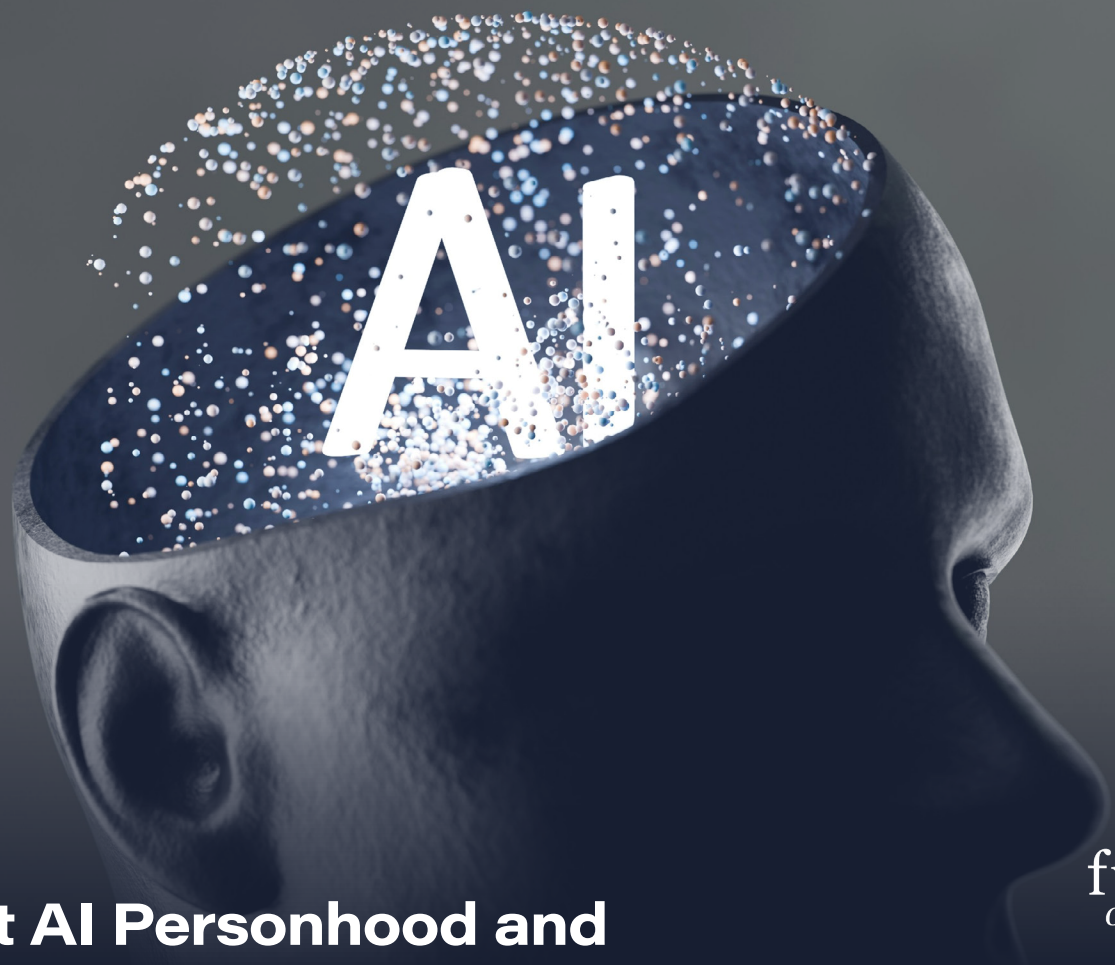




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Against AI Personhood and Towards AI as a Product

Model legislation from the Future of Life Institute to ensure frontier AI companies are held accountable under existing state-level product liability regimes.

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The Problem

Today's most powerful AI models are being deployed across our economy — yet when they cause harm, **developers argue that state-level product liability laws don't apply to them.**

- **The biggest AI companies are taking advantage of legal uncertainty.** Courts are unsure whether to treat AI models as products, causing uncertainty for potential plaintiffs, even when the harm is catastrophic.
- **Those best positioned to prevent harm face the least**

accountability. Frontier AI developers have exclusive control over the design choices, training data, testing, and safety mechanisms that determine whether a model leads a child to suicide or helps a terrorist build a bioweapon.

- **Liability gets shifted downstream.** Developers routinely use B2B contracts to disclaim responsibility and push it onto smaller providers and deployers who have little ability to test or fix the underlying model.

The Solution

The same commonsense product liability rules that govern every other industry, from cars to pharmaceuticals to power tools, should apply to the most powerful AI systems.

Who would be covered?

- Only **frontier AI models** (general-purpose systems that could cause death, serious injury, or critical-infrastructure disruption if left uncontrolled trained with 10^{26} FLOPs; narrow, single-task tools are excluded).
- Liability only falls on **frontier AI developers** (the small number of companies training or controlling these models like OpenAI and Meta — **NOT** on ordinary software developers, university researchers, or startups).

Key Provisions

- **AI models are products.** Frontier models are “products” for the purposes of existing product liability law established by the state.
- **AI is not a legal person.** A model cannot be treated as a legal person. It is never a defense that it “acted on its own” or seemed to have intent. Responsibility rests with the companies behind it, not the machine.
- **Protecting SMEs from predatory contracts:** B2B contracts

that offload a frontier developer’s liability onto others are void.

- The developer is the manufacturer. The frontier AI developer is the manufacturer of its model — unless a third party substantially and unforeseeably alters it.
- **Accountability across the value chain.** Developers, distributors, and deployers can be held jointly and severally liable, with each party’s share based on its actual contribution to the harm.
- **Builds on existing tort law.** The Act supplements state law. Using familiar legal doctrines, it gives courts clear factors for what makes an AI model defective: human control mechanisms, safety and security protocols, and rigorous pre-deployment testing.

Why It Matters

This legislation would create a strong incentive for frontier AI companies to release safe and reliable AI tools **WITHOUT** creating additional regulation.

- For consumers, this means a reliable path to remedy when AI causes harm.
- For businesses, this means confidence that the AI tool they build on are reliable.
- For the courts, this means expert-informed guidance on how to assess the defectiveness of AI products.