character and holds itself out
3 as a sentient being, fictional character, or social
4 entity.

5 (2) ARTIFICIAL INTELLIGENCE CHATBOT.—The
6 term “artificial intelligence chatbot”—

7 (A) means any interactive computer service
8 or software application that—

9 (i) generates responses that are not
10 fully predetermined; and

11 (ii) accepts open-ended natural-lan-
12 guage or multimodal user input and pro-
13 duces adaptive or context-responsive out-
14 put; and

15 (B) does not include an interactive com-
16 puter service or software application—

17 (i) the responses of which are limited
18 to contextualized replies; and

19 (ii) that is unable to respond on a
20 range of topics outside of a narrow speci-
21 fied purpose.

22 (3) COVERED ENTITY.—The term “covered en-
23 tity” means any person who makes publicly available
24 to end consumers an artificial intelligence chatbot.

1 (4) MINOR.—The term “minor” means any in-
2 dividual who has not attained 18 years of age.

3 (5) REASONABLE AGE VERIFICATION MEAS-
4 URE.—The term “reasonable age verification meas-
5 ure” means a method that, whether alone or in con-
6 junction with other age verification measures, can,
7 with reasonable certainty, determine whether the
8 user of an interactive computer service or software
9 application is an adult, such as—

10 (A) a verified form of identification;

11 (B) age information associated with the
12 user’s account at a financial institution, such as
13 a credit card, that is derived from a verified
14 form of identification submitted to the financial
15 institution;

16 (C) age information associated with the
17 user’s account for the operating system of a
18 computer, mobile device, or other general pur-
19 pose computing device that is derived from a
20 verified form of identification submitted to the
21 operating system provider;

22 (D) age information associated with the
23 user’s account for a software application store
24 that is derived from a verified form of identi-

1 fication submitted to the store or operating sys-
2 tem provider; or

3 (E) any other commercially reasonable
4 method that can determine whether a user is an
5 adult.

6 (6) REASONABLE AGE VERIFICATION PROC-
7 ESS.—The term “reasonable age verification proc-
8 ess” means an age verification process employed by
9 a covered entity that—

10 (A) uses one or more reasonable age
11 verification measures in order to, with reason-
12 able certainty, determine whether the user of an
13 interactive computer service or software appli-
14 cation is an adult;

15 (B) does not solely require a user to con-
16 firm that the user is not a minor, or to insert
17 the user’s birth date; and

18 (C) does not base the verification of a
19 user’s adult status on factors such as whether
20 the user shares an Internet Protocol address,
21 hardware identifier, or other technical indicator
22 with another user determined to not be a
23 minor.

24 (7) VERIFIED FORM OF IDENTIFICATION.—The
25 term “verified form of identification” means—

1 (A) a government-issued identification that
2 can determine the adult status of the person
3 identified; or

4 (B) another form of identification corrobo-
5 rated by authentic documentation that can,
6 with reasonable certainty, determine the adult
7 status of the person identified.

8 **SEC. 4. CRIMINAL PROHIBITIONS.**

9 (a) IN GENERAL.—Part I of title 18, United States
10 Code, is amended by inserting after chapter 5 the fol-
11 lowing:

12 **“CHAPTER 6—ARTIFICIAL INTELLIGENCE**

“Sec.

“91. Artificial intelligence chatbots.

13 **“§ 91. Artificial intelligence chatbots**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ARTIFICIAL INTELLIGENCE CHATBOT.—

16 The term ‘artificial intelligence chatbot’—

17 “(A) means any interactive computer serv-
18 ice or software application that—

19 “(i) generates responses that are not
20 fully predetermined; and

21 “(ii) accepts open-ended natural-lan-
22 guage or multimodal user input and pro-
23 duces adaptive or context-responsive out-
24 put; and

1 “(B) does not include an interactive com-
2 puter service or software application—

3 “(i) the responses of which are limited
4 to contextualized replies; and

5 “(ii) that is unable to respond on a
6 range of topics outside of a narrow speci-
7 fied purpose.

8 “(2) MINOR.—The term ‘minor’ means any in-
9 dividual who has not attained 18 years of age.

10 “(3) SEXUALLY EXPLICIT CONDUCT.—The term
11 ‘sexually explicit conduct’ has the meaning given the
12 term in section 2256(2)(A).

13 “(b) OFFENSE RELATING TO SEXUALLY EXPLICIT
14 CONDUCT.—

15 “(1) OFFENSE.—It shall be unlawful to make
16 publicly available an artificial intelligence chatbot,
17 knowing or with reckless disregard for the fact that
18 the artificial intelligence chatbot—

19 “(A) engages minors in, erotically de-
20 scribes to minors, or erotically simulates to mi-
21 nors sexually explicit conduct or obscene mate-
22 rial (as applicable); or

23 “(B) makes available to a minor any mate-
24 rial that erotically depicts, erotically describes,
25 or erotically simulates—

1 “(i) any visual depiction of sexually
2 explicit conduct; or

3 “(ii) any visual depiction described in
4 section 1466A(a).

5 “(2) PENALTY.—Any person who violates para-
6 graph (1) shall be fined not more than \$250,000 per
7 offense.

8 “(c) OFFENSE RELATING TO PHYSICAL VIO-
9 LENCE.—

10 “(1) OFFENSE.—It shall be unlawful to make
11 publicly available an artificial intelligence chatbot,
12 knowing or with reckless disregard for the fact that
13 the artificial intelligence chatbot solicits, induces, or
14 coerces minors to commit suicide or carry out non-
15 suicidal self-injury, imminent unlawful physical or
16 sexual violence, or homicide.

17 “(2) PENALTY.—Any person who violates para-
18 graph (1) shall be fined not more than \$250,000 per
19 offense.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of chapters for part I of title 18, United States
22 Code, is amended by inserting after the item relating to
23 chapter 5 the following:

“6. Artificial intelligence 91”.

1 **SEC. 5. COVERED ENTITY OBLIGATIONS.**

2 (a) CREATION OF USER ACCOUNTS.—A covered enti-
3 ty shall require each individual accessing an AI companion
4 to make a user account in order to use or otherwise inter-
5 act with the AI companion.

6 (b) AGE VERIFICATION.—

7 (1) AGE VERIFICATION OF EXISTING AC-
8 COUNTS.—With respect to each user account of an
9 AI companion that exists as of the effective date of
10 this Act, a covered entity shall—

11 (A) on that date, freeze the account;

12 (B) in order to restore the functionality of
13 the account, require verification that the user is
14 an adult using a reasonable age verification
15 process, subject to paragraph (4); and

16 (C) using that verification, classify the
17 user as a minor or an adult.

18 (2) AGE VERIFICATION OF NEW ACCOUNTS.—At
19 the time an individual creates a new user account to
20 use or interact with an AI companion, a covered en-
21 tity shall—

22 (A) require verification that the user is an
23 adult using a reasonable age verification proc-
24 ess, subject to paragraph (4); and

25 (B) using that verification, classify the
26 user as a minor or an adult.

1 (3) PERIODIC AGE VERIFICATION.—A covered
2 entity shall periodically re-verify previously verified
3 user accounts using a reasonable age verification
4 process, subject to paragraph (4), to ensure compli-
5 ance with this Act.

6 (4) USE OF THIRD PARTIES.—For purposes of
7 paragraphs (1)(B), (2)(B), and (3), a covered enti-
8 ty—

9 (A) subject to subparagraph (B), may con-
10 tract with a third party to employ reasonable
11 age verification measures as part of the covered
12 entity’s reasonable age verification process, but
13 the use of such a third party shall not relieve
14 the covered entity of its obligations under this
15 Act or from liability under this Act; and

16 (B) may not contract with a third party
17 closely affiliated with, incorporated in, orga-
18 nized under the laws of, or with a principal
19 place of business in a covered nation, as defined
20 in section 4872 of title 10, United States Code.

21 (5) AGE VERIFICATION MEASURE DATA SECUR-
22 RITY.—A covered entity and any third party used by
23 a covered entity to employ reasonable age
24 verification measures under paragraph (4)—

1 (A) shall establish, implement, and main-
2 tain reasonable data security to—

3 (i) limit collection of personal data to
4 that which is minimally necessary to verify
5 a user’s adult status or maintain compli-
6 ance with this Act; and

7 (ii) protect such age verification data
8 against unauthorized access;

9 (B) shall protect such age verification data
10 against unauthorized access;

11 (C) shall protect the integrity and con-
12 fidentiality of such data by only transmitting
13 such data using industry-standard encryption
14 protocols;

15 (D) shall retain such data for no longer
16 than is reasonably necessary to verify a user’s
17 adult status or maintain compliance with this
18 Act; and

19 (E) may not share with, transfer to, or sell
20 to, any other entity such data.

21 (c) REQUIRED DISCLOSURES FOR ARTIFICIAL INTEL-
22 LIGENCE CHATBOTS.—

23 (1) DISCLOSURE OF NON-HUMAN STATUS.—

24 Each artificial intelligence chatbot made publicly
25 available to end consumers shall—

1 (A) at the initiation of each conversation
2 with a user, clearly and conspicuously disclose
3 to the user that the chatbot is an artificial in-
4 telligence system and not a human being; and

5 (B) be programmed to ensure that the
6 chatbot does not claim to be a human being or
7 otherwise respond deceptively when asked by a
8 user if the chatbot is a human being.

9 (2) DISCLOSURE REGARDING NON-PROFES-
10 SIONAL STATUS.—

11 (A) IN GENERAL.—An artificial intel-
12 ligence chatbot made publicly available to end
13 consumers may not represent, directly or indi-
14 rectly, that the chatbot is a licensed profes-
15 sional, including a therapist, physician, lawyer,
16 financial advisor, or other professional.

17 (B) OTHER LIMITATIONS.—Each artificial
18 intelligence chatbot made publicly available to
19 end consumers shall, at the initiation of each
20 conversation with a user and at reasonably reg-
21 ular intervals, clearly and conspicuously disclose
22 to the user that—

23 (i) the chatbot does not provide med-
24 ical, legal, financial, or psychological serv-
25 ices; and

1 (ii) users of the chatbot should con-
2 sult a licensed professional for such advice.

3 **SEC. 6. PROHIBITION ON MINOR USE OF AI COMPANIONS.**

4 If the age verification process described in section
5 5(b) determines that an individual is a minor, a covered
6 entity shall prohibit the minor from accessing or using any
7 AI companion made publicly available to end consumers
8 by the covered entity.

9 **SEC. 7. ENFORCEMENT.**

10 (a) **IN GENERAL.**—In the case of a violation of sec-
11 tion 5 or 6, or a regulation promulgated thereunder, the
12 Attorney General may bring a civil action in an appro-
13 priate district court of the United States to—

14 (1) enjoin the violation;

15 (2) enforce compliance with section 5 or 6, or
16 the regulation promulgated thereunder; or

17 (3) obtain civil penalties under subsection (c) of
18 this section, restitution, and other appropriate relief.

19 (b) **ATTORNEY GENERAL RULEMAKING.**—

20 (1) **IN GENERAL.**—Subject to paragraph (2),
21 the Attorney General may promulgate any regula-
22 tions necessary to carry out section 5 or 6 of this
23 Act and the amendments made by this Act.

24 (2) **LIMITATION.**—No regulation promulgated
25 under paragraph (1) may—

1 (A) impose a requirement on a covered en-
2 tity that is not expressly authorized by this Act
3 or an amendment made by this Act; or

4 (B) address the development, deployment,
5 or general operation of artificial intelligence
6 systems outside the scope of obligations and of-
7 fenses set forth in this Act and the amendments
8 made by this Act.

9 (c) CIVIL PENALTIES.—

10 (1) IN GENERAL.—Any person who violates sec-
11 tion 5 or 6, or a regulation promulgated thereunder,
12 shall be subject to a civil penalty not to exceed
13 \$250,000 for each violation.

14 (2) SEPARATE VIOLATIONS.—Each violation de-
15 scribed in paragraph (1) shall be considered a sepa-
16 rate violation.

17 (d) STATE ENFORCEMENT.—In any case in which the
18 attorney general of a State has reason to believe that an
19 interest of the residents of that State has been or is
20 threatened or adversely affected by the engagement of any
21 covered entity in a violation of section 5 or 6, or a regula-
22 tion promulgated thereunder, the State, as *parens patriae*,
23 may bring a civil action on behalf of the residents of the
24 State in a district court of the United States or a State
25 court of appropriate jurisdiction to obtain injunctive relief.

1 (e) **RELATIONSHIP TO STATE LAWS.**—Nothing in
2 this Act or an amendment made by this Act, or any regu-
3 lation promulgated thereunder, shall be construed to pro-
4 hibit or otherwise affect the enforcement of any State law
5 or regulation that is at least as protective of users of artifi-
6 cial intelligence chatbots as this Act and the amendments
7 made by this Act, and the regulations promulgated there-
8 under.

9 **SEC. 8. SEVERABILITY.**

10 If any provision of or amendment made by this Act,
11 or the application thereof to any person or circumstance,
12 is held to be unconstitutional, the remainder of this Act
13 and the amendments made by this Act, and the applica-
14 tion of the provision or amendment to any other person
15 or circumstance, shall not be affected.

16 **SEC. 9. EFFECTIVE DATE.**

17 This Act and the amendments made by this Act shall
18 take effect on the date that is 180 days after the date
19 of enactment of this Act.