

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2032
103RD GENERAL ASSEMBLY

5323H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the implementation of age verification measures for companion chatbots, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.2058, to read as follows:

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

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

22 **c. A consumer electronic device that incorporates a speaker and voice command**
23 **interface or text interface and acts as a voice- or text-activated virtual assistant; or**

24 **d. A chatbot used by a partnership, corporation, or state or local government**
25 **agency solely for internal purposes or employee health or productivity;**

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

28 **(3) "Minor", any person seventeen years of age or under;**

29 **(4) "Reasonable age verification measure", a method that is authenticated to**
30 **relate to a user of a companion chatbot, including:**

31 **(a) A government-issued identification; or**

32 **(b) Any other commercially reasonable method that can reliably and accurately:**

33 **a. Determine whether a user is an adult; and**

34 **b. Prevent access by minors to companion chatbots, as required by subsection 6**
35 **of this section;**

36 **(5) "Reasonable age verification process", an age verification process employed**
37 **by a covered entity that:**

38 **(a) Uses one or more reasonable age verification measures in order to verify the**
39 **age of a user of a companion chatbot owned, operated, or otherwise made available by**
40 **the covered entity;**

41 **(b) Provides that requiring a user to confirm that the user is not a minor, or to**
42 **insert the user's birth date, is not sufficient to constitute a reasonable age verification**
43 **measure;**

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

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

49 **(6) "Sexually explicit conduct", the same meaning as defined under section**
50 **573.010.**

51 **3. (1) It shall be unlawful to design, develop, or make available a companion**
52 **chatbot knowing or with reckless disregard for the fact that the companion chatbot**
53 **poses a risk of soliciting, encouraging, or inducing minors to:**

54 **(a) Engage in, describe, or simulate sexually explicit conduct; or**

55 **(b) Create or transmit any visual depiction of sexually explicit conduct,**
56 **including any visual depiction described in section 573.010.**

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

59 **4. (1) It shall be unlawful to design, develop, or make available a companion**
60 **chatbot knowing or with reckless disregard for the fact that the companion chatbot**
61 **encourages, promotes, or coerces suicide, nonsuicidal self-injury, or imminent physical**
62 **or sexual violence.**

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

65 **5. (1) A covered entity shall require each individual accessing a companion**
66 **chatbot to make a user account in order to use or otherwise interact with such chatbot.**

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

69 **a. On such date, freeze any such account;**

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

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

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

76 **a. Request age data from the individual;**

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

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

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

83 **(d) For purposes of subparagraph b. of paragraph (a) of this subdivision,**
84 **subparagraph b. of paragraph (b) of this subdivision, and paragraph (c) of this**
85 **subdivision, a covered entity may contract with a third party to employ reasonable age**
86 **verification measures as part of the covered entity's reasonable age verification process,**
87 **but the use of such third party shall not relieve the covered entity of its obligations**
88 **under this section or from liability under this section.**

89 **(e) A covered entity shall:**

90 **a. Establish, implement, and maintain reasonable data security to:**

- 91 (i) Limit collection of personal data to that which is minimally necessary to
92 verify a user's age or maintain compliance with this section; and
- 93 (ii) Protect such age verification data against unauthorized access;
- 94 b. Protect such age verification data against unauthorized access;
- 95 c. Protect the integrity and confidentiality of such data by only transmitting such
96 data using industry-standard encryption protocols;
- 97 d. Retain such data for no longer than is reasonably necessary to verify a user's
98 age or maintain compliance with this section; and
- 99 e. Not share with, transfer to, or sell to any other entity such data.
- 100 (3) (a) Each companion chatbot made available to users shall:
- 101 a. At the initiation of each conversation with a user and at thirty-minute
102 intervals, clearly and conspicuously disclose to the user that the chatbot is an artificial
103 intelligence system and not a human being; and
- 104 b. Be programmed to ensure that the chatbot does not claim to be a human being
105 or otherwise respond deceptively when asked by a user if the chatbot is a human being.
- 106 (b) a. A companion chatbot shall not represent, directly or indirectly, that the
107 chatbot is a licensed professional, including a therapist, physician, lawyer, financial
108 advisor, or other professional.
- 109 b. Each companion chatbot made available to users shall, at the initiation of each
110 conversation with a user and at reasonably regular intervals, clearly and conspicuously
111 disclose to the user that:
- 112 (i) The chatbot does not provide medical, legal, financial, or psychological
113 services; and
- 114 (ii) Users of the chatbot should consult a licensed professional for such advice.
- 115 6. If the age verification process described in subdivision (2) of subsection 5 of
116 this section determines that an individual is a minor, a covered entity shall prohibit the
117 minor from accessing or using any companion chatbot owned, operated, or otherwise
118 made available by the covered entity.
- 119 7. (1) In the case of a violation of subsection 5 or 6 of this section, or a rule or
120 regulation promulgated thereunder, the attorney general may bring a civil action in an
121 appropriate circuit court to:
- 122 (a) Enjoin the violation;
- 123 (b) Enforce compliance with subsection 5 or 6 of this section, or any rules or
124 regulations promulgated thereunder; or
- 125 (c) Obtain civil penalties under subdivision (3) of this subsection, restitution, or
126 other appropriate relief.

127 **(2) (a) For the purpose of conducting investigations or bringing enforcement**
128 **actions under this section, the attorney general may issue subpoenas, administer oaths,**
129 **and compel the production of documents or testimony.**

130 **(b) The attorney general may promulgate all necessary rules and regulations for**
131 **the administration of this section. Any rule or portion of a rule, as that term is defined**
132 **in section 536.010, that is created under the authority delegated in this section shall**
133 **become effective only if it complies with and is subject to all of the provisions of chapter**
134 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
135 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
136 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
137 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
138 **adopted after August 28, 2026, shall be invalid and void.**

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

142 **(b) Each violation described in paragraph (a) of this subdivision shall be**
143 **considered a separate violation.**

144 **(4) In any case in which the attorney general has reason to believe that an**
145 **interest of the residents of this state has been or is being threatened or adversely affected**
146 **by the engagement of any covered entity in a violation of this section, or any rule or**
147 **regulation promulgated thereunder, the attorney general, as parens patriae, may bring a**
148 **civil action on behalf of the residents of this state in a circuit court of this state with**
149 **appropriate jurisdiction to obtain injunctive relief.**

✓