

## SENATE BILL No. 405

By Committee on Federal and State Affairs

1-28

AN ACT concerning artificial intelligence; making it unlawful for a person to knowingly train artificial intelligence to encourage or support suicide or the unlawful killing of another person, provide emotional support, develop emotional relationships, act as a healthcare professional, simulate humans or encourage isolation; providing civil actions for violations, with potential recovery of damages, attorney fees and litigation costs; permitting courts to order equitable relief to correct unlawful conduct.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) As used in this section and unless the context requires otherwise:

(1) (A) "Artificial intelligence" means a machine-based system that:

(i) Can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments; and

(ii) 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.

(B) "Artificial intelligence" includes artificial intelligence chatbots.

(2) (A) "Artificial intelligence chatbot" means artificial intelligence with a natural language interface that provides adaptive, human-like responses to user inputs and is capable of meeting a user's social needs, including by exhibiting anthropomorphic features and being able to sustain a relationship across multiple interactions.

(B) "Artificial intelligence chatbot" does not include:

(i) A bot that is used only for customer service, operational purposes of a business, productivity and analysis related to source information, internal research or technical assistance;

(ii) a bot that is a feature of a video game and is limited to replies related to the video game that cannot discuss topics related to mental health, self-harm or sexually explicit content or maintain a dialogue on other topics unrelated to the video game; or

(iii) a stand-alone consumer electronic device that functions as a speaker and voice command interface, acts as a voice-activated virtual

1 assistant and does not sustain a relationship across multiple interactions or  
2 generate outputs that are likely to elicit emotional responses in the user.

3 (3) "Person" means an individual, for-profit corporation, nonprofit  
4 corporation or other business entity.

5 (4) "Sexually explicit content" means the same as defined in 18  
6 U.S.C. § 2256, as in effect on July 1, 2026.

7 (5) (A) "Train" means utilizing sets of data and other information to  
8 teach an artificial intelligence system to perceive, interpret and learn from  
9 data, such that the artificial intelligence will later be capable of making  
10 decisions based on information or other inputs provided to the artificial  
11 intelligence.

12 (B) "Train" includes the development of a large language model of  
13 which the person developing knows that the model will be used to teach  
14 the artificial intelligence.

15 (6) "Video game" means a game:

16 (A) Played on an electronic amusement device that utilizes a  
17 computer, microprocessor or similar electronic circuitry and its own  
18 monitor or is designed to be used with a television set or a computer  
19 monitor; and

20 (B) that interacts with the user of such device.

21 (b) It shall be unlawful for a person to knowingly train artificial  
22 intelligence to:

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

24 (2) encourage or otherwise support the unlawful killing of another  
25 person pursuant to article 54 of chapter 21 of the Kansas Statutes  
26 Annotated, and amendments thereto;

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

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

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

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

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

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

42 (c) (1) The attorney general or an individual aggrieved by a violation  
43 of this section may bring a civil cause of action against a person for any

1 violation of this section in a court of competent jurisdiction.

2 (2) In the case of an individual who has not attained 18 years of age  
3 or is incompetent, incapacitated or deceased, the legal guardian of the  
4 individual or the representative of the individual's estate, another family  
5 member or any other person appointed as suitable by the court may  
6 assume the individual's rights under this section.

7 (3) In a civil action brought pursuant to this section, an individual  
8 may recover:

9 (A) Either of the following:

10 (i) The actual damages sustained by the individual as a result of the  
11 violation of this section, including damages for emotional distress; or

12 (ii) liquidated damages in the amount of \$150,000;

13 (B) punitive damages, pursuant to article 37 of chapter 60 of the  
14 Kansas Statutes Annotated, and amendments thereto; and

15 (C) the cost of the action, including reasonable attorney fees and  
16 other litigation costs reasonably incurred.

17 (4) In any civil action filed under this section, a court may, in addition  
18 to any other relief available at law:

19 (A) Order equitable relief, including a temporary restraining order, a  
20 preliminary injunction or a permanent injunction ordering the defendant to  
21 cease operation of the artificial intelligence until the unlawful conduct has  
22 been corrected. A restraining order or injunction ordered pursuant to this  
23 section may require that the defendant provide new training for the  
24 artificial intelligence that does not violate this section; and

25 (B) impose a civil fine against any person found to be in violation of  
26 this section in an amount of not to exceed:

27 (i) \$50,000 for each violation. Any such amount, upon collection,  
28 shall be transferred to the state general fund; and

29 (ii) the reasonable expenses and investigation fees as determined by  
30 the court if the civil action was brought by the attorney general. Any such  
31 amount, upon collection, shall be transferred to the court cost fund account  
32 of the state general fund.

33 Sec. 2. This act shall take effect and be in force from and after its  
34 publication in the statute book.