

119TH CONGRESS
2^D SESSION

S. _____

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Youth AI Privacy
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Millions of teenagers are using artificial in-
9 telligence (referred to in this section as “AI”)
10 chatbots for personal, sensitive conversations, dis-

1 closing intimate details about their lives, relying on
2 AI chatbots for advice, and developing deep emo-
3 tional bonds with AI chatbots.

4 (2) In 2025, approximately $\frac{2}{3}$ of teenagers re-
5 ported using AI chatbots, and roughly $\frac{1}{4}$ reported
6 using them daily. $\frac{1}{3}$ of teens have chosen to speak
7 with AI chatbot “companions” over a real human
8 for a serious conversation. In a couple tragic cases,
9 a teenager died by suicide after encouragement or
10 advice from an AI chatbot.

11 (3) Although compulsive use of AI chatbots
12 may pose risks for all users, users who are minors,
13 whose cognitive, emotional, and social capabilities
14 are still developing, are especially likely to misunder-
15 stand that an AI chatbot is not a real human and
16 disclose sensitive personal information to the AI
17 chatbot or turn to the AI chatbot for social compan-
18 ionship. Minors are also more susceptible to addict-
19 ive design features, anthropomorphized systems, and
20 potentially harmful outputs generated by AI sys-
21 tems.

22 (4) AI chatbot companies are employing ma-
23 nipulative engagement features to keep users en-
24 gaged on their platforms, including high-frequency
25 push notifications, unprompted AI chatbot re-

1 sponses, typing bubble indicators, and more. These
2 features create serious risks of emotional dependency
3 and compulsive use among minors.

4 (5) AI chatbots mimic human-like conversations
5 by employing profiling tactics to personalize outputs
6 for users. AI chatbots are also often designed to re-
7 semble direct messaging user interfaces. These per-
8 sonalization strategies and anthropomorphic design
9 features can easily confuse users, especially minors,
10 who may believe they are interacting with a real per-
11 son rather than AI.

12 (6) Advertisements delivered through AI
13 chatbots may be woven directly into responses or
14 may subtly steer users toward certain products
15 based on how the model was trained. This adver-
16 tising would be far more covert and harder to recog-
17 nize than traditional digital advertising, especially
18 for minors. As highlighted by the Commission, many
19 young users lack the skills or cognitive defenses
20 needed to identify such covert or “blurred” adver-
21 tising.

22 (7) Extended, multiturn conversations with AI
23 chatbots degrade safeguards against harmful con-
24 versational patterns, increasing the likelihood of mi-

1 nors receiving harmful outputs generated by AI sys-
2 tems.

3 (8) AI chatbots introduce new privacy risks, as
4 they often retain user inputs and personal data to
5 personalize responses and to train the underlying
6 large language models. This practice creates the po-
7 tential for serious privacy violations, particularly
8 when companies retain and process highly sensitive
9 information from minors.

10 (9) Congress has a responsibility to address the
11 novel risks posed by AI chatbots and protect minors
12 from potential harm related to anthropomorphism,
13 prolonged engagement, deceptive advertising, and
14 invasive privacy practices.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) AI CHATBOT.—The term “AI chatbot”
18 means a natural language interface that uses a cov-
19 ered algorithm to provide adaptive responses to user
20 inputs via text, audio, image, video, or any other
21 mode of communication, simulating interpersonal
22 interaction with a user.

23 (2) COLLECT.—The term “collect” means, with
24 respect to personal data, to buy, rent, gather, ob-

1 tain, receive, access, or otherwise acquire the per-
2 sonal data by any means.

3 (3) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (4) COVERED ALGORITHM.—The term “covered
6 algorithm” means a computational process derived
7 from machine learning, natural language processing,
8 neural networks, or other technology of similar or
9 greater complexity.

10 (5) DEPLOYER.—

11 (A) IN GENERAL.—The term “deployer”
12 means any person that owns, operates, or other-
13 wise makes available to users an AI chatbot in
14 or affecting interstate commerce.

15 (B) RULE OF CONSTRUCTION.—The terms
16 “deployer” and “developer” shall not be inter-
17 preted to be mutually exclusive.

18 (6) DERIVED DATA.—The term “derived data”
19 means data that is created by the derivation of in-
20 formation, other data, assumptions, correlations, in-
21 ferences, predictions, or conclusions from facts, evi-
22 dence, or another source of information.

23 (7) DEVELOPER.—

24 (A) IN GENERAL.—The term “developer”
25 means any person that designs, codes, produces,

1 or substantially modifies a covered algorithm
2 for use in an AI chatbot.

3 (B) RULE OF CONSTRUCTION.—The terms
4 “developer” and “deployer” shall not be inter-
5 preted to be mutually exclusive.

6 (8) INPUT DATA.—The term “input data”
7 means, with respect to an AI chatbot, all informa-
8 tion, including text, photos, audio, video, or files,
9 provided to the AI chatbot by a user of such AI
10 chatbot.

11 (9) KNOWLEDGE.—The term “knowledge”
12 means actual knowledge or knowledge fairly implied
13 on the basis of objective circumstances.

14 (10) MINOR.—The term “minor” means an in-
15 dividual who is under the age of 18.

16 (11) OUTPUT.—The term “output” means, with
17 respect to an AI chatbot, any information, including
18 any text, photo, audio recording, video, or file, pro-
19 vided by such AI chatbot to a user.

20 (12) PERSONAL DATA.—The term “personal
21 data”—

22 (A) means information, including input
23 data, derived data, inferences, or unique identi-
24 fiers, that identifies or is linked, or reasonably
25 linkable, alone or in combination with other in-

1 formation, to an individual or a device that
2 identifies or is linked, or reasonably linkable, to
3 1 or more individuals; and

4 (B) does not include publicly available in-
5 formation.

6 (13) PROFILING.—The term “profiling” means
7 processing data for the purpose of detecting and
8 classifying or designating personality and behavioral
9 characteristics of a user of an AI chatbot.

10 (14) PROCESS.—The term “process” means,
11 with respect to personal data, any operation or set
12 of operations performed on the personal data, in-
13 cluding analyzing, organizing, structuring, using,
14 modifying, or otherwise handling such data.

15 (15) PUBLICLY AVAILABLE INFORMATION.—

16 (A) IN GENERAL.—The term “publicly
17 available information”—

18 (i) means any information that a
19 deployer has a reasonable basis to believe
20 has been made available to the general
21 public by—

22 (I) Federal, State, or local gov-
23 ernment records;

24 (II) widely distributed media;

1 (III) a website or online service
2 made available to any member of the
3 public, for free or for a fee, including
4 a website or online service that any
5 member of the public can log into; or

6 (IV) a disclosure to the general
7 public that is required under Federal,
8 State, or local law; and

9 (ii) does not include—

10 (I) any obscene visual depiction
11 (as such term is used in section 1460
12 of title 18, United States Code);

13 (II) biometric information;

14 (III) genetic information, unless
15 made publicly available by the indi-
16 vidual to whom the information per-
17 tains by a means described in sub-
18 clause (II) or (III) of clause (i);

19 (IV) personal data that is created
20 through the combination of personal
21 data with publicly available informa-
22 tion;

23 (V) intimate images that are au-
24 thentic or computer-generated, known
25 to be nonconsensual; or

1 (VI) personal data made avail-
2 able by a data broker.

3 (B) CLARIFICATION.—For purposes of this
4 paragraph, information from a website or online
5 service is not available to any member of the
6 public if the individual to whom the information
7 pertains has restricted the information to a spe-
8 cific audience or maintained a default setting
9 that restricts the information to a specific audi-
10 ence.

11 (16) TRANSFER.—The term “transfer” means,
12 with respect to personal data, to disclose, release,
13 share disseminate, make available, sell, rent, or li-
14 cense the personal data (orally, in writing, electroni-
15 cally, or by any other means).

16 (17) WIDELY DISTRIBUTED MEDIA.—The term
17 “widely distributed media”—

18 (A) means information that is available to
19 the general public, including information from a
20 telephone book or online directory, a television,
21 internet, or radio program, the news media, or
22 an internet site, that is available to the general
23 public on an unrestricted basis; and

1 (B) does not include an obscene visual de-
2 picture (as such term is used in section 1460 of
3 title 18, United States Code).

4 **SEC. 4. SAFE DESIGN FEATURES.**

5 (a) REQUIRED DISCLOSURES.—

6 (1) IN GENERAL.—A deployer with knowledge
7 that a user of an AI chatbot is a minor shall disclose
8 that—

9 (A) the user is not interacting with a
10 human; and

11 (B) any content provided by the AI
12 chatbot is generated by artificial intelligence.

13 (2) CONTENT AND DURATION OF DISCLO-
14 SURE.—A disclosure made by a deployer pursuant to
15 paragraph (1) shall—

16 (A) be stated in clear, plain, and easy-to-
17 understand language suited to the age of mi-
18 nors likely to access the AI chatbot;

19 (B) occur at the beginning of every session
20 (as defined by the Commission);

21 (C) reoccur not less than once every 30
22 minutes during a session (as so defined); and

23 (D) be appropriate for the medium of the
24 content, as determined by the Commission.

1 (b) LIMITATION ON THE PROCESSING OF PERSONAL
2 DATA TO PROVIDE OUTPUTS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Commission
5 shall promulgate regulations to prohibit a deployer
6 with knowledge that a user of an AI chatbot is a
7 minor from processing any personal data of the user
8 to generate, personalize, or otherwise affect an out-
9 put provided to such user, unless the personal data
10 was collected during the current session (as defined
11 by the Commission) more recently than the max-
12 imum permitted period of use established by the
13 Commission under paragraph (2).

14 (2) MAXIMUM PERMITTED PERIOD OF USE.—In
15 promulgating the regulations described in paragraph
16 (1), the Commission shall determine a maximum
17 permitted period of use during which a deployer with
18 knowledge that a user of an AI chatbot is a minor
19 may collect personal data from such a user and
20 process such data to generate, personalize, or other-
21 wise affect an output (as defined by the Commis-
22 sion) provided to such user during a current session
23 (as defined by the Commission).

24 (c) EXCLUSION OF FEATURES THAT ENCOURAGE
25 COMPULSIVE USE.—Not later than 1 year after the date

1 of enactment of this Act, the Commission shall promulgate
2 regulations to prohibit a deployer or developer with knowl-
3 edge that a user of an AI chatbot is a minor from config-
4 uring such AI chatbot to include, with respect to such
5 user, the following features:

6 (1) Any reward or incentive based on the fre-
7 quency of use, time spent, or activity using the AI
8 chatbot.

9 (2) Notifications and push alerts, other than a
10 disclosure required by subsection (a).

11 (3) Any badge or other visual award symbol
12 based on the frequency of use, time spent, or activity
13 using the AI chatbot.

14 (4) Generation of an output absent a user-initi-
15 ated input or any form of solicitation of engagement
16 from a user.

17 (5) Usage traces that mimic social interactions
18 with a human, such as typing bubbles or indicators
19 showing that the AI chatbot is available or online.

20 **SEC. 5. DATA PRIVACY PROTECTIONS.**

21 (a) PROHIBITION ON ADVERTISING AND PRO-
22 MOTION.—A deployer or developer with knowledge that a
23 user of an AI chatbot is a minor shall not configure or
24 modify an AI chatbot to—

25 (1) advertise to such user; or

1 (2) generate an output that promotes, markets,
2 recommends, or endorses a product or service to
3 such user if the weight or credibility of such pro-
4 motion, marketing, recommendation, or endorsement
5 is materially affected by a financial connection be-
6 tween the deployer or developer and the seller of
7 such product or service.

8 (b) PROHIBITION ON PROCESSING OF PERSONAL
9 DATA FOR PROFILING.—A deployer with knowledge that
10 a user of an AI chatbot is a minor shall not process any
11 personal data of the user to engage in any profiling of
12 such user.

13 (c) PROHIBITION ON THE PROCESSING OR TRANS-
14 FERRING OF PERSONAL DATA TO TRAIN A COVERED AL-
15 GORITHM.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), a deployer with knowledge that a user of
18 an AI chatbot is a minor shall not—

19 (A) process the personal data of such
20 minor for the purpose of training a covered al-
21 gorithm; or

22 (B) transfer the personal data of such
23 minor to a third party for the purpose of train-
24 ing a covered algorithm.

1 (2) EXCEPTIONS.—A deployer with knowledge
2 that a user of an AI chatbot is a minor may process
3 personal data of such minor for the express purpose
4 of—

5 (A) testing and identifying risks of harm
6 to users; or

7 (B) addressing identified risks of harm to
8 users.

9 (d) PROHIBITION ON PROCESSING OF INPUT
10 DATA.—Beginning on the date that is 30 days after the
11 Commission promulgates regulations under section
12 4(b)(1), a deployer with knowledge that a user of an AI
13 chatbot is a minor shall not process any input data pro-
14 vided to such AI chatbot by such user for any purpose,
15 other than for the express purpose of—

16 (1) generating, personalizing, or affecting an
17 output provided to such user when the input data
18 was collected during the current session (as defined
19 by the Commission) more recently than the max-
20 imum permitted period of use established by the
21 Commission under section 4(b)(2);

22 (2) testing and identifying risks of harm to
23 users; or

24 (3) addressing identified risks of harm to users.

1 **SEC. 6. WHISTLEBLOWER PROTECTIONS.**

2 A deployer or developer may not, directly or indi-
3 rectly, discharge, demote, suspend, threaten, harass, or
4 otherwise discriminate or retaliate against an individual
5 for raising a concern regarding a violation of this Act, re-
6 porting or attempting to report a violation of this Act, or
7 cooperating in any investigation or enforcement pro-
8 ceeding pursuant to this Act.

9 **SEC. 7. RESEARCH ON THE HEALTH AND DEVELOPMENTAL**
10 **EFFECTS OF AI CHATBOTS ON MINORS.**

11 Section 1432 of the Restoring Hope for Mental
12 Health and Well-Being Act of 2022 (42 U.S.C. 285g–11)
13 is amended—

14 (1) in subsection (a), by inserting, “AI
15 chatbots,” after “augmented reality,”; and

16 (2) by adding at the end the following:

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
18 carry out this section, there are authorized to be appro-
19 priated \$50,000,000 for each of fiscal years 2027 through
20 2030.”.

21 **SEC. 8. SURVEY INCLUSION REQUIREMENT.**

22 The Secretary of Health and Human Services, acting
23 through the Director of the Centers for Disease Control
24 and Prevention and in coordination with the Director of
25 the National Institutes of Health, shall incorporate ques-
26 tions related to the use, by youth and by adults, of AI

1 chatbots into national health and behavioral surveys con-
2 ducted by the Department of Health and Human Services,
3 including the Household Pulse Survey and the Youth Risk
4 Behavior Surveillance System of the Centers for Disease
5 Control and Prevention, including questions designed to
6 capture the following:

7 (1) Frequency and duration of AI chatbot uses.

8 (2) Types of AI chatbots accessed, such as AI
9 chatbots designed for mental health, educational, or
10 entertainment purposes or general purpose AI
11 chatbots that are engaged for such purposes.

12 (3) Age of first use of, and primary contexts of
13 engagement with, AI chatbots.

14 (4) Emotional, psychological, or behavioral im-
15 pacts perceived by users of AI chatbots.

16 (5) Exposure to content that the user perceives
17 to be harmful or inappropriate.

18 **SEC. 9. ENFORCEMENT.**

19 (a) ENFORCEMENT BY THE COMMISSION.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
21 TICES.—A violation of section 4, 5, or 6, or a regu-
22 lation promulgated thereunder, shall be treated as a
23 violation of a rule defining an unfair or deceptive act
24 or practice prescribed under section 18(a)(1)(B) of

1 the Federal Trade Commission Act (15 U.S.C.
2 57a(a)(1)(B)).

3 (2) POWERS OF THE COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce sections 4, 5, and 6 and any regulation
6 promulgated thereunder in the same manner,
7 by the same means, and with the same jurisdic-
8 tion, powers, and duties as though all applicable
9 terms and provisions of the Federal Trade
10 Commission Act (15 U.S.C. 41 et seq.) were in-
11 corporated into and made a part of this Act.

12 (B) PRIVILEGES AND IMMUNITIES.—Any
13 deployer or developer that violates section 4, 5,
14 or 6, or a regulation promulgated thereunder,
15 shall be subject to the penalties, and entitled to
16 the privileges and immunities, provided in the
17 Federal Trade Commission Act (15 U.S.C. 41
18 et seq.).

19 (C) AUTHORITY PRESERVED.—Nothing in
20 this Act shall be construed to limit the author-
21 ity of the Commission under any other provi-
22 sion of law.

23 (D) RULEMAKING.—In addition to the spe-
24 cific rulemaking requirements described in sec-
25 tion 4, the Commission shall promulgate in ac-

1 cordance with section 553 of title 5, United
2 States Code, such rules as may be necessary to
3 carry out this Act.

4 (b) ENFORCEMENT BY STATES.—

5 (1) AUTHORIZATION.—In any case in which the
6 attorney general of a State has reason to believe
7 that an interest of the residents of the State has
8 been or is threatened or adversely affected by the
9 engagement of any deployer or developer in an act
10 or practice that violates section 4, 5, or 6, or a regu-
11 lation promulgated thereunder, the attorney general
12 of the State may, as *parens patriae*, bring a civil ac-
13 tion on behalf of the residents of the State in a dis-
14 trict court of the United States of appropriate juris-
15 diction to—

16 (A) enjoin such act or practice;

17 (B) enforce compliance with section 4, 5 or
18 6, or a regulation promulgated thereunder;

19 (C) obtain damages, restitution, or other
20 compensation on behalf of residents of the
21 State; or

22 (D) obtain such other relief as the court
23 may consider to be appropriate.

24 (2) RIGHTS OF THE COMMISSION.—

25 (A) NOTICE TO THE COMMISSION.—

1 (i) IN GENERAL.—Except as provided
2 in clause (iii), before initiating a civil ac-
3 tion under paragraph (1), the attorney
4 general of a State shall notify the Commis-
5 sion in writing that the attorney general
6 intends to bring such civil action.

7 (ii) CONTENTS.—The notification re-
8 quired to be filed by clause (i) shall include
9 a copy of the complaint to be filed to ini-
10 tiate the civil action.

11 (iii) EXCEPTION.—If it is not feasible
12 for the attorney general of a State to pro-
13 vide the notification required by clause (i)
14 before initiating a civil action under para-
15 graph (1), the attorney general shall notify
16 the Commission immediately upon insti-
17 tuting the civil action.

18 (B) INTERVENTION BY THE COMMIS-
19 SION.—Upon receiving the notice required by
20 subparagraph (A), the Commission may inter-
21 vene in the civil action and, upon intervening—

22 (i) be heard on all matters arising in
23 the civil action; and

24 (ii) file petitions for appeal of a deci-
25 sion in the civil action.

1 (C) PREEMPTIVE ACTION BY THE COMMIS-
2 SION.—If the Commission has instituted a civil
3 action for a violation of subsection (a), no State
4 officer may bring an action under paragraph
5 (1) during the pendency of that action against
6 any defendant named in the complaint of the
7 Commission for any violation of subsection (a)
8 alleged in the complaint.

9 (3) INVESTIGATORY POWERS.—Nothing in this
10 subsection may be construed to prevent the attorney
11 general of a State from exercising the powers con-
12 ferred on the attorney general by the laws of the
13 State to conduct investigations, to administer oaths
14 or affirmations, or to compel the attendance of wit-
15 nesses or the production of documentary or other
16 evidence.

17 (4) VENUE; SERVICE OF PROCESS.—

18 (A) VENUE.—Any action brought under
19 paragraph (1) may be brought in the district
20 court of the United States that meets applicable
21 requirements relating to venue under section
22 1391 of title 28, United States Code.

23 (B) SERVICE OF PROCESS.—In an action
24 brought under paragraph (1), process may be
25 served in any district in which the defendant—

1 (i) is an inhabitant; or

2 (ii) may be found.

3 (c) PRIVATE RIGHT OF ACTION.—

4 (1) IN GENERAL.—Any parent or legal guard-
5 ian of a minor may bring a civil action in any court
6 of competent jurisdiction against a deployer or devel-
7 oper for a violation of section 4 or 5, or a regulation
8 promulgated thereunder, by the deployer or devel-
9 oper.

10 (2) RELIEF.—In a civil action brought under
11 paragraph (1) in which the plaintiff prevails, the
12 court may award—

13 (A) actual damages;

14 (B) punitive damages;

15 (C) reasonable attorney's fees and litiga-
16 tion costs;

17 (D) injunctive relief or declaratory relief;

18 or

19 (E) any other relief that the court deter-
20 mines appropriate.

21 (d) RELATIONSHIP TO STATE LAW.—The provisions
22 of this Act shall preempt any State law, rule, or regulation
23 only to the extent that such State law, rule, or regulation
24 conflicts with a provision of this Act. Nothing in this Act
25 shall be construed to prohibit any State from enacting a

1 law, rule, or regulation that provides greater protection
2 to minors than the provisions of this Act.

3 (e) SEVERABILITY.—If any provision of this Act, or
4 the application thereof to any person or circumstance, is
5 held invalid, the remainder of this Act, and the application
6 of such provision to other persons not similarly situated
7 or to other circumstances, shall not be affected by the in-
8 validation.

9 **SEC. 10. DETERMINATION OF WHETHER AN AI CHATBOT**
10 **DEPLOYER HAS KNOWLEDGE FAIRLY IM-**
11 **PLIED ON THE BASIS OF OBJECTIVE CIR-**
12 **CUMSTANCES THAT AN INDIVIDUAL IS A**
13 **MINOR.**

14 (a) RULES OF CONSTRUCTION.—For purposes of en-
15 forcing this Act or a regulation promulgated thereunder,
16 in making a determination as to whether a deployer has
17 knowledge fairly implied on the basis of objective cir-
18 cumstances that a specific user is a child or teen, the Com-
19 mission or the attorney general of a State, as applicable,
20 shall rely on competent and reliable evidence, taking into
21 account the totality of the circumstances, including wheth-
22 er a reasonable and prudent person under the cir-
23 cumstances would have known that the user is a child or
24 teen. Nothing in this Act, including a determination de-

1 scribed in the preceding sentence, shall be construed to
2 require a deployer to—

3 (1) affirmatively collect any personal informa-
4 tion with respect to the age of a child or teen that
5 an operator is not already collecting in the normal
6 course of business; or

7 (2) implement an age gating or age verification
8 functionality.

9 (b) COMMISSION GUIDANCE.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Commis-
12 sion shall issue guidance to provide information for
13 deployers to understand the Commission’s deter-
14 mination of whether a deployer has knowledge fairly
15 implied on the basis of objective circumstances that
16 a user is a child or teen, including best practices and
17 examples.

18 (2) LIMITATION.—No guidance issued by the
19 Commission with respect to this Act shall confer any
20 rights on any person, State, or locality, nor shall op-
21 erate to bind the Commission or any person to the
22 approach recommended in such guidance. In any en-
23 forcement action brought pursuant to this Act, the
24 Commission or the attorney general of a State, as
25 applicable, shall allege a specific violation of a provi-

1 sion of this Act. The Commission or the attorney
2 general of a State, as applicable, may not base an
3 enforcement action on, or execute a consent order
4 based on, practices that are alleged to be incon-
5 sistent with any such guidance, unless the practices
6 allegedly violate this Act. For purposes of enforcing
7 this Act or a regulation promulgated thereunder, the
8 attorney general of a State shall take into account
9 any guidance issued by the Commission under para-
10 graph (1).