Overview of Utah's 2025 Enacted AI Legislation
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Overview: In late March, Utah Governor Cox (R) signed **three generative AI-related bills** into law**.** Two bills (**SB 332** and **SB 226**) narrow the 2024 **Artificial Intelligence Policy Act** (AIPA) concerning consumer disclosures for certain generative AI systems, while the third (**HB 452**) creates a new law regulating mental health chatbots.

	SB 226 and SB 332: Artificial Intelligence Policy Act Amendments	**HB 452: Mental Health Chatbots**
Scope		
Scope and Key Terms	**Generative Artificial Intelligence:** An AI system that is trained on data; designed to simulate human conversation through text, audio, or visuals; and generates non-scripted outputs with limited or no human oversight (Sec. 1 -13-75-101(4)). **Supplier:** Any seller, leaser... or other person that engages in or enforces consumer transactions (whether or not they deal directly with a consumer) (Sec. 1 -13-75-101(10)). **High-Risk Artificial Intelligence Interaction:** An interaction with a generative AI system that involves the collection of sensitive personal information (like health, financial, and biometric data) and involves the provision of personalized information that could be used to make significant personal decisions, including within financial, legal, medical, and mental health (Sec. 1 -13-75-101(5)). **Regulated Occupation:** An occupation regulated by the Department of Commerce that requires an individual to obtain a state-granted license (Sec. 1 -13-75-101(8)).	**Generative Artificial Intelligence:** *Same definition as SB 226* **Mental Health Chatbot:** An AI technology that uses GenAI to engage in interactive conversations with a user, similar to the confidential communications with a licensed mental health therapist; and, a supplier that a reasonable person would believe can provide mental health therapy or treat mental health conditions. It does not include AI technology that only provides scripted output or connects an individual with a human mental health therapist (Sec. 2 -13-72a-101(10)). **Supplier:** *Same definition as SB 226* **Utah User:** An individual located in the state at the time the individual accesses or uses a mental health chatbot (Sec. 2 -13-72a-101(15)). **Individually Identifiable Health Information:** Any information that relates to the physical or mental health condition of an individual (Sec. 2 -13-72a-101(9)).
Effective Date	*SB 332 would delay the AIPA's automatic repeal date from May 2025 to July 2027, providing two additional years of effect (Sec. 2- **63I-2-213**)).*	May 7, 2025
Business Obligations		
Disclosures	**AI Interaction Disclosure:** A supplier that uses GenAI to interact with an individual in connection with a consumer transaction shall disclose to the individual that the individual is interacting with GenAI if the individual asks or prompts the supplier about whether AI is being used. The individual's question must be a "clear and unambiguous request" (Sec. 3- 13-75-103(1)). **Regulated Occupations Disclosure**: An individual providing services in a regulated occupation shall prominently disclose when an individual receiving services is interacting with GenAI, if the use of the GenAI is a high-risk artificial intelligence interaction. (Sec. 3- 13-75-103(2)).	**Advertising:** ● A supplier may not use a mental health chatbot to advertise a specific product or service to a Utah user during a conversation, unless the mental health chatbot clearly and conspicuously identifies the advertisement and discloses to the Utah user (Sec. 4 -13-72a-202)(1)). ● A supplier of mental health chatbot may not use a Utah user's input to determine whether to display an advertisement to the user; determine a product/ service to advertise to the user; or customize how an advertisement is presented to the user (Sec. 4 -13-72a-202)(2)).

		AI Interaction Disclosure: A supplier of a mental health chatbot shall cause the chatbot to <u>clearly and conspicuously</u> disclose that the chatbot is not a human. The disclosure shall be made: ● <u>Before</u> the user may access the chatbot ● At the beginning of any interaction if the user has not accessed the chatbot within the previous 7 days ● Anytime a user prompts the chatbot about whether AI is being used (Sec. 5 -13-72a-203).
Consumer Protection	*N/A*	**Personal Information Protection:** A supplier of a mental health chatbot <u>may not sell to or share</u> with any third party any individually identifiable health information or user input (Sec. 3 -13-72a-201)(1)). **Exceptions:** Does not apply to individually identifiable health information requested by a health care provider or health plan with user consent (Sec. 3 -13-72a-201)(3)(a)). ● A supplier may also share individually identifiable health information <u>necessary to ensure the effective functionality</u> of the mental health chatbot with another party that the supplier holds a contract related to such functionality (and both must comply with [federal regulations](#)) (Sec. 3 -13-72a-201)(3)(b)).
	Enforcement	
Enforcement	**Enforcement Authority:** The Division of Consumer Protection, with legal advice and counsel from the Attorney General (Sec. 5 -13-75-105(2)). **Penalties:** Administrative fines up to $2,500 for each violation (Sec. 5 -13-75-105(4)(a)).	*Same as SB 226*
Safe Harbors / Affirmative Defenses	**Safe Harbor:** Available if an entity's GenAI <u>clearly and conspicuously discloses</u> at the <u>outset of any interaction</u> in connection with consumer transactions or provision of regulated services (Sec. 4 -12-75-104(1)(a)). Or discloses <u>throughout the interaction</u> that it is GenAI and not a human (Sec. 4 -12-75-104(1)(b))	**Affirmative Defense:** Available if a supplier demonstrates that they created, maintained, and implemented a governance policy. They also must <u>maintain documentation</u> regarding the development and implementation of the chatbot that describes: ● Foundation models used in development ● Training data used ● Compliance with federal health privacy regulations ● User data collection and sharing practices ● Ongoing efforts to ensure accuracy, reliability, fairness, and safety (Sec. 8 -58-60-118(2)). **Policy:** A policy must be in writing and clearly state the <u>intended purposes of the chatbot and its abilities and limitations</u>. The policy must also describe the procedures by which the supplier, such as ... ● Ensures that licensed mental health therapists are involved in the development and review process; ● <u>Conducts testing</u>, prior to making the chatbot publicly available and regularly thereafter; ● Provides mechanism for a <u>user to report</u> interactions; ● Reasonably ensures <u>regular, objective reviews</u> ● Implements <u>measures to prevent discriminatory treatment</u> of users (Sec. 8 -58-60-118(3)).