

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish consumer transparency and protection requirements for artificial intelligence chatbots, and for other purposes.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Mr. KELLY (for himself and Mr. JUSTICE) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish consumer transparency and protection requirements for artificial intelligence chatbots, 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 “Senior Chatbot Protec-  
5       tion Act of 2026”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **ARTIFICIAL INTELLIGENCE CHATBOT.**—The  
9       term “artificial intelligence chatbot”—

1 (A) means an interactive computer service  
2 or software application, including such a service  
3 or application made available through a website,  
4 mobile application, voice interface, avatar, con-  
5 nected device, or other user interface, that—

6 (i) generates prompts, responses, or  
7 other outputs that are not fully predeter-  
8 mined by the developer or operator of the  
9 service or application;

10 (ii) accepts open-ended natural-lan-  
11 guage or multimodal user input; and

12 (iii) produces adaptive or context-re-  
13 sponsive output; and

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

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

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

22 (2) AFFIRMATIVE CONSENT.—The term “af-  
23 firmative consent” means, with respect to an artifi-  
24 cial intelligence chatbot, a clear affirmative act signi-

1       fying a user’s freely given, specific, informed, and  
2       unambiguous authorization for an act or practice—

3               (A) that is in response to a specific request  
4       from a covered entity that—

5               (i) is provided to the user in a clear  
6       and conspicuous standalone disclosure; and

7               (ii) includes a description, written in  
8       easy-to-understand language, of the act or  
9       practice for which the user’s consent is  
10      sought; and

11      (B) in which—

12              (i) the option to refuse to give consent  
13      is at least as prominent as the option to  
14      give consent;

15              (ii) the option to refuse to give con-  
16      sent takes the same number of steps or  
17      fewer as the option to give consent; and

18              (iii) affirmative consent to an act or  
19      practice is not inferred from the inaction  
20      of the user or the user’s continued use of  
21      the artificial intelligence chatbot.

22      (3) CRISIS.—The term “crisis” means a situa-  
23      tion in which a user expresses—

24              (A) suicidal ideation, suicide planning, or  
25      intent to self-harm;

1 (B) intent to harm others;

2 (C) an imminent threat to the safety of the  
3 user or another individual; or

4 (D) a medical emergency requiring imme-  
5 diate professional assistance.

6 (4) CRISIS SERVICE PROVIDER.—The term “cri-  
7 sis service provider” means an organization that  
8 provides immediate assistance to individuals experi-  
9 encing mental health crises, suicidal ideation, or  
10 medical emergencies, including the 988 Suicide and  
11 Crisis Lifeline.

12 (5) COMMISSION.—The term “Commission”  
13 means the Federal Trade Commission.

14 (6) COVERED ENTITY.—The term “covered en-  
15 tity” means any person that makes an artificial in-  
16 telligence chatbot available to individuals in the  
17 United States, including by owning or operating  
18 such chatbot; and

19 (7) HIGH-STAKES DECISION.—

20 (A) IN GENERAL.—The term “high-stakes  
21 decision” means a decision or course of ac-  
22 tion—

23 (i) involving a circumstance in which  
24 an individual makes a decision under un-  
25 certainty affecting the health, safety, fi-

1           nancial security, or independence of the in-  
2           dividual;

3           (ii) that may carry a significant or po-  
4           tentially irreversible consequence; and

5           (iii) that is—

6           (I) a decision or course of action  
7           regarding whether to seek, initiate,  
8           discontinue, or materially alter health  
9           care, including mental and behavioral  
10          health care, medication, treatment, di-  
11          agnostic testing, a care plan, or selec-  
12          tion of a health care provider;

13          (II) a decision or course of action  
14          regarding estate planning, such as the  
15          drafting of a will, the creation of a  
16          trust, the granting of power of attor-  
17          ney, or the designation of bene-  
18          ficiaries;

19          (III) a decision or course of ac-  
20          tion regarding guardianship or con-  
21          servatorship; or

22          (IV) a decision or course of ac-  
23          tion regarding the—

24                  (aa) transfer, withdrawal,  
25                  investment, or disposition of

1 money or financial assets, includ-  
2 ing retirement assets; or  
3 (bb) disclosure of financial,  
4 account, payment, or authentica-  
5 tion information.

6 (B) RULEMAKING AUTHORITY.—The Com-  
7 mission may, by rule, identify additional cat-  
8 egories of decisions that constitute high-stakes  
9 decisions for purposes of this Act, provided that  
10 such categories—

11 (i) are limited to decisions that involve  
12 matters of comparable significance to those  
13 described in subparagraph (A); and

14 (ii) present a heightened risk of harm  
15 to older adults.

16 (8) MATERIAL ADVERSE INCIDENT.—The Com-  
17 mission, in consultation with the Director of the Na-  
18 tional Institutes of Health, may, by rule, define the  
19 term “material adverse incident”.

20 (9) OLDER ADULT.—The term “older adult”  
21 means an individual who has attained 65 years of  
22 age.

23 (10) SERVICE PROVIDER.—The term “service  
24 provider” means a person that processes information  
25 on behalf of a covered entity pursuant to a contrac-

1 tual arrangement and in accordance with the in-  
2 structions of such covered entity.

3 (11) USER.—The term “user” means an indi-  
4 vidual who interacts with an artificial intelligence  
5 chatbot.

6 **SEC. 3. CONSUMER PROTECTIONS FOR USERS.**

7 (a) TIERED DISCLOSURE AND SAFETY REQUIRE-  
8 MENTS.—

9 (1) IN GENERAL.—Each covered entity shall en-  
10 sure that its artificial intelligence chatbot meets the  
11 following requirements:

12 (A) BASELINE DISCLOSURE.—An artificial  
13 intelligence chatbot shall—

14 (i) at the initiation of each conversa-  
15 tion with a user and during any extended  
16 interaction, at reasonably regular intervals,  
17 clearly and conspicuously disclose to the  
18 user that the chatbot is an artificial intel-  
19 ligence chatbot and not a human being;

20 (ii) not falsely represent that the  
21 chatbot is a human being or that a re-  
22 sponse is generated by a human being;

23 (iii) not falsely represent that the  
24 chatbot is a licensed professional, including  
25 a therapist, physician, lawyer, financial ad-

visor, or other licensed or certified professional, or that a response is generated by such a professional; and

(iv) disclose, in a form and manner prescribed by the Commission, whether and under what circumstances the chatbot interaction is subject to human oversight or review.

(B) DETECTION OF HIGH STAKES DECISIONS.—An artificial intelligence chatbot shall be designed and maintained using reasonable and appropriate methods to identify when a user is seeking or receiving guidance tailored to the circumstance of the user or another individual from the artificial intelligence chatbot concerning a high-stakes decision.

(C) DISCLOSURE REGARDING HIGH-STAKES DECISIONS.—If an artificial intelligence chatbot identifies that a user is seeking or receiving guidance tailored to the circumstance of the user or another individual concerning a high-stakes decision, such chatbot shall disclose that—

(i) it is not a licensed professional and does not provide medical, legal, financial,

1 psychological, or other licensed and cer-  
2 tified professional services;

3 (ii) information provided by the  
4 chatbot should not be relied upon as the  
5 sole basis for making a high-stakes deci-  
6 sion and should be verified with an appro-  
7 priate trusted individual, caregiver, or li-  
8 censed professional before taking action;  
9 and

10 (iii) the user's conversation with such  
11 chatbot is not protected by attorney-client,  
12 physician-patient, psychotherapist-patient,  
13 or other professional privilege.

14 (D) DETECTION OF USER CRISIS.—An ar-  
15 tificial intelligence chatbot shall be designed  
16 and maintained using evidence-based methods  
17 for identifying reasonably apparent indicators  
18 of a crisis, consistent with evidence-based crisis  
19 intervention practices and applicable Federal  
20 guidance, including guidance issued by the Na-  
21 tional Institute of Standards and Technology  
22 under section 6 or guidance issued by other rel-  
23 evant Federal agencies.

24 (E) DISCLOSURE AND INTERVENTION RE-  
25 GARDING USER CRISIS.—If an artificial intel-

1           ligence chatbot detects indicators of a crisis,  
2           such chatbot shall—

3                   (i) refer the user, as appropriate, to  
4                   emergency services, a human professional,  
5                   or crisis service provider, including the 988  
6                   Suicide and Crisis Lifeline;

7                   (ii) not provide advice to such user re-  
8                   garding—

9                           (I) self-harm or suicide;

10                           (II) adjusting, discontinuing, or  
11                   managing medication; or

12                           (III) managing a medical emer-  
13                   gency without professional assistance;

14                   (iii) provide information that  
15                   prioritizes referral to a crisis service pro-  
16                   vider or human professional support; and

17                   (iv) not provide instructions or en-  
18                   couragement relating to self-harm, suicide,  
19                   harm to others, medication changes, or  
20                   management of a medical emergency with-  
21                   out professional assistance.

22                   (F) ACCESSIBILITY AND USABILITY.—An  
23                   artificial intelligence chatbot shall provide each  
24                   disclosure required under this paragraph in a  
25                   manner that is clear, accessible, readable, com-

patible with assistive technologies, and easy to  
understand, taking into consideration the needs  
of older adults.

(2) **PROTOCOL PUBLICATION.**—Each covered entity shall develop protocols to comply with this subsection and publish details of such protocols on the covered entity’s publicly accessible internet website.

(3) TRAINING.—Each covered entity shall train a machine learning or artificial intelligence model using any information about or provided by a user only if the user has provided affirmative consent authorizing such training.

14 (b) DATA PROTECTION.—

15 (1) IN GENERAL.—

(A) ANY CONVERSATION.—Except as described in subparagraph (C), a covered entity shall not collect, process, transcribe, record, retain, or disclose a conversation with a user or data obtained from a conversation with a user, including through machine learning or artificial intelligence, unless necessary to—

(i) provide the artificial intelligence chatbot service requested by the user;

- 1 (ii) comply with the requirements of
- 2 this Act;
- 3 (iii) prepare reports required under
- 4 section 4;
- 5 (iv) protect against fraud, abuse, a se-
- 6 curity incident, or imminent harm; or
- 7 (v) comply with other applicable law.

8 (B) SERVICE PROVIDERS.—A covered enti-  
9 ty shall require any service provider that proc-  
10 esses data obtained from a conversation on be-  
11 half of the covered entity to process such data  
12 only pursuant to written instructions and only  
13 for purposes permitted under subparagraph  
14 (A).

15 (C) AFFIRMATIVE CONSENT FOR NON-COV-  
16 ERED CONVERSATIONS.—A covered entity may  
17 transcribe, record, retain, or disclose a con-  
18 versation with a user that is not a covered con-  
19 versation or data obtained from a conversation  
20 with a user that is not a covered conversation  
21 for purposes other than the purposes described  
22 in subparagraph (A) if such covered entity has  
23 obtained affirmative consent from such user  
24 prior to such transcription, recording, retention,  
25 or disclosure.

1 (D) COVERED CONVERSATIONS.—In this  
2 paragraph, the term “covered conversation”  
3 means a conversation with a user and an artifi-  
4 cial intelligence chatbot—

5 (i) that involves a high-stakes deci-  
6 sion; or

7 (ii) during which the artificial intel-  
8 ligence chatbot detects a crisis.

9 (2) DELETION OF USER CONVERSATION HIS-  
10 TORY.—A covered entity shall provide each user with  
11 a clear and readily accessible ability to delete con-  
12 versation history with an artificial intelligence  
13 chatbot.

14 (c) DECEPTIVE OR MANIPULATIVE INTERACTION  
15 DESIGN PRACTICES.—

16 (1) IN GENERAL.—Each covered entity shall  
17 take reasonable steps to prevent an artificial intel-  
18 ligence chatbot from employing deceptive or manipu-  
19 lative interaction design practices that—

20 (A) encourage excessive reliance on, or pro-  
21 longed engagement with, such chatbot;

22 (B) take advantage of age-related cognitive  
23 limitations or impairments, including memory  
24 impairment, reduced executive function, or limi-  
25 tations related to social isolation;

1 (C) discourage users from seeking assist-  
2 ance or support from family members, care-  
3 givers, licensed professionals, or other real-  
4 world relationships;

5 (D) encourage users to prioritize inter-  
6 actions with the chatbot over real-world rela-  
7 tionships or activities;

8 (E) persistently urge continued interaction  
9 after a user has attempted to end, pause, or  
10 disengage from a conversation; or

11 (F) use emotionally coercive language in-  
12 tended to create guilt, distress, or fear associ-  
13 ated with ending or reducing interaction with  
14 the chatbot.

15 (2) RULE OF CONSTRUCTION.—Nothing in this  
16 subsection shall be construed to prohibit a covered  
17 entity from designing an artificial intelligence  
18 chatbot intended to reduce loneliness, support social  
19 connection, facilitate access to information, or pro-  
20 vide benign companionship.

21 (d) USER UNDERSTANDING.—Each covered entity  
22 shall take reasonable steps to ensure users understand the  
23 nature and limitations of artificial intelligence chatbots  
24 through clear disclosures, user interface design, and other  
25 appropriate measures.

1 (e) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as described in para-  
3 graph (2), this section shall take effect on the date  
4 that is 180 days after the date of enactment of this  
5 Act.

6 (2) CRISIS DETECTION AND RESPONSE .—Sub-  
7 paragraphs (D) and (E) of subsection (a)(1) shall  
8 take effect on the date that is 1 year after the date  
9 of enactment of this Act.

10 **SEC. 4. RECORDKEEPING AND INCIDENT INFORMATION.**

11 (a) REPORTING REQUIREMENT.—Not later than 1  
12 year after the date of enactment of this Act, and annually  
13 thereafter, each covered entity shall submit to the Director  
14 of the National Institutes of Health and the Commission  
15 a report regarding material adverse incidents (as deter-  
16 mined by the Commission) involving an artificial intel-  
17 ligence chatbot and a high-stakes decision or crisis.

18 (b) CONTENT OF REPORTS.—Each report described  
19 in subsection (a) shall include, for the period covered by  
20 the report—

21 (1) the total number of material adverse inci-  
22 dents that occurred, disaggregated by—

23 (A) the type of material adverse incident;

24 (B) subject to subsection (d), whether the  
25 affected user was—

- 1 (i) younger than 50 years of age;
- 2 (ii) 50 to 64 years of age;
- 3 (iii) 65 to 74 years of age;
- 4 (iv) 75 to 84 years of age; or
- 5 (v) 85 years of age or older; and

6 (C) the outcome of any crisis response pro-  
7 tocol, including—

- 8 (i) whether the user was referred to a  
9 crisis service provider;
- 10 (ii) to the extent known by the cov-  
11 ered entity, whether the user completed the  
12 referral; and
- 13 (iii) any follow-up actions taken by  
14 the covered entity.

15 (2) a description of the crisis detection methods  
16 employed by the covered entity and any modifica-  
17 tions made to such methods during the reporting pe-  
18 riod; and

19 (3) any corrective actions taken by the covered  
20 entity in response to any material adverse incident.

21 (c) REPORTING STANDARDS.—By not later than 180  
22 days after the date of enactment of this Act, the Commis-  
23 sion, in consultation with the Director of the National In-  
24 stitutes of Health, shall prescribe standards for the format  
25 and submission of reports under this section, including

1 how to ensure that the information submitted in such re-  
2 ports is limited to aggregate, anonymized, and operational  
3 metrics.

4 (d) CONSTRUCTION REGARDING AGE INFORMA-  
5 TION.—Nothing in this section shall be construed to re-  
6 quire a covered entity to collect, infer, verify, or retain  
7 a user’s age solely for purposes of complying with this sec-  
8 tion. A covered entity shall provide the information de-  
9 scribed in subsection (b)(1)(B) only to the extent such in-  
10 formation is already known to the covered entity in the  
11 ordinary course of business or voluntarily provided by the  
12 user.

13 (e) PUBLIC AVAILABILITY.—The Commission and  
14 the Director of the National Institutes of Health shall  
15 jointly publish aggregate, de-identified data from reports  
16 submitted under subsection (a) on a publicly accessible  
17 internet website not less frequently than annually.

18 **SEC. 5. ENFORCEMENT.**

19 (a) ENFORCEMENT BY THE COMMISSION.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
21 TICES.—A violation of section 3 or 4 shall be treated  
22 as a violation of a rule defining an unfair or decep-  
23 tive act or practice under section 18(a)(1)(B) of the  
24 Federal Trade Commission Act (15 U.S.C.  
25 57a(a)(1)(B)).

1 (2) POWERS OF THE COMMISSION.—

2 (A) IN GENERAL.—The Commission shall  
3 enforce sections 3 and 4 in the same manner,  
4 by the same means, and with the same jurisdic-  
5 tion, powers, and duties as though all applicable  
6 terms and provisions of the Federal Trade  
7 Commission Act (15 U.S.C. 41 et seq.) were in-  
8 corporated into and made a part of this Act.

9 (B) PRIVILEGES AND IMMUNITIES.—Any  
10 covered entity that violates section 3 or 4, or a  
11 regulation promulgated thereunder, shall be  
12 subject to the penalties and entitled to the  
13 privileges and immunities provided in the Fed-  
14 eral Trade Commission Act (15 U.S.C. 41 et  
15 seq.).

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

20 (3) OPPORTUNITY TO CURE.—

21 (A) IN GENERAL.—Before initiating an en-  
22 forcement action for a first violation of section  
23 3 or 4, the Commission shall provide the cov-  
24 ered entity that is in violation—

1 (i) a written notice identifying the al-  
2 leged violation; and

3 (ii) 60 days to cure such violation.

4 (B) EFFECT OF CURE.—If a covered entity  
5 that receives a notice described in subparagraph  
6 (A) cures the violation subject to such notice  
7 within the period described in such subpara-  
8 graph and provides written certification that  
9 the violation has been cured and will not recur,  
10 the Commission may not seek civil penalties  
11 with respect to such violation.

12 (C) EXCEPTIONS.—Subparagraphs (A)  
13 and (B) shall not apply if the Commission de-  
14 termines that the violation—

15 (i) involved intentional deception;

16 (ii) created a substantial risk of immi-  
17 nent harm; or

18 (iii) constitutes a repeated or ongoing  
19 violation.

20 (b) CIVIL PENALTIES.—In addition to any other pen-  
21 alties as may be prescribed by law, each knowing or reck-  
22 less violation of section 3, or a regulation promulgated  
23 under section 3, shall be subject to a civil penalty not to  
24 exceed \$50,000 for each such violation.

25 (c) STATE ENFORCEMENT.—

1           (1) IN GENERAL.—In any case in which the at-  
2           torney general of a State has reason to believe that  
3           an interest of the residents of the State has been or  
4           is threatened or adversely affected by the engage-  
5           ment of a covered entity in an act or practice that  
6           violates section 3, or a regulation promulgated there-  
7           under, the attorney general of the State may, as  
8           *parens patriae*, bring a civil action on behalf of the  
9           residents of the State in a district court of the  
10          United States of appropriate jurisdiction to—

11                   (A) enjoin such act or practice;

12                   (B) enforce compliance with section 3 or a  
13          regulation promulgated thereunder;

14                   (C) obtain damages, civil penalties, restitu-  
15          tion, or other compensation on behalf of resi-  
16          dents of the State; or

17                   (D) obtain such other legal or equitable re-  
18          lief as the court may consider to be appropriate.

19          (2) RIGHTS OF THE COMMISSION.—

20                   (A) NOTICE TO THE COMMISSION.—

21                           (i) IN GENERAL.—Except as provided  
22                           in clause (iii), before initiating a civil ac-  
23                           tion under paragraph (1), the attorney  
24                           general of a State shall notify the Commis-

1 sion in writing that the attorney general  
2 intends to bring such civil action.

3 (ii) CONTENTS.—The notification re-  
4 quired by clause (i) shall include a copy of  
5 the complaint to be filed to initiate the  
6 civil action.

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

14 (B) INTERVENTION BY THE COMMIS-  
15 SION.—Upon receiving the notice required by  
16 subparagraph (A)(i), the Commission may in-  
17 tervene in the civil action and, upon inter-  
18 vening—

19 (i) be heard on all matters arising in  
20 the civil action; and

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

23 (3) INVESTIGATORY POWERS.—Nothing in this  
24 subsection may be construed to prevent the attorney  
25 general of a State from exercising the powers con-

1       ferred on the attorney general by the laws of the  
2       State to conduct investigations, to administer oaths  
3       or affirmations, or to compel the attendance of wit-  
4       nesses or the production of documentary or other  
5       evidence.

6               (4) LIMITATION ON STATE ACTION WHILE COM-  
7       MISSION ACTION IS PENDING.—If the Commission  
8       has instituted a civil action for a violation of section  
9       3, no State attorney general may bring a civil action  
10      under paragraph (1) during the pendency of that ac-  
11      tion against any defendant named in the complaint  
12      of the Commission for any violation of section 3 al-  
13      leged in that complaint. Nothing in this paragraph  
14      shall be construed to prohibit a State attorney gen-  
15      eral from bringing or continuing an action under  
16      State law.

17              (5) 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 (6) ACTIONS BY OTHER STATE OFFICIALS.—In  
4 addition to a civil action brought by an attorney  
5 general under paragraph (1), any other consumer  
6 protection officer of a State who is authorized by the  
7 State to do so may bring a civil action under para-  
8 graph (1), subject to the same requirements and  
9 limitations that apply under this subsection to a civil  
10 action brought by an attorney general.

11 (d) SAVINGS CLAUSE.—Nothing in this Act or any  
12 regulation promulgated thereunder shall be construed to  
13 prohibit or otherwise affect the enforcement of any State  
14 law or regulation that is at least as protective of users  
15 as this Act and the regulations promulgated thereunder.

16 **SEC. 6. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
17 **NOLOGY GUIDELINES.**

18 (a) DEVELOPMENT OF VOLUNTARY GUIDELINES.—

19 (1) IN GENERAL.—Not later than 18 months  
20 after the date of enactment of this Act, the Director  
21 of the National Institute of Standards and Tech-  
22 nology shall develop voluntary guidelines regarding  
23 artificial intelligence chatbots interacting with older  
24 adults.

1           (2) ELEMENTS.—The voluntary guidelines de-  
2       veloped under paragraph (1) may include guidance  
3       on—

4           (A) transparency, disclosure, and user un-  
5       derstanding practices for artificial intelligence  
6       chatbots interacting with older adults;

7           (B) accessibility, usability, and age-appro-  
8       priate design practices, including compatibility  
9       with assistive technologies;

10          (C) evidence-based practices for identifying  
11       and responding to crisis, high-stakes decisions,  
12       including directing users to appropriate na-  
13       tional, State, local, or Tribal crisis and profes-  
14       sional resources, and identifying indicators of  
15       exploitative or manipulative interactive design  
16       practices; and

17          (D) cybersecurity, fraud-prevention, and  
18       privacy safeguards for artificial intelligence  
19       chatbots handling sensitive user conversations  
20       or personal information.

21       (b) CONSIDERATION BY COVERED ENTITIES.—Cov-  
22       ered entities shall take into consideration, as appropriate,  
23       the guidelines developed under subsection (a)(1) in design-  
24       ing and deploying artificial intelligence chatbots.

1 (c) RELATIONSHIP TO EXISTING FRAMEWORKS.—

2 The Director of the National Institute of Standards and  
3 Technology may incorporate, reference, or adapt the  
4 guidelines developed under subsection (a)(1) in guidance,  
5 best practices, or other voluntary resources developed pur-  
6 suant to section 22A of the National Institute of Stand-  
7 ards and Technology Act (15 U.S.C. 278h–1).

8 (d) CONSULTATION REQUIREMENT.—In developing  
9 the guidelines under subsection (a)(1), the Director of the  
10 National Institute of Standards and Technology shall con-  
11 sult with—

12 (1) the Chairperson of the Commission;

13 (2) the Director of the National Institute on  
14 Aging;

15 (3) the Director of the National Institute of  
16 Mental Health;

17 (4) representatives from industry;

18 (5) consumer advocates;

19 (6) older adults, including older adults who  
20 have direct experience using artificial intelligence  
21 chatbots;

22 (7) caregivers of older adults, including care-  
23 givers who have direct experience supporting older  
24 adults who use artificial intelligence chatbots; and

1           (8) experts in psychology, mental health, cog-  
2           nitive aging, lifespan development, disability, accessi-  
3           bility, and assistive technology.

4   **SEC. 7. RULEMAKING.**

5           Not later than 1 year after the date of enactment  
6   of this Act, the Commission shall promulgate rules—

7           (1) describing the form, content, timing, and  
8           frequency of the disclosures required under section  
9           3(a)(1);

10          (2) providing example templates for the disclo-  
11          sures required under section 3(a)(1);

12          (3) describing the form and manner for the  
13          submission of reports required under section 4; and

14          (4) establishing such other requirements as the  
15          Commission considers necessary to carry out this  
16          Act, except for section 6.

17   **SEC. 8. SEVERABILITY.**

18          If any provision of this Act, or the application thereof  
19   to any person or circumstance, is held invalid, the remain-  
20   der of this Act and the application of such provision to  
21   other persons not similarly situated or to other cir-  
22   cumstances shall not be affected by the invalidation.

23   **SEC. 9. RULE OF CONSTRUCTION.**

24          Nothing in this Act shall be construed to preempt or  
25   otherwise affect any right, claim, remedy, presumption, or

- 1 defense available at law or in equity, including under con-
- 2 sumer protection, privacy, or civil rights laws.