



Lowenstein Sandler's Cybersecurity Awareness Series

Navigating the Emerging Patchwork of State Chatbot Laws

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OCTOBER 2026

Kathleen A. McGee:

There are several states right now that have passed over the last year, legislation focused primarily on chatbots involving persons under the age of 18. We can expect that that trend is going to continue, because children's safety when it comes to chatbots, is of primary concern. We've seen that in recent high-profile litigation, and I think we can expect that clients of ours who are engaging in educational or other interactive atmospheres with children are going to need to pay special attention to the disclosures and to monitor those sorts of features.

Amy S. Mushahwar:

They generally converge on four things that we want our clients to consider. One: tell a user they're talking to an AI. Two: keep reminding that user they're talking to an AI and not a human. Three: have a path when someone is in crisis. In the event suicide bulimia have trigger words when they're mentioned, have a path to an 800 number to protect. And four: add in and make sure you are evaluating protections for minors. We want our clients to be tracking the laws, but the most important behaviors we want to make sure that you are tracking to, because we want our clients to try to develop harmonized approach.

Don't wait for Washington to harmonize regulation. The Trump administration's own AI order leaves child safety alone, which is precisely where the vast majority of these chatbot laws are geared towards. So, harmonization will more than likely not occur and we want to make sure that our clients are ready for the patchwork.