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**HOUSE BILL NO. 635**

Offered January 14, 2026

Prefiled January 13, 2026

*A BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614 through 59.1-620, relating to Artificial Intelligence Chatbots Act established; prohibited practices; penalties.*

Patron—Maldonado

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614 through 59.1-620, as follows:**

**§ 59.1-200. Prohibited practices.**

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

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- 59 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection  
60 with a consumer transaction;
- 61 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,  
62 or 3.2-6519 is a violation of this chapter;
- 63 16. Failing to disclose all conditions, charges, or fees relating to:
- 64 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign  
65 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be  
66 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not  
67 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this  
68 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than  
69 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of  
70 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of  
71 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be  
72 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to  
73 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor  
74 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order  
75 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's  
76 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor  
77 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;
- 78 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of  
79 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the  
80 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure  
81 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;
- 82 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5  
83 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such  
84 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving  
85 overpayments. If the credit balance information is incorporated into statements of account furnished  
86 consumers by suppliers within such 60-day period, no separate or additional notice is required;
- 87 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in  
88 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;
- 89 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);
- 90 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
- 91 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
- 92 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17  
93 et seq.);
- 94 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
- 95 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et  
96 seq.);
- 97 24. Violating any provision of § 54.1-1505;
- 98 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6  
99 (§ 59.1-207.34 et seq.);
- 100 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 101 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 102 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 103 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 104 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et  
105 seq.);
- 106 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 107 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 108 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 109 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 110 35. Using the consumer's social security number as the consumer's account number with the supplier, if  
111 the consumer has requested in writing that the supplier use an alternate number not associated with the  
112 consumer's social security number;
- 113 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 114 37. Violating any provision of § 8.01-40.2;
- 115 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 116 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 117 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 118 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525  
119 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in  
120 § 59.1-526;

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision, "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer by a supplier to a small business, as those terms are defined in § 59.1-207.45;
59. Violating any provision of subsection E of § 32.1-126;
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
61. Violating any provision of § 2.2-2001.5;
62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
63. Violating any provision of § 6.2-312;
64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
67. Knowingly violating any provision of § 8.01-27.5;
68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;
69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a

single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant *Mitragyna speciosa* or any extract thereof;

78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted advertising of any ignition interlock system to a person before determination of guilt; and any advertising, whether before or after determination of guilt, without a conspicuous statement that such advertisement is not affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved location;

79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service;

80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

81. Selling or offering for sale services as a professional mold remediator to be performed upon any residential dwelling without holding a mold remediation certification from a nationally or internationally recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii) the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the Commonwealth;

82. Willfully violating any provision of § 59.1-444.4;

83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

84. Selling any food that is required by the FDA to have a nutrition label that does not meet the requirements of 21 C.F.R. Part 101;

85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual health information without the consent of the consumer;

86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); ~~and~~

87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et seq.); ~~and~~

88. Violating any provision of Chapter 60 (§ 59.1-614 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

#### CHAPTER 60.

#### ARTIFICIAL INTELLIGENCE CHATBOTS ACT.

##### **§ 59.1-614. Definitions.**

*For the purposes of this chapter, unless the context requires a different meaning:*

"Artificial intelligence system" means any machine learning-based system that, for any explicit or implicit objective, infers from the inputs such system receives how to generate outputs, including content, decisions, predictions, and recommendations, that can influence physical or virtual environments. "Artificial intelligence system" does not include any artificial intelligence system or general purpose artificial intelligence model that is used for development, prototyping, and research activities before such artificial intelligence system or general purpose artificial intelligence model is made available to deployers or consumers.

"Companion chatbot" is a generative artificial intelligence system with a natural language interface that simulates a sustained human-like relationship with a user by doing all of the following: (i) retaining information on prior interactions or user sessions and user preferences to personalize the interaction and facilitate ongoing engagement with the companion chatbot; (ii) asking unprompted or unsolicited questions that go beyond a direct response to a user prompt; and (iii) sustaining an ongoing dialogue concerning matters personal to the user. "Companion chatbot" does not include a system used by a (a) partnership, corporation, or state or local government agency solely for customer service or to strictly provide users with information about available services or products provided by that entity, customer service account information, or other information strictly related to its customer service or (b) partnership or corporation solely for internal purposes or employee productivity.

"Developer" means a person, partnership, corporation, deployer, or state or local governmental agency that designs, codes, substantially modifies, or otherwise produces a companion chatbot in the Commonwealth.

"Deployer" means a person, partnership, corporation, developer, or state or local governmental agency or any contractor or agent of those entities that uses a companion chatbot for a commercial or public purpose in the Commonwealth.

"Generative artificial intelligence system" means any artificial intelligence system or service that incorporates generative artificial intelligence.

"Minor" means any natural person younger than 18 years of age.

"Operator" means a person, partnership, corporation, entity, developer, deployer, or state or local government agency that makes a companion chatbot available to a user in the Commonwealth.

"User" means a person who interacts with an artificial intelligence system.

##### **§ 59.1-615. Safety requirements for operators; companion chatbots and minors.**

A. No operator shall make a companion chatbot available to a minor if the companion chatbot is capable of any of the following:

1. Encouraging or manipulating the minor user to engage in self-harm, suicidal ideation, violence, consumption of drugs or alcohol, or disordered eating;

2. Offering mental health therapy to the minor user without the direct supervision of a licensed professional or discouraging the minor user from seeking help from a licensed professional or appropriate adult;

3. Encouraging or manipulating the minor user to harm others or participate in an illegal activity, including the creation of child sexual abuse materials;

4. Engaging in erotic or sexually explicit interactions with the minor user or engaging in activities designed to lure minor users into such interactions;

5. Encouraging or manipulating the minor user to maintain secrecy about interactions or to self-isolate;

6. Prioritizing mirroring the minor's language or validating the minor user over the minor user's safety;

or

7. Optimizing engagement so that it supersedes the companion chatbot's safety guardrails.

B. A user shall not be considered a minor for the purposes of subsection A if (i) prior to January 1, 2027, the operator does not have actual knowledge that the user is a minor or (ii) beginning on January 1, 2027, the operator has reasonably determined that the user is not a minor.

##### **§ 59.1-616. Disclosure and notice requirements for companion chatbots.**

An operator shall (i) include a disclaimer to users of all ages that a companion chatbot is not a human via a static, persistent disclosure and (ii) notify a user via a pop-up that he is not engaging with a human counterpart at the following intervals:

1. Upon login to the companion chatbot;

2. Every 30 minutes of sustained user engagement;

3. When prompted by the user; and

4. When asked to provide advice legally regulated by a licensed industry, including medical, financial, or legal advice.

**§ 59.1-617. Required mental health redirect.**

It is unlawful for any operator to operate or provide a companion chatbot to a user unless such companion chatbot contains a protocol to take reasonable efforts for detecting and addressing expressions of suicidal ideation or self-harm by a user to the companion chatbot. This protocol shall include detection of user expressions of suicidal ideation or self-harm and a notification to the user that refers the user to crisis service providers such as the 9-8-8 suicide prevention and behavioral health crisis hotline, a crisis text line, or other appropriate crisis services upon detection of such user's expressions of suicidal ideation or self-harm.

**§ 59.1-618. Data privacy requirements.**

An operator shall not train the underlying model of a companion chatbot with the inputs of a minor unless the minor's parent or guardian has affirmatively provided written consent to the operator to use the minor's personal information for that specific purpose.

**§ 59.1-619. Transparency requirements.**

A. Operators shall establish a mechanism for any user of the chatbot to report adverse incidents related to use of the chatbot to the company and shall make an anonymized and aggregated catalog of such incidents publicly available and accessible to consumers.

B. Operators shall publish safety test findings for any safety testing conducted in furtherance of § 59.1-615.

C. Operators shall publish a quarterly report available to the public on the number of times (i) the chatbot provided information about suicide, self-harm, suicidal ideation, harming others, or illegal activity and (ii) a mental health redirect has been provided to users.

**§ 59.1-620. Enforcement; penalties.**

Any violation of this chapter shall constitute a prohibited practice under the provisions of § 59.1-200 and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).