

Tammy Duckworth
S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5171

To require a study of AI-enabled toys and development of a joint action plan regarding the marketing and sale of AI-enabled toys.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. DUCKWORTH

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Artificial
5 Intelligence Toy Safety Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AI-ENABLED TOY.**—The term “AI-enabled
9 toy” means any toy equipped with an artificial intel-
10 ligence chatbot.

1 (2) ARTIFICIAL INTELLIGENCE.—The term “ar-
2 tificial intelligence” has the meaning given such
3 term in section 5002 of the National Artificial Intel-
4 ligence Initiative Act of 2020 (15 U.S.C. 9401).

5 (3) ARTIFICIAL INTELLIGENCE CHATBOT.—The
6 term “artificial intelligence chatbot” means artificial
7 intelligence that, in an open-ended natural-language
8 or multimodal manner—

9 (A) accepts user input;

10 (B) engages in interactive conversations
11 with a user; and

12 (C) provides outputs that are not—

13 (i) pre-determined or scripted;

14 (ii) limited to contextualized replies or
15 to a narrow, specified purpose, such as—

16 (I) customer service, including
17 providing customer account informa-
18 tion;

19 (II) shopping assistance, such as
20 providing users with information
21 about available commercial services or
22 products;

23 (III) any operational purpose of
24 a business, including internal pur-

3

1 poses and purposes related to em-
2 ployee productivity;

3 (IV) productivity and analysis re-
4 lated to providing efficiency improve-
5 ments;

6 (V) internal research; or

7 (VI) technical assistance;

8 (iii) provided by an educational prod-
9 uct or service that—

10 (I) operates within a closed, cur-
11 rriculum-bound instructional domain;
12 and

13 (II) is not capable of open-ended
14 natural-language conversation outside
15 such domain;

16 (iv) designed to actively refer or route
17 users to licensed professionals, established
18 support organizations, or emergency serv-
19 ices; or

20 (v) provided by an artificial intel-
21 ligence that—

22 (I) operates within a closed clin-
23 ical domain; and

1 (II) is not capable of open-ended
2 natural-language conversation outside
3 such domain.

4 (4) CHILD.—The term “child” means an indi-
5 vidual under 13 years of age.

6 (5) MANUFACTURER.—The term “manufac-
7 turer” has the meaning given such term in section
8 3 of the Consumer Product Safety Act (15 U.S.C.
9 2052).

10 (6) PERSONAL INFORMATION.—The term “per-
11 sonal information” has the meaning given such term
12 in section 1302 of the Children’s Online Privacy
13 Protection Act of 1998 (15 U.S.C. 6501).

14 (7) TOY.—The term “toy” has the meaning
15 given the term “children’s toy” in section 108(g)(1)
16 of the Consumer Product Safety Improvement Act of
17 2008 (15 U.S.C. 2057c(g)(1)).

18 **SEC. 3. STUDY.**

19 Not later than the date that is 6 months after the
20 date of enactment of this Act, the National Academies of
21 Sciences, Engineering, and Medicine shall commence a
22 study regarding AI-enabled toys that assesses—

23 (1) the risk of injury (including physical, men-
24 tal, emotional, and social injury) to children in dif-
25 ferent stages of development from AI-enabled toys;

1 (2) the physical, mental, emotional, and social
2 outcomes resulting from children using AI-enabled
3 toys;

4 (3) educational outcomes resulting from using
5 AI-enabled toys outside of an educational setting;

6 (4) the adoption and usage of parental controls
7 on AI-enabled toys by consumers;

8 (5) the legal boundaries of, and best practices
9 for, marketing artificial intelligence chatbots and AI-
10 enabled toys to children;

11 (6) the legal boundaries, and best practices for,
12 collecting, utilizing, disclosing, or selling a child's
13 personal information; and

14 (7) actions that Congress, Federal agencies,
15 manufacturers, and persons who develop, deploy, or
16 market AI-enabled toys can take to—

17 (A) protect children from the risks de-
18 scribed in paragraph (1); and

19 (B) improve the physical, mental, and edu-
20 cational outcomes for children.

21 **SEC. 4. JOINT ACTION PLAN.**

22 Not later than 2 years after the date of enactment
23 of this Act, the Federal Trade Commission and the Con-
24 sumer Product Safety Commission, in consultation with
25 Director of the National Institute of Standards and Tech-

1 nology, shall submit to the Committee on Commerce,
2 Science, and Transportation of the Senate, the Committee
3 on Health, Education, Labor, and Pensions of the Senate,
4 the Committee on Energy and Commerce of the House
5 of Representatives, and the Subcommittee on Health, Em-
6 ployment, Labor, and Pensions of the Committee on Edu-
7 cation and Workforce of the House of Representatives a
8 joint action plan to improve the safety of AI-enabled toys,
9 which shall contain—

10 (1) recommendations regarding—

11 (A) legislation or administrative action;

12 (B) any requirements for disclosing to con-
13 sumers when an artificial intelligence chatbot
14 has been integrated into a toy; and

15 (C) any other regulations, guidelines, or
16 standards, that address marketing, data pri-
17 vacy, safety, or periodic independent reviews of
18 AI-enabled toys; and

19 (2) a description of any consumer and public
20 education initiatives regarding AI-enabled toys that
21 the Federal Trade Commission and Consumer Prod-
22 uct Safety Commission plan to undertake.