

Why this matters:
 How a bill defines “chatbot” determines who must comply and which of their systems are in scope.
 Three key terms are emerging across state and federal proposals, each with distinct scope and compliance implications.

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TIER 1 — CHATBOTS

BROAD ↓
NARROW

1 Conversation-Based: “Simulates Conversation”

Any algorithmic or automated system that simulates conversation or interpersonal interaction through text, audio, or video.

VT [H 783/H 784](#), [AZ \[HB 2737\]\(#\)](#), [MA \[S 264\]\(#\)](#)

May encompass legacy customer-service tools and scripted decision-tree systems.

2 Conversation-Based: “Simulates Conversation” + AI

Limits scope to systems that use AI (often specified as “generative AI”) to simulate conversation. No exclusions or carve-outs.

ME [LD 2162](#), [NY \[S 7263/S 5668\]\(#\)](#), [NE \[LB 939\]\(#\)](#), [OK \[HB 4083\]\(#\)](#), [AL \[HB 325\]\(#\)](#), [VA \[HB 758/HB 669\]\(#\)](#)

Some bills reference ‘AI’ generally; others specify ‘generative AI.’

3 Behavior-Based: Non-Predetermined + Open-Ended

Defines chatbots by function: systems must generate non-predetermined content AND accept open-ended input. Most exclude systems limited to contextualized replies on narrow topics.

IA [HSB 611/SSB 3011](#), [AL \[HB 324\]\(#\)](#), [Fed \[S 3062\]\(#\)](#), [OK \[SB 1521\]\(#\)](#), [MO \[HB 2032\]\(#\)](#), [VA \[SB 796\]\(#\)](#)

4 Public-Facing + Extensive Exclusions

Defines chatbots by deployment context (accessible to the general public) rather than technical capability. Extensive exclusions: developer tools, embedded features, narrow-topic tools, commercial/business tools, voice assistants, and internal-use systems.

HI [SB 3001/SB 2788](#), [NE \[LB 1185\]\(#\)](#), [AZ \[HB 2311\]\(#\)](#)

5 Risk- & Scale-Based: “Covered Chatbot”

Defines regulated chatbots by risk indicators: human-like responses, likely minor access, and ≥1M monthly active users, rather than defining chatbots broadly.

UT [HB 286](#), [NE \[LB 1083\]\(#\)](#)

TIER 2 — COMPANION CHATBOTS

BROAD ↓
NARROW

1 Capability-Based (CA CAPABILITY SB 243 Model)

Defines companion chatbots by capability to simulate social or relational interaction, regardless of how marketed. Exclusions: customer service bots, video game bots, stand-alone voice assistants.

CA [SB 243/SB 300](#), [FL \[HB 659/SB 482/SB 7030/SB 1395\]\(#\)](#), [OK \[SB 2085\]\(#\)](#), [VT \[H 804\]\(#\)](#), [WA \[SB 5870\]\(#\)](#), [MO \[HB 1742\]\(#\)](#), [TN \[HB 1455\]\(#\)](#), [KY \[HB 227\]\(#\)](#)

2 Behavior-Based (NY S-3008C Model) BEHAVIOR

Defines by interaction behavior: retaining info on prior interactions, asking unprompted questions, and sustaining dialogue on personal topics. Exclusions: customer service, efficiency/research tools, internal business use.

NY [S-3008C](#), [CA \[AB 1064\]\(#\)](#), [VA \[HB 635\]\(#\)](#), [TN \[SB 1700/HB 1946\]\(#\)](#), [WA \[HB 2225/SB 5984\]\(#\)](#), [MI \[SB 0760\]\(#\)](#), [NM \[HB 174/HB 28\]\(#\)](#)

All but VA & TN require emotion-based questions for prong (ii).

3 Intent-Based (GUARD Act INTENT Model)

Defines by developer intent—whether designed or marketed to simulate interpersonal or emotional relationships. Most exclude systems limited to contextualized replies on narrow topics.

Fed [S 3062](#), [OK \[SB 1521/HB 4083/HB 3544\]\(#\)](#), [MO \[HB 2032/HB 2031\]\(#\)](#), [HI \[SB 2788/HB 1782\]\(#\)](#), [VA \[SB 796\]\(#\)](#), [FL \[SB 1344\]\(#\)](#)

Usually paired with “Non-Predetermined + Open-Ended” chatbot definition.

TIER 3 — MENTAL HEALTH CHATBOTS

BROAD ↓
NARROW

1 AI Applied to Therapy (IL HB 1806 Model)

Regulates any AI system used to provide therapy or psychotherapy services requiring a licensed professional, without separately defining ‘chatbot.’ Some states expand to other licensed fields.

IL [HB 1806](#), [WV \[HB 4770\]\(#\)](#), [VT \[H 816\]\(#\)](#), [SD \[HB 1144\]\(#\)](#), [RI \[SB 2197\]\(#\)](#)

2 Purpose-Based Therapeutic Definitions

A system intentionally designed or modified to provide counseling, therapeutic support, or mental health intervention. Straightforward purpose-based definition.

AL [HB 324](#), [OK \[HB 4083\]\(#\)](#)

3 Therapy-Like Interaction + User Perception

Systems that both simulate therapist-like conversations and create a reasonable belief of providing mental health treatment. Excludes scripted output and triage tools.

PA [HB 2100](#), [LA \[SB 5\]\(#\)](#)

