

2nd Sub. H.B. 452

Artificial Intelligence Amendments

House Amendments

Amendment 1

February 25, 2025 04:48 PM

Representative **Jefferson Moss** proposes the following amendments:

1. *Line 95 through 99:*

- 95 (5) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 96 (6) "Generative artificial intelligence" means an artificial intelligence technology system that:
- 97 (a) is trained on data;
- 98 (b) is designed to simulate human conversation with a consumer through one or more of
the following: { interacts with a person using }
- (i) text { } ;
- (ii) audio { } ; or
- (iii) visual communication; and
- 99 (c) generates non-scripted outputs similar to outputs created by a human, with limited or

2. *Line 136 through 144:*

- 136 (b) user input of a Utah user.
- (2) Subsection (1) does not apply to individually identifiable health information:
- (a) requested by a health care provider with the consent of the Utah user;
- (b) provided to a health plan of a Utah user upon request of the Utah user; or
- (c) shared in compliance with Subsection (3).
- (3) (a) A supplier may share individually identifiable health information necessary to
ensure the effective functionality of the mental health chatbot with another party with which
the supplier has a contract related to such functionality.
- (b) When sharing information under Subsection (3)(a), the supplier and the other entity
shall comply with all applicable privacy and security provisions of 45 C.F.R. Part 160 and 45
C.F.R. Part 164, Subparts A and E, as if the supplier were a covered entity and the other entity
were a business associate, as such terms are defined in 45 C.F.R. 160.103.
- 137 { (2) Subsection (1) does not apply to: }
- 138 { (a) individually identifiable health information: }
- 139 { (i) requested by a health care provider with consent of the Utah user; or }
- 140 { (ii) provided to a health plan of a Utah user upon request of the Utah user; or }
- 141 { (b) personal data provided by a supplier to an associated third party in the ordinary }
- 142 { course of business, provided that the supplier complies with the security and privacy }
- 143 { provisions of 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A, C, and E, to the }
- 144 { same extent as is required of a covered entity. }