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300 SW TENTH AVENUE ▪ SUITE 24-E ▪ TOPEKA, KS 66612 ▪ (785) 296-2321

MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 9, 2026

Subject: SB 405 – Making it unlawful to train artificial intelligence to encourage the killing of a person, provide emotional support, or promote social isolation.

Senate Bill No. 405 (SB 405) would enact new law making it unlawful to knowingly train artificial intelligence to act in certain way, including to encourage the killing of a person, provide emotional support, or promote social isolation. The bill also provides for both state and private civil action to enforce the provisions of the law.

SB 405 defines "artificial intelligence" as "a machine-based system that:

- Can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments; and
- is capable of using machine and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner and use model inference to formulate options for information or action."

"Artificial intelligence" includes chatbots. However, the definitions exclude: (1) Bots that are for customer service or business operation and analysis only; (2) Bots that are used in video games but that are limited in replies that are related only to the video game; and (3) stand-alone consumer electronic devices that function as speaker and voice command interface.

SB 405 makes it unlawful to train an artificial intelligence to do any of the following:

(1) Encourage or otherwise support the act of suicide;

(2) encourage or otherwise support the unlawful killing of another person pursuant to Article 54 of Chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(3) provide emotional support, including through open-ended conversations with a user;

(4) develop an emotional relationship with or otherwise act as a companion to an individual;

(5) act as or provide information as if the artificial intelligence is a licensed mental health or healthcare professional;

(6) otherwise act as a sentient human or mirror interactions that a human user might have with another human user, such that an individual would feel that such individual could develop a friendship or other relationship with such artificial intelligence;

(7) encourage an individual to isolate from such individual's family, friends or caregivers or provide the individual's financial account information or other sensitive information to such artificial intelligence; or

(8) simulate a human being, including in appearance, voice or other mannerisms.

Under SB 405, the Attorney General may being a civil action to enforce the provisions of the law and seek civil penalties of up to $50,000 for each violation. The bill also provides a private cause of action to recover actual damages or liquidated damages in the amount of $150,000, plus punitive damages, costs and attorney fees, and any other equitable relief the court deems appropriate.

If enacted, SB 405 would become effective on July 1, 2026.