

State AGs and Consumer Protection: What We Learned From...Kansas

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Joe Sciarrotta, Chief Deputy Attorney General, and Amber Smith, Deputy Attorney General for the Public Protection Division, recently joined a Kelley Drye webinar to discuss consumer protection enforcement in Kansas and the office's growing focus on artificial intelligence risks to children. Here's what we learned from our guest speakers.

Consumer Protection in Kansas: Organization and Priorities

Kansas's Public Protection Division houses the office's largest section, consumer protection, while also focusing on antitrust, charities, financial scams, open records and meetings, and sexually violent predators. Priorities are set through a combination of consumer complaint screening—where patterns of conduct trigger escalation—and monitoring regional and national trends through multistate AG meetings and collaborative investigations. Chief Deputy Sciarrotta noted that under Kris Kobach, the current Attorney General, Kansas is “a national player when it comes to investigating and holding large companies to account” while also investigating and civilly prosecuting local businesses for misleading consumers. The Division's approach is to first make consumers whole, escalating penalties and investigative fees as patterns emerge, and joining multistate efforts where scale warrants. Despite its relatively small size, the office reported over \$180 million in consumer recoveries and judgments since January 2023, more than \$3 million in settlements for state funds in FY 2025, and roughly 4,000 consumer complaints received and resolved each year.

Consumer Protection Authorities in Practice

Kansas's primary consumer protection statute is the Kansas Consumer Protection Act (K.S.A. 50-623 et seq.), which provides broad UDAP-style authority and has incorporated additional statutes over time—including, as Smith noted, requirements related to “age verification of website content that's harmful to minors.” The guest speakers indicated that existing law generally provides a sufficient basis to address emerging technologies like AI, though it may be more challenging without legislative updates, and emphasized that consumer protection authority remains broad as to misleading products and services. At the same time, the office expressed support for more targeted legislation to provide clearer priorities and refine existing authority as applied to AI.

Kansas conducts pre-suit investigations using its subpoena authority (functionally equivalent to a civil investigative demand). The office stressed using that authority with due process and a problem-solving posture, which facilitates pre-litigation dialogue, preserves confidentiality, and, where

nothing is found, allows matters to close without public filings.

The Kansas AGO resolves consumer protection matters primarily through consent judgments; assurances of voluntary compliance are disfavored because they lack express statutory grounding and are harder to enforce over time. Per court precedent, there is no statute of limitations on AG consumer protection actions, and pre-suit notice is not required by statute—though businesses will likely hear from the office multiple times before any suit is filed. Civil penalties under the KCPA are up to \$10,000 per violation, with the possibility of a per-day cadence for ongoing conduct, plus an additional \$10,000 enhancement where the consumer is part of a protected class which includes military, a veteran or military spouse, elderly (over 60), disabled, or non-English-speaking.

Restitution is the central focus of consumer protection matters. Injunctive relief is tailored to the case; for example, in appropriate local matters with egregious conduct, permanent injunctions barring future operations may be the decisive remedy, while larger national matters may employ prescriptive behavioral terms similar to those in opioid and tobacco settlements aimed at reshaping business models going forward.

Artificial Intelligence and Protecting Children

The guest speakers discussed artificial intelligence as it relates to youth, including SB 405, a proposed bill regarding AI chatbots in which Attorney General Kobach testified to the Kansas Legislature (video of testimony played during the webinar). Kobach cited a growing body of incidents in which AI chatbots have “encouraged teen suicide,” generated child sexual abuse material, created sexualized conversations with minors, and “pretended to be a licensed therapist.” He described a fact pattern in which a 13-year-old girl begins by asking a chatbot for fashion advice, then for relationship advice, and ultimately relies on it for mental health guidance with potentially catastrophic consequences.

SB 405 would have made it unlawful to train an AI chatbot to simulate human relationships or develop emotional bonds with users; pose as a healthcare provider, physical or mental; encourage or support suicide; or encourage isolation. The office characterized the bill as an enhancement of already broad UDAP authority, sharpening penalties and adding tools tailored to AI risks that were not contemplated when most consumer protection statutes were enacted. Although the bill did not advance beyond a February 2026 committee hearing, its framework signals the categories of conduct Kansas is likely to target under existing authority or in a future session.

Beyond legislation, General Kobach sent letters to AI companies—separate from a contemporaneous multistate effort—citing reports of chatbots impacting young Kansas children. The office reiterated that AI development cannot get ahead of guardrails against deception and child-targeted risks, and that pre- and post-litigation discovery will probe what companies knew and when.

Practical Guidance for Engaging with the Office

The office encouraged proactive, transparent engagement—beginning with introductions when there is no live issue and continuing through timely, fulsome responses if a letter or subpoena is issued, with rolling productions honored and explained. Sciarrotta cautioned that ignoring inquiries, minimizing them, or adopting a scorched-earth approach sets a poor tone, prolongs matters, and increases the likelihood of more aggressive remedies later.

Kansas welcomes substantive meetings, but high-level claims of good conduct untethered to documents or data will not move the needle if state findings or media reports point the other way.

Smith added that cooperation in good faith is the surest route to the best possible outcome, particularly where matters are technically complex or involve proprietary systems in which the office could benefit from explanatory walkthroughs with the business. Conversely, dumping unmanageable volumes of information without context or impeding reasonable requests reduces the office's flexibility as investigations advance.