

Assembly Bill No. 1609

CHAPTER 733

An act to add Chapter 22.6.1 (commencing with Section 22625) to Division 8 of the Business and Professions Code, relating to artificial intelligence.

[Approved by Governor September 28, 2026. Filed with
Secretary of State September 28, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1609, Zbur. Customer service chatbots.

Existing law prohibits a person from using a bot, as defined, to mislead another person about the bot's artificial identity to incentivize the purchase or sale of goods or services, among other things. Existing law requires an operator of a companion chatbot, as defined, to provide a disclosure regarding the companion chatbot's artificial identity if a reasonable person interacting with the companion chatbot would be misled to believe that the person is interacting with a human.

This bill would prohibit a large private business, as defined, from representing that a customer service chatbot is a human. The bill would also require the large private business to provide certain disclosures if a reasonable person interacting with the chatbot would be misled to believe they are interacting with a human.

This bill would require a large private business to provide a customer service feature allowing customers to contact a customer service agent during its regular business hours, as defined. This bill would require, except as specified, large private businesses to make a good faith effort to connect a customer to an agent within 15 minutes after a request for human customer service is made, or schedule an appointment with the customer, as specified. For online chatbot customer service platforms and telephonic customer service platforms, the bill would require a large private business to make a good faith effort to limit initial and cumulative telephonic hold times, and would require certain large private businesses to post prescribed contact information on their internet website.

The bill would authorize a public prosecutor to enforce these provisions, and would make a large private business that violates these provisions liable for a penalty of up to \$5,000 for an initial violation, and \$10,000 for each subsequent violation. The bill would waive its requirements due to unforeseen circumstances beyond the reasonable control of a large private business or extraordinary or emergency situations, and would exempt a large private business that provides services subject to, and is in compliance with, specified public utilities law. The bill would further exempt exclusive business lines and communications by a hospital, as specified, and a

consumer reporting agency, as prescribed. The bill would define terms for these purposes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 22.6.1 (commencing with Section 22625) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22.6.1. CUSTOMER SERVICE CHATBOTS

22625. As used in this chapter:

(a) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

(b) (1) “Customer” means a natural person residing in California.

(2) For purposes of paragraph (1), “residence” refers to the customer’s account address.

(c) “Customer service agent” means a natural person who, as an employee, contractor, or representative of the large private business provides either of the following:

(1) Direct customer service, including service to prospective and existing customers, relating to the sale and delivery of goods and services.

(2) Direct customer support, including technical assistance functions relating to the sale and delivery of goods and services.

(d) “Customer service chatbot” means an artificial intelligence system with a natural language interface that provides adaptive, human-like responses to user inputs and is used by an entity for any of the following purposes:

(1) Direct customer service, including service to prospective and existing customers, relating to the sale or delivery of goods or services.

(2) Direct customer support, including technical assistance functions relating to the sale or delivery of goods or services.

(e) “Exclusive business lines” means telephone lines, chat lines, or other communications channels that are not intended for general customer use and are intended solely for use by employees of the business or by other entities for business-to-business communications. For purposes of this subdivision, “entities” include other businesses, nonprofit entities, or government entities.

(f) “Hospital” means a health facility licensed pursuant to subdivision (a), (b), or (f) of Section 1250 of the Health and Safety Code.

(g) “Large private business” means a business with more than five hundred million dollars (\$500,000,000) in gross annual revenue nationally that provides goods and services to customers.

(h) “Online customer service platforms” means large private businesses that primarily operate on public-facing internet websites, web applications,

or digital applications, including a social network or publication and may not offer telephonic means of communication for customer service inquiries.

(i) “Regular business hours” means the hours during which the business customarily maintains customer-service functions, excluding on days that the business is ordinarily closed or state or federal holidays. “Regular business hours” includes a 10-hour period per day over a five-day week or 8 hours per day for a full seven-day week.

(j) “Services” means services for which a customer will provide or has provided monetary consideration, whether through a one-time payment, subscription, fee, or recurring charge. “Services” does not include services or parts of services that offer a free option to persons with an opportunity to pay, subscribe, or otherwise provide monetary consideration for the service or upgraded services at a future time.

(k) “Telephonic customer service platforms” means any large private business that provides customer service to customers in California through telephonic means.

22626. (a) A large private business shall not represent that a customer service chatbot is a human.

(b) A large private business shall provide a clear and conspicuous disclosure that the customer service chatbot is artificially generated and not human if a reasonable person interacting with the customer service chatbot is likely to be misled to believe that the person is interacting with a human.

(c) The disclosure required by subdivision (b) shall be clear and conspicuous, and provided in the medium in which the customer service chatbot interacts with the customer.

22627. (a) During at least a large private business’s regular business hours, a large private business shall provide customers who require customer assistance with goods or services offered by or provided from the large private business with a simple customer service feature on all platforms through which the large private business provides customer service, including online chatbot customer service and telephonic customer service platforms, that allows customers to request to connect to a customer service agent. A large private business satisfies this subdivision if its customer service platform enables a customer to request a customer service agent through commonly understood commands, prompts, menu selections, or verbal requests during the customer interaction.

(b) (1) A large private business shall make a good faith effort to provide a customer who requests to connect to a customer service agent through the feature described in subdivision (a) with one of the following:

(A) Connection to a customer service agent within 15 minutes of the request.

(B) A specific appointment time within one business day of the request at which a customer service agent will call or connect with the customer.

(2) A large private business subject to Section 1707.2 of Title 16 of the California Code of Regulations may satisfy the requirements in paragraph (1) by returning a phone call within one business hour.

(c) A large private business shall make a good faith effort to ensure a customer is not placed on hold or made to wait for more than 15 minutes at any time after connection with a customer service agent, and that cumulative hold or wait times or escalation queues do not exceed more than one hour total.

(d) Large private businesses who provide goods and services to customers in California through online platforms and who have a telephonic customer service platform shall post their telephonic customer service telephone number clearly and conspicuously on their internet website.

(e) This section does not require a large private business to do any of the following:

(1) To connect or respond within 15 minutes if the request or connection is made via electronic mail, web-based contact form, or voicemail message.

(2) To offer customer service through a communication platform that the business has not otherwise made available to customers as of January 1, 2027.

22628. (a) An action to enforce this chapter may be brought by a public prosecutor.

(b) A large private business that violates this chapter shall be liable for a civil penalty not exceeding five thousand dollars (\$5,000) for an initial violation, and ten thousand dollars (\$10,000) for each subsequent violation.

(c) For purposes of this chapter, the use of commercially reasonable and practicable standards that are designed and intended to achieve compliance shall satisfy the “good faith effort” requirements of Section 22627.

(d) This chapter does not establish a private right of action.

(e) This chapter does not require a large private business who, as of January 1, 2027, does not utilize any telephonic customer services to customers, to provide telephonic customer service provided that the large private business offers customer service methods by which the customer may promptly connect with a customer service agent consistent with this section.

(f) A large private business’s inability to comply with this chapter does not constitute a violation of this chapter if that inability is due to either of the following:

(1) Unforeseen circumstances beyond its reasonable control.

(2) Extraordinary or emergency situations, including, but not limited to, local or statewide emergencies, including grid emergencies or public safety power shutoff events, or information technology or telecommunications outages.

(g) This chapter does not apply to any of the following:

(1) Services a large private business provides subject to, and in compliance with, General Order 133, Rules Governing Telecommunications Services, or General Order 103-A, Rules Governing Water Service, of the Public Utilities Commission of the State of California and in compliance with a corrective action plan, if any.

(2) Exclusive business lines.

(3) A hospital, when its communications relate to the provision, coordination, management, administration, payment, or operation of health care services, including, but not limited to, patient care, clinical services, appointment scheduling, intake and registration, referrals, care coordination, patient navigation, emergency services, utilization management, prior authorization, discharge planning, followup care, billing, insurance, patient financial services, or other administrative or operational functions directly related to the delivery, payment, or coordination of health care services.

(4) A consumer reporting agency, as defined in the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.).

22629. The duties, remedies, and obligations imposed by this chapter are cumulative to the duties, remedies, or obligations imposed under other law and shall not be construed to relieve a large private business from any duties, remedies, or obligations imposed under any other law.