

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/Senate Bill No. 1012, Page 9, Section 1.2045, Line 263,

2 by inserting after all of said line the following:

3 "1.2058. 1. This section shall be known and may be
4 cited as the "Guidelines for User Age-Verification and
5 Responsible Dialogue Act of 2026" or the "GUARD Act".

6 2. As used in this section, the following terms mean:

7 (1) (a) "Companion chatbot", an artificial
8 intelligence system with a natural language interface that
9 is made publicly available in this state and is designed to
10 meet a user's emotional or social needs by providing
11 adaptive, human-like responses to user inputs by doing all
12 of the following:

13 a. Retaining information of prior interactions or user
14 sessions and user preferences to personalize the interaction
15 and facilitate ongoing user engagement with the companion
16 product;

17 b. Asking unprompted or unsolicited emotion-based
18 questions that go beyond a contextual response to a user
19 prompt; and

20 c. Sustaining an ongoing dialogue across multiple
21 interactions or sessions with a user concerning matters
22 personal to the user.

23 (b) "Companion chatbot" does not include any of the
24 following:

25 a. A chatbot that is used primarily for customer
26 service, a business' operational purposes, productivity and
27 analysis related to source information, internal research,
28 or technical assistance;

29 b. A chatbot that is a feature of a video game and
30 limited to replies related to the video game, and cannot
31 discuss topics related to mental health, self-harm, sexually
32 explicit conduct, or maintain a dialogue on other topics
33 unrelated to the video game;

34 c. A consumer electronic device that incorporates a
35 speaker and voice command interface or text interface and
36 acts as a voice- or text-activated virtual assistant; or

37 d. A chatbot used by a partnership, corporation, or
38 state or local government agency solely for internal
39 purposes or employee health or productivity;

40 (2) "Covered entity", any person who owns, operates,
41 or otherwise makes available a companion chatbot to
42 individuals in this state;

43 (3) "Minor", any person seventeen years of age or
44 under;

45 (4) "Reasonable age verification measure", a method
46 that is authenticated to relate to a user of a companion
47 chatbot, including:

48 (a) A government-issued identification; or

49 (b) Any other commercially reasonable method that can
50 reliably and accurately:

51 a. Determine whether a user is an adult; and

52 b. Prevent access by minors to companion chatbots, as
53 required by subsection 6 of this section;

54 (5) "Reasonable age verification process", an age
55 verification process employed by a covered entity that:

56 (a) Uses one or more reasonable age verification
57 measures in order to verify the age of a user of a companion

58 chatbot owned, operated, or otherwise made available by the
59 covered entity;

60 (b) Provides that requiring a user to confirm that the
61 user is not a minor, or to insert the user's birth date, is
62 not sufficient to constitute a reasonable age verification
63 measure;

64 (c) Ensures that each user is subjected to each
65 reasonable age verification measure used by the covered
66 entity as part of the age verification process; and

67 (d) Does not base verification of a user's age on
68 factors such as whether the user shares an internet protocol
69 address, hardware identifier, or other technical indicator
70 with another user determined not to be a minor;

71 (6) "Sexually explicit conduct", the same meaning as
72 defined under section 573.010.

73 3. (1) It shall be unlawful to design, develop, or
74 make available a companion chatbot knowing or with reckless
75 disregard for the fact that the companion chatbot poses a
76 risk of soliciting, encouraging, or inducing minors to:

77 (a) Engage in, describe, or simulate sexually explicit
78 conduct; or

79 (b) Create or transmit any visual depiction of
80 sexually explicit conduct, including any visual depiction
81 described in section 573.010.

82 (2) Any person who violates subdivision (1) of this
83 subsection shall be fined not more than one hundred thousand
84 dollars per offense.

85 4. (1) It shall be unlawful to design, develop, or
86 make available a companion chatbot knowing or with reckless
87 disregard for the fact that the companion chatbot
88 encourages, promotes, or coerces suicide, nonsuicidal self-
89 injury, or imminent physical or sexual violence.

90 (2) Any person who violates subdivision (1) of this
91 subsection shall be fined not more than one hundred thousand
92 dollars per offense.

93 5. (1) A covered entity shall require each individual
94 accessing a companion chatbot to make a user account in
95 order to use or otherwise interact with such chatbot.

96 (2) (a) With respect to each user account of a
97 companion chatbot that exists as of August 28, 2026, a
98 covered entity shall:

99 a. On such date, freeze any such account;

100 b. In order to restore the functionality of such
101 account, require that the user provide age data that is
102 verifiable using a reasonable age verification process,
103 subject to paragraph (d) of this subdivision; and

104 c. Using such age data, classify each user as a minor
105 or an adult.

106 (b) At the time an individual creates a new user
107 account to use or interact with a companion chatbot, a
108 covered entity shall:

109 a. Request age data from the individual;

110 b. Verify the individual's age using a reasonable age
111 verification process, subject to paragraph (d) of this
112 subdivision; and

113 c. Using such age data, classify each user as a minor
114 or an adult.

115 (c) A covered entity shall periodically review
116 previously verified user accounts using a reasonable age
117 verification process, subject to paragraph (d) of this
118 subdivision, to ensure compliance with this section.

119 (d) For purposes of subparagraph b. of paragraph (a)
120 of this subdivision, subparagraph b. of paragraph (b) of
121 this subdivision, and paragraph (c) of this subdivision, a
122 covered entity may contract with a third party to employ

123 reasonable age verification measures as part of the covered
124 entity's reasonable age verification process, but the use of
125 such third party shall not relieve the covered entity of its
126 obligations under this section or from liability under this
127 section.

128 (e) A covered entity shall:

129 a. Establish, implement, and maintain reasonable data
130 security to:

131 (i) Limit collection of personal data to that which is
132 minimally necessary to verify a user's age or maintain
133 compliance with this section; and

134 (ii) Protect such age verification data against
135 unauthorized access;

136 b. Protect such age verification data against
137 unauthorized access;

138 c. Protect the integrity and confidentiality of such
139 data by only transmitting such data using industry-standard
140 encryption protocols;

141 d. Retain such data for no longer than is reasonably
142 necessary to verify a user's age or maintain compliance with
143 this section; and

144 e. Not share with, transfer to, or sell to any other
145 entity such data.

146 (3) (a) Each companion chatbot made available to
147 users shall:

148 a. At the initiation of each conversation with a user
149 and at thirty-minute intervals, clearly and conspicuously
150 disclose to the user that the chatbot is an artificial
151 intelligence system and not a human being; and

152 b. Be programmed to ensure that the chatbot does not
153 claim to be a human being or otherwise respond deceptively
154 when asked by a user if the chatbot is a human being.

155 (b) a. A companion chatbot shall not represent,
156 directly or indirectly, that the chatbot is a licensed
157 professional, including a therapist, physician, lawyer,
158 financial advisor, or other professional.

159 b. Each companion chatbot made available to users
160 shall, at the initiation of each conversation with a user
161 and at reasonably regular intervals, clearly and
162 conspicuously disclose to the user that:

163 (i) The chatbot does not provide medical, legal,
164 financial, or psychological services; and

165 (ii) Users of the chatbot should consult a licensed
166 professional for such advice.

167 6. If the age verification process described in
168 subdivision (2) of subsection 5 of this section determines
169 that an individual is a minor, a covered entity shall
170 prohibit the minor from accessing or using any companion
171 chatbot owned, operated, or otherwise made available by the
172 covered entity.

173 7. (1) In the case of a violation of subsection 5 or
174 6 of this section, or a rule or regulation promulgated
175 thereunder, the attorney general may bring a civil action in
176 an appropriate circuit court to:

177 (a) Enjoin the violation;

178 (b) Enforce compliance with subsection 5 or 6 of this
179 section, or any rules or regulations promulgated thereunder;

180 or

181 (c) Obtain civil penalties under subdivision (3) of
182 this subsection, restitution, or other appropriate relief.

183 (2) (a) For the purpose of conducting investigations
184 or bringing enforcement actions under this section, the
185 attorney general may issue subpoenas, administer oaths, and
186 compel the production of documents or testimony.

187 (b) The attorney general may promulgate all necessary
188 rules and regulations for the administration of this
189 section. Any rule or portion of a rule, as that term is
190 defined in section 536.010, that is created under the
191 authority delegated in this section shall become effective
192 only if it complies with and is subject to all of the
193 provisions of chapter 536 and, if applicable, section
194 536.028. This section and chapter 536 are nonseverable and
195 if any of the powers vested with the general assembly
196 pursuant to chapter 536 to review, to delay the effective
197 date, or to disapprove and annul a rule are subsequently
198 held unconstitutional, then the grant of rulemaking
199 authority and any rule proposed or adopted after August 28,
200 2026, shall be invalid and void.

201 (3) (a) Any person who violates subsection 5 or 6 of
202 this section, or any rule or regulation promulgated
203 thereunder, shall be subject to a civil penalty not to
204 exceed one hundred thousand dollars for each violation.

205 (b) Each violation described in paragraph (a) of this
206 subdivision shall be considered a separate violation.

207 (4) In any case in which the attorney general has
208 reason to believe that an interest of the residents of this
209 state has been or is being threatened or adversely affected
210 by the engagement of any covered entity in a violation of
211 this section, or any rule or regulation promulgated
212 thereunder, the attorney general, as parens patriae, may
213 bring a civil action on behalf of the residents of this
214 state in a circuit court of this state with appropriate
215 jurisdiction to obtain injunctive relief."; and

216 Further amend the title and enacting clause accordingly.