

## Draft Measures on ChatBots in China

The Cyberspace Administration of China (CAC) published "Provisional Measures on the Administration of Human-like Interactive Artificial Intelligence Services (Draft for Public Comment)" on 27 December 2025 "to promote the healthy development and regulated application of human-like interactive artificial intelligence services" (in the following referred to as "Chatbot-Measures").<sup>1</sup> In my analysis of the Chatbot-Measures I focus on their application scope, the new obligations for providers of human-like interactive artificial intelligence services and practical consequences for providers in China.<sup>2</sup>

### 1. Application Scope

1.1. The Chatbot-Measures have a far-reaching application scope. They are meant to include not only chatbots<sup>3</sup> and devices but - based on their broad wording - also future technologies with comparable functionality. This application scope is defined in article 2 of the Chatbot-Measures: They apply to the use of artificial intelligence technologies in China to provide the public with products and services that

- simulate human personality traits, modes of thinking, and communication styles,
- and that engage in emotional interaction with humans through text, images, audio, video, or other means (= "human-like interactive services").

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<sup>1</sup> The Chinese text of the Draft can be found here [https://www.cac.gov.cn/2025-12/27/c\\_1768571207311996.htm](https://www.cac.gov.cn/2025-12/27/c_1768571207311996.htm) and the English translation provided by China Law Translate here <https://www.chinalawtranslate.com/en/chatbot-measures-draft/>. The period for comments concluded on 25 January 2026. It remains to be seen whether the Chatbot-Measures will enter into force in their current form.

<sup>2</sup> This text was completed on 4 February 2026.

<sup>3</sup> Chatbots are defined by Wikipedia: Modern chatbots are typically online and use generative artificial intelligence systems that are capable of maintaining a conversation with a user in natural language and simulating the way a human would behave as a conversational partner, <https://en.wikipedia.org/wiki/Chatbot>

1.2. The Chatbot-Measures are directed at providers of human-like interactive artificial intelligence services. Providers are organizations and individuals that provide human-like interactive services (article 30 Chatbot-Measures).

1.3. A definition of artificial intelligence is not included in the Chatbot-Measures but generative artificial intelligence technology was earlier defined as models and relevant technologies that have the ability to generate content such as texts, images, audio, or video (article 22 Interim Measures for the Management of Generative Artificial Intelligence Services).<sup>4</sup>

## **2. New Obligations for Providers of Human-like Interactive Artificial Intelligence Services**

### **2.1. General Provider Obligations**

Providers are primarily responsible for the safety of human-like interactive services. And this safety responsibility is wide-ranging: including the entire life cycle of products and services, from design to implementation, pre-publication content reviews, updates in security and functions, data security, cybersecurity, personal information protection, fraud prevention (articles 8 and 9 Chatbot-Measures).

### **2.2. Security Assessment and Reporting**

Providers of human-like interactive artificial intelligence services must carry out security assessments. These security assessments are far-reaching and include a wide range of data on users of human-like interactive artificial intelligence services. However, the Chatbot-Measures are silent on how to protect the interests of chatbot users, particularly the privacy of their personal data. The details of security assessments are explained in article 21 of the Chatbot-Measures. Providers must carry out security

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<sup>4</sup> Interim Measures for the Management of Generative Artificial Intelligence Services, effective since 15 August 2023, English translation provided by China Law Translate <https://www.chinalawtranslate.com/en/generative-ai-interim/>

assessments and submit their security assessment report to local authorities in any of the following situations:

- a. Human-like interactive services functions go online or are added,
- b. Use of new technology or applications causes major changes to human-like interactive services,
- c. Number of registered users reaches 1,000,000 or number of monthly users reaches 100,000,
- d. Insufficient security measures or an impact on national security etc., or other situations.

The security assessment shall focus on (article 22 Chatbot-Measures):

- a. Scale of users, use duration, age, group distribution,
- b. Identify high-risk user trends, emergency response and manual takeover mechanisms,
- c. User complaints and provider's responses,
- d. Implementation of articles 8-20 of the Chatbot-Measures,
- e. Measures taken since previous security assessment, other circumstances.

### 2.3. Prohibited Service Conduct (article 7 Chatbot-Measures)

#### a. Online Content Controls

Content that is already prohibited under existing laws<sup>5</sup> in China must not be generated or disseminated by providers or users of human-like interactive services (e.g. endangering national security, content promoting gambling, content insulting others).

#### b. AI Conduct Controls

Other prohibited actions are more specific to human-like interactive artificial intelligence services: making false promises, promoting suicide or self-harm, using emotional manipulation to harm users' mental health, inducing users to make unreasonable decisions. However, service providers will find it difficult

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<sup>5</sup> See in particular: Interim Measures for the Management of Generative Artificial Intelligence Services, effective since 15 August 2023, English translation by China Law Translate  
<https://www.chinalawtranslate.com/en/generative-ai-interim/>

implementing these obligations since they are not clearly defined by the Chatbot-Measures so far.

c. Data Security

The provision and use of human-like interactive services must not deceptively acquire secret-related or sensitive information. Similar prohibitions exist already in Chinese laws.<sup>6</sup> However, with no further definitions given in the Chatbot-Measures, it remains unclear whether the new draft imposes any new obligations on providers of human-like interactive services.

## 2.4. Rules on Minors' Protection

a. Identification of Minors (article 12 paragraph 2 Chatbot-Measures)

Providers must be able to identify minors' identities and switch to minors' mode<sup>7</sup> where a minor is identified. The identification of minors is, at least outside of China, a controversial topic as it requires all users to verify their age. This carries the risk of data breaches when, for instance, an upload of identification documents is required. In China, however, online accounts generally require all users to register with their national identification number and to upload identification documents. The Chatbot-Measures make it clear that privacy must be protected when identifying minors. However, the Chatbot-Measures lack detail of how privacy protection can be achieved when providers must profile users' identities and behaviors.

b. Protection Measures (article 12 paragraph 1 Chatbot-Measures)

Providers of human-like interactive artificial intelligence services must establish minors' modes, individualized security setting options for switching to minors' mode, periodic reality reminders, and usage duration time limits. When providing minors with emotional companionship services<sup>8</sup>, providers shall obtain their guardians' express consent and implement several safety features, such as real-time safety risk alerts.

<sup>6</sup> See Personal Information Protection Law, effective since 1 November 2021, English translation <https://www.chinalawtranslate.com/en/Personal-Information-Protection-Law/> and Law on State Secrets, effective since 1 May 2024, English translation <https://www.chinalawtranslate.com/en/secrets-law-2024/>

<sup>7</sup> Guidelines for the Establishment of Minors' Modes for the Mobile Internet, published on 15 November 2024 by China Administration of Cyberspace, Chinese text [https://www.cac.gov.cn/2024-11/15/c\\_1733364304749288.htm](https://www.cac.gov.cn/2024-11/15/c_1733364304749288.htm) and English translation <https://www.chinalawtranslate.com/en/minors-modes/>

<sup>8</sup> The Chatbot-Measure offer no clear definition of emotional companionship services.

c. Data Collection (articles 14 and 15 Chatbot-Measures)

Providers must obtain the guardians' consent when data collected in minors' mode is provided to third parties. Guardians must be able to request the deletion of minors' historical data from interactions. Providers must audit annually whether their handling of minors' personal information complies with laws and regulations.<sup>9</sup>

## 2.5. Prevention of Mental Health Risk

The Chatbot-Measures focus on the prevention of mental health risks posed to users by human-like interactive services.

- Providers will have to ensure their artificial intelligence models do not generate content that promotes gambling (article 7 Chatbot-Measures).
- Chatbot operators must have a human take over conversations related to suicide or self-harm and immediately notify the user's guardian or emergency contact (article 11 Chatbot-Measures).

## 2.6. Elderly Users Safeguards

Providers shall guide elderly users to register emergency contacts and notify them of any detected risks to life, health, or even property. They must also offer psychological support and emergency assistance channels and must not imitate relationships with elderly users' relatives or close contacts (articles 11 and 13 Chatbot-Measures).

## 3. Practical Consequences of Chatbot-Measures for Providers

3.1. Providers must carry out security assessments and submit their security assessment report to local authorities (articles 21 and 22 Chatbot-Measures).

3.2. Providers must file algorithms in accordance with existing rules (article 25 Chatbot-Measures).<sup>10</sup>

<sup>9</sup> A similar obligation to conduct annual audits is in article 37 of the Regulations on the Protection of Minors Online, Chinese text [https://www.gov.cn/zhengce/content/202310/content\\_6911288.htm](https://www.gov.cn/zhengce/content/202310/content_6911288.htm) and English translation <https://www.chinalawtranslate.com/en/online-protection-of-minors/>

<sup>10</sup> Existing rules are article 24 of Provisions on the Management of Algorithmic Recommendations in Internet Information Services, English translation <https://www.chinalawtranslate.com/en/algorithms/>

- 3.3. Annual document-based inspections and audits of assessment reports are conducted by provincial-level departments of the Cybersecurity Administration of China (CAC). These departments can carry out on-site inspections, where providers have not fulfilled their obligations (article 26 Chatbot-Measures).
- 3.4. Where they find security risks or security incidents, the provincial-level departments of CAC can call in the legal representatives or primary responsible persons of service providers and hold a compliance conference (article 28 Chatbot-Measures).
- 3.5. Providers must give necessary support and assistance to departments carrying out inspections (article 28 Chatbot-Measures). It remains to be seen whether this obligation goes as far as the cooperation required by article 28 of the Cybersecurity Law.<sup>11</sup>
- 3.6. Administrative penalties can be imposed (article 29 Chatbot-Measures).

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<sup>11</sup> English translation <https://www.chinalawtranslate.com/en/2016-cybersecurity-law/>