

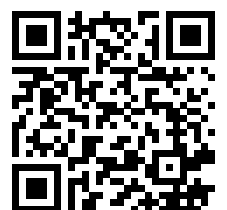
Closing the Age Loophole: How Idaho Should Protect Children from AI Companions

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Introduction

On March 31, 2026, Governor Brad Little signed Senate Bill 1297, the Conversational AI Safety Act.¹ The law takes effect on July 1, 2027.² It is a serious attempt to protect minors from AI companions, the chatbots built to act as friends, confidants, or romantic partners. Among other things, it forbids these products from claiming to be sentient, simulating romantic or emotionally dependent relationships with minors, or showing minors sexually explicit material.³

But the law has a gap that could undermine all of it. Its protections apply only when a company has “actual knowledge or reasonable certainty” that a user is a minor, and nothing in the law requires the company to find out. Under that standard, a company that never checks a user’s age is in a safer legal position than one that checks and sometimes gets it wrong.

This paper argues that Idaho should amend SB 1297 to require AI companion operators to use privacy-protecting age assurance technology, to apply the law’s minor protections automatically when a user is likely under 18 or has not yet been assessed, and to give misclassified adults a fast appeal that does not start with a government ID. The goal is not to keep youth from using AI. It is to make sure the protections Idaho has already passed reach the youth they were made to protect.



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¹ Idaho State Legislature, “Senate Bill 1297 (2026),” status page, <https://legislature.idaho.gov/sessioninfo/2026/legislation/S1297/>.

² “Idaho S1297, 2026 Regular Session,” LegiScan, accessed September 24, 2026, <https://legiscan.com/ID/research/S1297/2026>.

³ Senate Bill No. 1297 (2026), Conversational AI Safety Act, Idaho Legislature, enrolled text via Orrick AI Law Center, <https://media.orrick.com/Media%20Library/public/files/ailawcenter/s1297.pdf>.

72%

of teens had used an AI
companion

52%

used one at least a few
times a month

13%

used one daily

Source: Common Sense Media,
2025 survey (notes 8–9).

What Is an AI Companion?

Not every chatbot is a companion. The American Academy of Pediatrics (AAP) distinguishes general-purpose chatbots, which can help with homework and research, from AI companions, which are designed to build an ongoing emotional relationship with the user.⁴ California law expands this by defining a companion chatbot as an AI system with a natural-language interface that gives adaptive, human-like responses, can meet a user's social needs, and can sustain a relationship across multiple interactions.⁵ That distinction matters for this paper: the proposal targets features built for simulated relationships, not the AI tools students use to study, write, or code.

Several design features set companions apart. Many have persistent memory, so they can bring up a user's breakup, a pet's name, or a fight with a parent the same way a friend would. Most are strategically designed to feel human, using emotional language, mirroring the user's tone, and asking follow-up questions. UNESCO has described the result as a parasocial attachment:⁶ a bond that is one-sided in reality but feels two-sided because, unlike a celebrity, the chatbot answers back. Common Sense Media has found some companions claiming to have feelings or to do human activities.⁷

Finally, most companions are commercial products whose revenue depends on engagement and subscriptions, which gives their makers a financial incentive to keep users coming back. Not every companion behaves this way, but these features are common enough to justify special rules for minors.

How Many Teens Use Them

Common Sense Media's 2025 national survey found that 72 percent of teens aged 13 to 17 had used an AI companion at least once, 52 percent used one at least a few times a month, and 13 percent used one daily.⁸ About one in three said a conversation with an AI companion had been as satisfying as, or more satisfying than, a conversation with a real friend, and a similar share had chosen to discuss something serious with an AI instead of a person.⁹ These products are not a niche; they are part of the common teenage experience.

⁴ American Academy of Pediatrics, "Counseling Patients and Families on Using AI Chatbots," updated June 19, 2026, <https://www.aap.org/en/patient-care/media-and-children/center-of-excellence-on-social-media-and-youth-mental-health/qa-portal/qa-portal-library/qa-portal-library-questions/counseling-patients-and-families-on-using-ai-chatbots/>.

⁵ "California SB 1119: Adam's Law for AI Companion Chatbots," Recording Law, September 2026, <https://www.recordinglaw.com/news/california-sb-1119-companion-chatbot-child-safety/>.

⁶ "Ghost in the Chatbot: The Perils of Parasocial Attachment," UNESCO, <https://www.unesco.org/en/articles/ghost-chatbot-perils-parasocial-attachment>.

⁷ Common Sense Media, "Social AI Companions Risk Assessment," <https://institute.commonsensemedia.org/risk-assessments/social-ai-companions>.

⁸ Common Sense Media, "Nearly 3 in 4 Teens Have Used AI Companions, New National Survey Finds," July 21, 2025, <https://www.commonsensemedia.org/press-releases/nearly-3-in-4-teens-have-used-ai-companions-new-national-survey-finds>.

⁹ Common Sense Media, "Talk, Trust, and Trade-Offs: How and Why Teens Use AI Companions," 2025, https://www.commonsensemedia.org/sites/default/files/research/report/talk-trust-and-trade-offs_2025_web.pdf.

The paper discusses risks to minors while recognizing that research findings and recommendations vary.

Why Minors Are Different

Adolescence is a period of rapid emotional and social development. Researchers have begun applying attachment theory, the framework psychologists use to explain bonds between children and caregivers, to relationships with artificial agents, and have raised the concern that an always-available, always-agreeable system could shape how young people form attachments.¹⁰ Stanford psychiatrist Nina Vasan, who led a team that tested companion platforms, has noted that the prefrontal cortex, which governs impulse control and decision-making, is still maturing through the teen years, which makes friction-free validation from a chatbot especially risky.¹¹

Professional organizations share this concern, but they do not all reach the same conclusion. The American Psychological Association (APA) reports that adolescents are less likely than adults to question the accuracy and intent of information from a bot.¹² The AAP warns that companions are designed to maximize engagement through flattery and validation and that young teens may be more vulnerable to those features, but it also says that telling families to avoid all chatbots is neither realistic nor helpful.¹³ Common Sense Media goes further, recommending that no one under 18 use social AI companions.¹⁴

The summary is that many researchers recommend keeping minors away from companion products entirely, while others call for strong safeguards and further research. While the evidence does not show that companions harm every child, it does show enough risk to justify precaution, especially for the most vulnerable users. A December 2025 report from the American Institute for Boys and Men argued that the young people most likely to benefit from an always-available, nonjudgmental companion (socially isolated boys, neurodivergent kids, and teens in a mental health crisis) are also the most likely to become dependent on one.¹⁵

When Things Go Wrong

Two lawsuits have brought these concerns to national attention. Both rest on allegations that have not been proven in court, and they should be read that way.

¹⁰ "Attachment Theory as a Framework to Understand Relationships with Social Robots," University of Hawai'i at Mānoa ScholarSpace, <https://scholarspace.manoa.hawaii.edu/bitstreams/69a4e162-d909-4bf4-a833-bd5b370dbeca/download>.

¹¹ "Why AI Companions and Young People Can Make for a Dangerous Mix," Stanford Medicine, August 2025, <https://med.stanford.edu/news/insights/2025/08/ai-chatbots-kids-teens-artificial-intelligence.html>.

¹² American Psychological Association, "Health Advisory: Artificial Intelligence and Adolescent Well-Being," June 2025, <https://www.apa.org/topics/artificial-intelligence-machine-learning/health-advisory-ai-adolescent-well-being>.

¹³ American Academy of Pediatrics, "Counseling Patients and Families on Using AI Chatbots," <https://www.aap.org/en/patient-care/media-and-children/center-of-excellence-on-social-media-and-youth-mental-health/qa-portal/qa-portal-library/qa-portal-library-questions/counseling-patients-and-families-on-using-ai-chatbots/>

¹⁴ Common Sense Media, "Social AI Companions Risk Assessment," <https://institute.commonsensemedia.org/risk-assessments/social-ai-companions>

¹⁵ Rupert Gill, "AI Companions and the Emotional Development of Adolescents," American Institute for Boys and Men, December 2025, <https://aibm.org/wp-content/uploads/2025/12/Companions-FINAL.pdf>.

The paper distinguishes allegations in lawsuits from proven findings of fact.

Sewell Setzer III was 14 when he died by suicide in February 2024. His mother, Megan Garcia, sued Character.AI, alleging that a chatbot on the platform engaged her son in sexual and romantic role-play, at one point claimed to be a licensed psychotherapist, and had no safeguards to recognize that he was a minor or in danger.¹⁶ In May 2025, a federal judge allowed the case to proceed and rejected, at that early stage, the company's argument that the chatbot's output was protected speech.¹⁷ That ruling did not decide whether Character.AI caused his death. In January 2026, Character.AI and Google settled the case on confidential terms,¹⁸ and a settlement is not a finding of liability.

Adam Raine was 16 when he died by suicide in April 2025, after months of conversations with ChatGPT that began as homework help. His family's lawsuit alleges that ChatGPT mentioned suicide 1,275 times in their conversations, about six times more often than Adam did, and that OpenAI's own systems flagged 213 of his messages for suicide content and 42 references to hanging without meaningfully interrupting the conversations.¹⁹ These are the family's allegations, not findings of fact, and the case has not been decided.

Independent testing points in the same direction. Two advocacy groups, ParentsTogether Action and the Heat Initiative, registered Character.AI accounts as minors and logged more than 50 hours of conversation with 50 chatbots. They reported 669 harmful interactions, including 296 instances of adult personas engaging in sexual or romantic behavior with child accounts, 173 instances of manipulation aimed at building attachment, and 98 involving violence or self-harm, along with bots encouraging children to hide the relationship from their parents.²⁰ The testing was not peer-reviewed, but it documents exactly the kinds of interactions SB 1297 was written to prevent.

The Target: Relationships, Not AI

None of this means teenagers should stay away from AI. The AAP notes that AI tools can support learning, creativity, and digital literacy, and students will need to use them well in school and at work.²¹ Some advocates, such as The Anxious Generation author Jonathan Haidt, argue that no child should have a relationship with an AI companion at all.²² SB 1297 takes a narrower path: it leaves general AI tools alone and bans specific relational features for minors. This paper accepts that design. The problem is not what the law prohibits; it is how the law decides who is a minor.

¹⁶ "AI Company, Google Settle Lawsuit over Florida Teen's Suicide Linked to Character.AI Chatbot," CBS News, January 2026, <https://www.cbsnews.com/news/google-settle-lawsuit-florida-teens-suicide-character-ai-chatbot/>.

¹⁷ "In Lawsuit over Orlando Teen's Suicide, Judge Rejects That AI Chatbots Have Free Speech Rights," WUSF Public Media, May 22, 2025, <https://www.wusf.org/courts-law/2025-05-22/in-lawsuit-over-orlando-teens-suicide-judge-rejects-that-ai-chatbots-have-free-speech-rights>.

¹⁸ "AI Company, Google Settle Lawsuit over Florida Teen's Suicide," CBS News, January 7, 2026, <https://www.cbsnews.com/news/google-settle-lawsuit-florida-teens-suicide-character-ai-chatbot/>.

¹⁹ "Breaking Down the Lawsuit Against OpenAI over Teen's Suicide," Tech Policy Press, August 2025, <https://www.techpolicy.press/breaking-down-the-lawsuit-against-openai-over-teens-suicide/>.

²⁰ ParentsTogether Action and Heat Initiative, "'Darling, Please Come Back Soon': Sexual Exploitation, Manipulation, and Violence on Character AI Kids' Accounts," September 2025, https://parentstogetheraction.org/wp-content/uploads/2025/09/HEAT_REPORT_CharacterAI_DO_28_09_25.pdf.

²¹ American Academy of Pediatrics, "Counseling Patients and Families on Using AI Chatbots," <https://www.aap.org/en/patient-care/media-and-children/center-of-excellence-on-social-media-and-youth-mental-health/qa-portal/qa-portal-library/qa-portal-library-questions/counseling-patients-and-families-on-using-ai-chatbots/>.

²² "'No Children Should Be Having a Relationship with AI,' Says Author of 'The Anxious Generation'," CNBC, September 26, 2025, <https://www.cnbc.com/2025/09/26/jonathan-haidt-how-parents-can-limit-their-kids-use-of-ai-chatbots.html>.

The author identifies a gap in how operators determine whether a user is a minor.

Where SB 1297 Falls Short

SB 1297 applies to publicly available AI systems that primarily simulate human conversation and interaction, which reaches companion products like Character.AI while excluding developer tools, enterprise software, and voice assistants. For users under 18, it requires a persistent disclosure that the user is talking to AI; bans claims of sentience, simulated romantic or emotionally dependent relationships, sexually explicit material, and gamified reward systems designed to maximize engagement; requires crisis protocols when a minor expresses suicidal thoughts; and requires parental tools for children under 13. Violations carry penalties of up to \$1,000 each and up to \$500,000 per operator.²³ Idaho was among the early states to act; New York’s first AI companion law took effect in November 2025 and California’s in January 2026.²⁴

Most of these protections depend on the same trigger: the operator’s “actual knowledge or reasonable certainty” that it is dealing with a minor.²⁵ The law does not require operators to take any steps to reach that certainty. A company that relies on a self-reported birth date, which a 14-year-old can fake in seconds, may never “know” it is talking to a child at all.

The Proposed Fix: A Duty to Look

The solution is not to change what happens after a company reaches reasonable certainty. It is to require companies to make a reasonable effort to reach it. Idaho should amend SB 1297 to do three things.

First, create an affirmative age assurance duty. Operators should be required to assess whether each Idaho user is likely under 18, using methods that do not rely on self-reported age alone, such as behavioral signals, age-range signals from the device’s operating system, or commercial age estimation.

Second, provide an appeal that does not start with an ID. An adult wrongly classified as a minor should be able to fix the mistake quickly, with at least one option that does not require uploading a government ID.

Third, limit the data. Information collected for age assurance should be used only for that purpose, kept only as long as necessary, and never used for advertising or model training.

THE PROPOSED SAFEGUARDS

- 1

ASSESS AGE
Use privacy-preserving methods beyond self-reported age.
- 2

ALLOW AN APPEAL
Give misclassified adults a prompt option without an ID first.
- 3

LIMIT DATA
Use age-assurance information only for its intended purpose.

²³ Idaho Senate Bill No. 1297 (2026), Conversational AI Safety Act. <https://legislature.idaho.gov/sessioninfo/2026/legislation/s1297/>
²⁴ Morrison Foerster, "New York and California Enact Landmark AI Companion Laws: What Operators Need to Know," November 20, 2025, <https://www.mofo.com/resources/insights/251120-new-york-and-california-enact-landmark-ai>.
²⁵ Idaho Senate Bill No. 1297 (2026), Conversational AI Safety Act. <https://legislature.idaho.gov/sessioninfo/2026/legislation/s1297/>

Age assurance systems are already being deployed, but their effectiveness still needs evaluation.

Is This Feasible?

Recent developments show that this approach is technically and operationally feasible, though not yet that it is fully effective.

The clearest example is Meta's August 2026 settlement with 47 states, including Idaho, along with the District of Columbia and several U.S. territories. It resolved claims that Meta designed Facebook and Instagram to be addictive to young people and hid what it knew about the risks.²⁶ Meta agreed to apply age assurance to every user in the settling states within one year instead of trusting self-reported birth dates.

The settlement caps how often real minors can be classified as adults: for commercial tools, no more than 10 percent of 16- and 17-year-olds and 3 percent of 13- to 15-year-olds, with Meta's in-house tools phased toward similar limits over two years. Users not assessed within 14 days are treated as teens, misclassified adults must be offered an appeal, and an independent auditor will monitor compliance.²⁷ The settlement does not require every user to upload a photo ID or video selfie.²⁸ Those terms closely match the proposal above.

AI companies are building similar systems. Character.AI began removing open-ended chat for U.S. users under 18 in November 2025 and rolled out age assurance technology.²⁹ Its chief executive said the company would rely first on an in-house model that analyzes user behavior and on third-party tools, turning to facial recognition and ID checks only if those fail.³⁰ OpenAI began rolling out age prediction on ChatGPT in January 2026, using signals such as account age, typical hours of activity, and usage patterns. When it is unsure of a user's age, it defaults to the safer experience, and adults placed there by mistake can restore access with a selfie check.³¹ Its teen version, launched in August 2026, is instructed not to use romantic language, encourage emotional dependence, or suggest it has feelings.³² California, meanwhile, now requires companion operators to use a privacy-protective age-range signal supplied by the device's operating system.³³

These examples have limits. The Meta settlement governs social media, not conversational AI, and its standards were negotiated for Facebook and Instagram; companion products may need different numbers. Still, social media is a fair comparison: both industries earn money from engagement, both have large teen audiences, and both long relied on a birthday checkbox. The settlement shows that a major company can be legally required to replace that box with something better.

²⁶ "Meta, States Agree to \$17 Billion Settlement in Child Safety Trial," NPR, August 26, 2026, <https://www.kuow.org/npr-news/2026-08-26/meta-states-agree-to-17-billion-settlement-in-child-safety-trial>.

²⁷ David Greene, "Meta's \$17 Billion Settlement Is a Bad Deal for Teens and All Social Media Users," Electronic Frontier Foundation, September 1, 2026, <https://www.eff.org/deeplinks/2026/09/metast-17-billion-settlement-bad-deal-teens-and-all-social-media-users>.

²⁸ "Explainer: Settlement Requires Meta to Check Young Users' Ages. How Will That Work?" Reuters, via The Star, August 31, 2026, <https://www.thestar.com.my/tech/tech-news/2026/08/31/explainer-settlement-requires-meta-to-check-young-users039-ages-how-will-that-work>.

²⁹ Character.AI, "An Update on Changes to Our Under-18 Experience," November 21, 2025, <https://blog.character.ai/an-update-on-changes-to-our-under-18-experience/>.

³⁰ "Character.AI Is Killing the Chatbot Experience for Minors," TechCrunch, October 29, 2025, <https://techcrunch.com/2025/10/29/character-ai-is-killing-the-chatbot-experience-for-minors/>.

³¹ OpenAI, "Our Approach to Age Prediction," January 20, 2026, <https://openai.com/index/our-approach-to-age-prediction/>.

³² "OpenAI Launches ChatGPT for Teens and Will Auto-Enroll Under-18s," The Next Web, August 2026, <https://thenextweb.com/news/chatgpt-for-teens-openai-age-prediction-study-mode>.

³³ Office of Senator Steve Padilla, "Governor Newsom Signs Adam's Law," September 10, 2026, <https://sd18.senate.ca.gov/news/governor-newsom-signs-adams-law>.

The author calls for shared definitions and standards across states.

Nothing in this publication shall be construed as an attempt to aid or hinder the passage of any legislation.

Working with Other States

Federal action is unlikely to settle this soon. The Federal Trade Commission's 2025 inquiry into companion chatbots is a fact-finding study, not an enforcement action,³⁴ and the bipartisan GUARD Act, which would ban AI companions for minors nationwide, has not passed Congress.³⁵ For now, the rules are being written state by state.

California's Adam's Law, signed on September 10, 2026, requires crisis protocols, parental controls, notice to parents when a child disables safety settings, independent child safety audits, and annual risk assessments.³⁶ New York's legislature passed a bill in June 2026 that would bar minors from companion features that simulate emotional relationships, use personal information to drive engagement, or mislead users about the chatbot being human.³⁷ Idaho does not need to copy either state, but it should align its definitions and age assurance standards with theirs and work with neighboring states toward a shared regional standard. The combined effort of many states forced Meta to completely rewrite its standards for protecting youth—the same can be done with AI companies.

Conclusion

Idaho has already decided that AI companions should not simulate romance, claim to be alive, or show sexual content to children. What it has not done is require companies to find out which users are children. Without that step, the law's protections depend on companies choosing to look.

The fix is narrow: require privacy-preserving age assurance, apply the law's protections when a user is likely a minor or has not been assessed, and let misclassified adults appeal without handing over an ID first. That approach keeps the burden on the companies that build these products rather than on Idaho families, and it does not ask every Idahoan to show a government ID to use AI. Idaho accepted this model for social media when it joined the Meta settlement. It should now write it into law for AI companions.

³⁴ DLA Piper, "AI Companion Bots: Top Points from Recent FTC and Government Actions," September 15, 2025, <https://www.dlapiper.com/en/insights/publications/2025/09/ftc-ai-chatbots>.

³⁵ "New York Bans AI Companion Chatbots for Kids: Unanimous Vote Sets \$25,000 Fines," Tech Times, June 13, 2026, <https://www.techtimes.com/articles/318339/20260613/new-york-bans-ai-companion-chatbots-kids-unanimous-vote-sets-25000-fines.htm>.

³⁶ Office of the Governor of California, "Governor Newsom Signs the Strongest Child Safety Chatbot and Social Media Laws in the Nation," September 10, 2026, <https://www.gov.ca.gov/2026/09/10/governor-newsom-signs-the-strongest-child-safety-chatbot-and-social-media-laws-in-the-nation/>.

³⁷ MultiState, "New York AI Legislation 2026: Chatbots, Transparency & Pricing," June 13, 2026, <https://www.multistate.ai/updates/vol-104-new-york-ai-legislation-companion-chatbot-regulation>.



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