

Model Legislative Language

The Assistive Cognitive Tool Carve-Out

Appendix to “Companion Chatbots Are Not Assistive Technology” · Center for AI Equity and Access · August 2026

Purpose. The language below is offered to legislators, committee staff, and agencies drafting companion chatbot legislation. It does not weaken any safety requirement. It draws one line precisely: it defines the class of AI tools that cannot, by design, form the relationships these laws exist to regulate, and it prevents safety law from being read to strip disabled students of assistive technology. Each section may be adopted independently. Drafter's notes follow in italics. This is model language for discussion, not legal advice; enacting states should conform terminology to their own code.

Section 1. Definition

“Assistive cognitive tool” means an artificial intelligence system with a natural language interface that satisfies all of the following:

- (a) The system does not supply answers, conclusions, or completed work product to the user, but operates solely upon words, ideas, and work the user has personally provided, for the purpose of helping the user organize, articulate, or advance the user's own thinking.
- (b) The system does not present itself as a person or character, does not name itself or adopt a persona or personality of its own, and does not represent that it possesses emotions, a relationship with the user, or a social bond of any kind. A label assigned to the system by the user does not constitute a persona under this subdivision.
- (c) The system does not retain information about the user across sessions for the purpose of personalizing engagement, sustaining a relationship, or encouraging continued use, and does not initiate contact with the user. Retention of the user's academic or task progress, held at the user's direction or on the user's own device, does not constitute retention under this subdivision.
- (d) The system does not employ engagement-prolonging design, including unprompted emotion-based questions, expressions of longing or attachment, streaks or rewards tied to time of use, or prompts designed to extend or resume interaction.
- (e) The system is designed so that an interaction concludes when the user's stated task is advanced, and its operator publishes a plain-language description of the conduct described in subdivisions (a) through (d) of this section.

Drafter's note: Subdivisions (a) through (e) are drafted as design tests that an auditor, parent, or court can verify from the product itself. They track the five articles of the No-Answer Standard (noanswerstandard.org) and are constructed as the precise inverse of the definitional elements in Cal. Bus. & Prof. Code ch. 22.6 (SB 243) and N.Y. Gen. Bus. Law art. 47: where those laws reach systems that meet social needs, sustain

relationships, and personalize engagement, this definition is satisfiable only by systems that can do none of those things.

Section 2. Exclusion

“Companion chatbot” [or the enacting state's equivalent defined term] does not include an assistive cognitive tool as defined in Section 1. An artificial intelligence system that ceases to satisfy any element of Section 1 ceases to qualify for this exclusion as of the date of that change, without regard to how the system is marketed or described.

Drafter's note: The exclusion is conditional and self-revoking. A product cannot claim it by labeling; it holds the exclusion only while its design holds. A companion bot rebranded as a “study tool” fails subdivision (b) or (c) immediately.

Section 3. Preservation of assistive technology access

- (a) An assistive cognitive tool may constitute an assistive technology device within the meaning of Section 602(1) of the Individuals with Disabilities Education Act, 20 U.S.C. § 1401(1), and comparable provisions of state law, when used to increase, maintain, or improve the functional capabilities of a child with a disability.
- (b) No provision of this act, and no policy adopted by a local educational agency in response to this act, shall be construed to categorically prohibit a student's use of an assistive cognitive tool that is documented in the student's individualized education program or plan developed under Section 504 of the Rehabilitation Act of 1973.
- (c) A local educational agency that restricts artificial intelligence systems shall do so by reference to the design characteristics of the restricted systems and shall maintain a process by which an assistive cognitive tool may be evaluated for permitted use.

Drafter's note: This section creates no new entitlement. It confirms that existing federal assistive technology law continues to operate, and it requires only that district AI policies distinguish by design rather than banning a category wholesale — the double exclusion this appendix exists to prevent.

Section 4. Safeguards preserved

Nothing in this act exempts the operator of an assistive cognitive tool from any generally applicable requirement to disclose that a user is interacting with an artificial intelligence system, or from maintaining a protocol for referring a user who expresses suicidal ideation or self-harm to crisis services, where such requirements apply.

Drafter's note: The carve-out removes companion-specific duties that assume a relationship exists (break reminders, engagement reporting). It deliberately leaves the two universal safeguards — AI disclosure and crisis referral — untouched, and responsible operators of assistive tools should adopt both regardless of coverage.

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