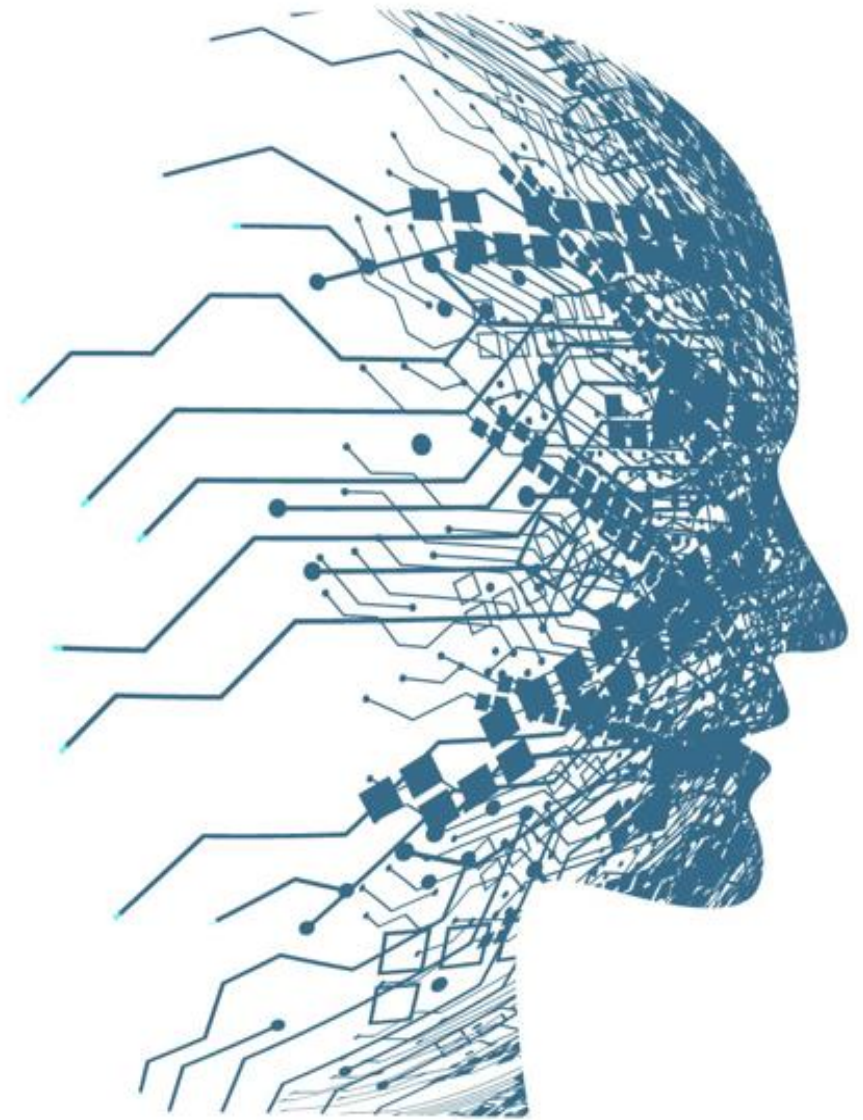


Business and Labor Interim Committee Briefing
Update | 2024 Learning Agenda



UTAH DEPARTMENT
OF COMMERCE

Office of Artificial Intelligence Policy



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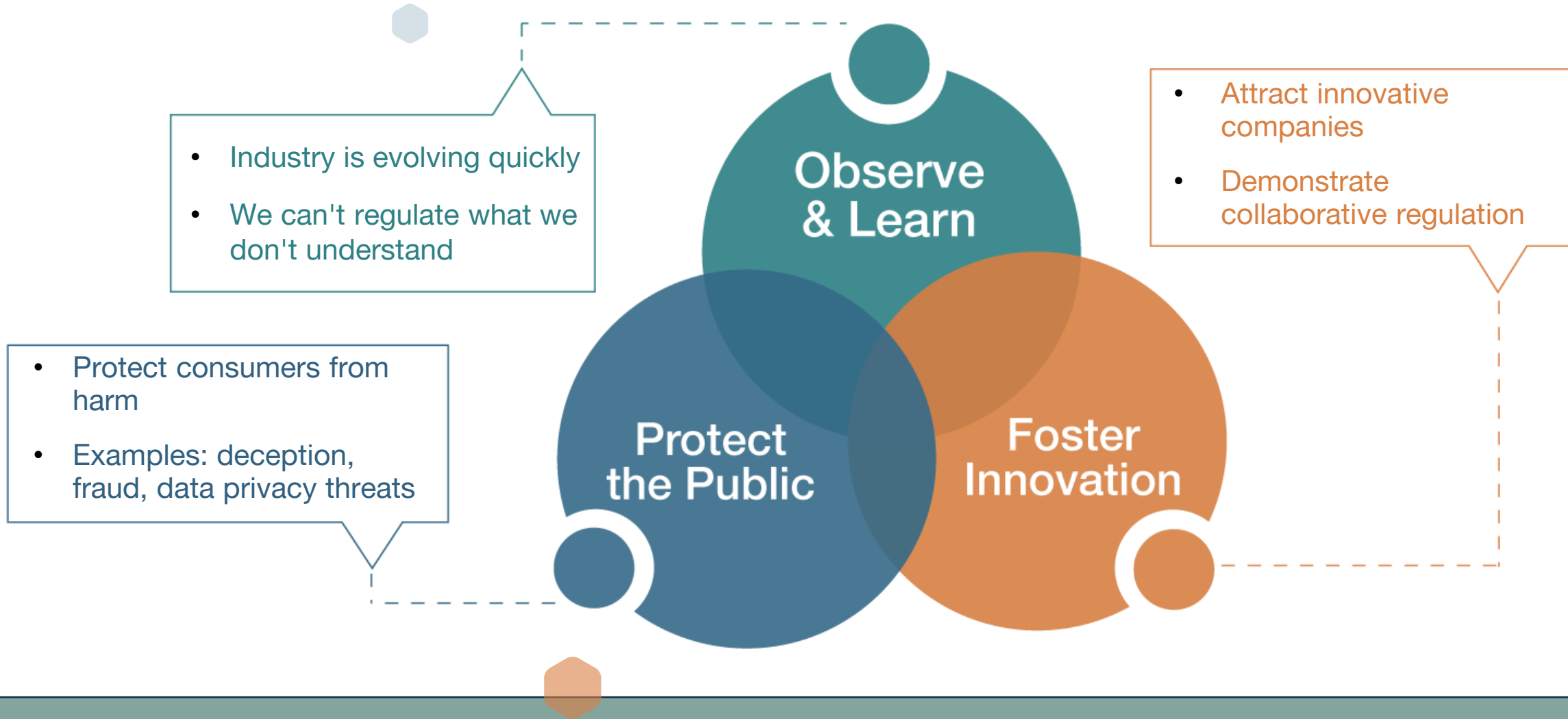
Overview of Today's Meeting

Discussion items:

- SB 149 Highlights
- Core functions of the Office of AI Policy
- Why we chose Gen AI in mental health
- Some items which we will study



Key Objectives in AI Tech Policy



OAIP Fulfills Key AI Policy Objectives

Learning Lab

OAIP runs “Learning Agendas” to study key AI policy issues

- Engages key stakeholders within agenda area
- Makes policy recommendations as an output

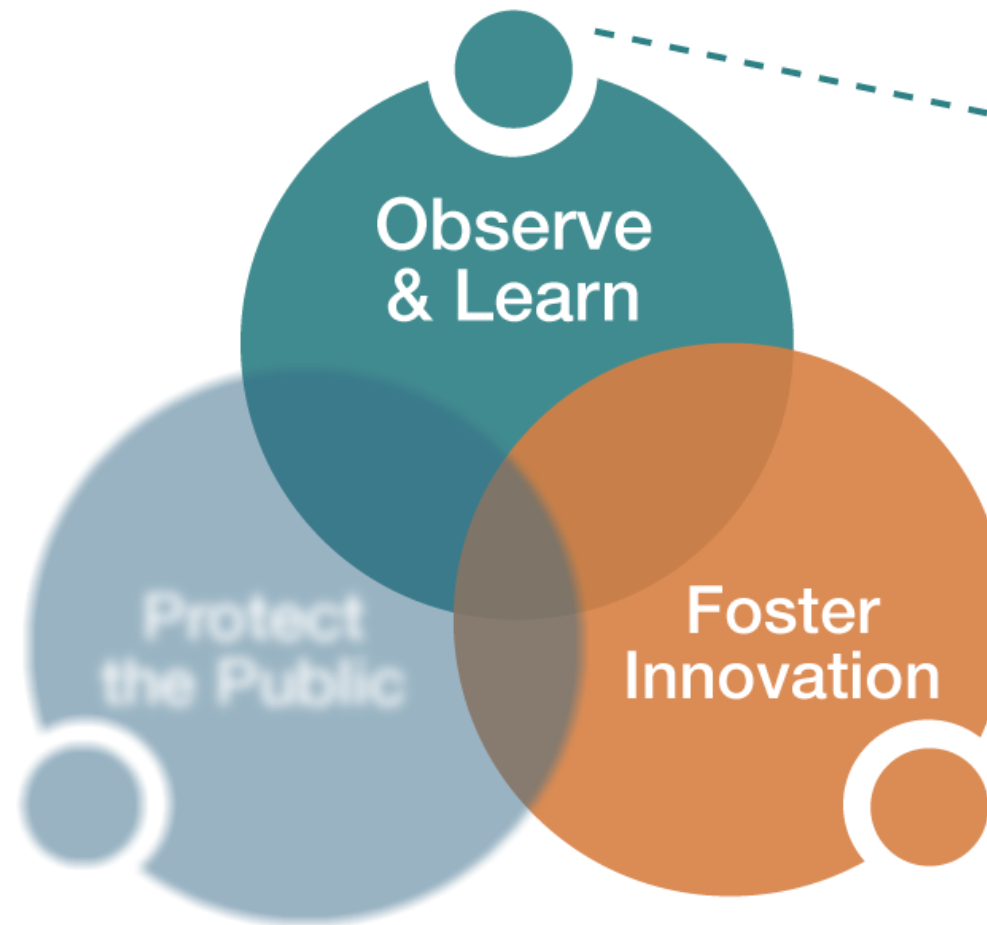
Observe
& Learn

Protect
the Public

Foster
Innovation



OAIP Fulfills Key AI Policy Objectives



Regulatory Mitigation

OAIP extends limited mitigation in the form of exemption from law or caps on penalties

- Gives regulatory certainty to innovative AI companies
- Allows OAIP to observe and learn during this process



AI Policy Team

Integrating science, tech, legal, and policy expertise



Zach Boyd, PhD

Director

- Professor at BYU, formerly UNC—Chapel Hill, Los Alamos, UCLA
- Specialty in social applications of machine learning



Alice Schwarze, PhD

AI Research Fellow

- Dartmouth researcher, formerly Oxford, UCLA
- Specialty in mathematical modeling of social systems



Brady Young

Lead AI Legal Analyst

- Formerly US House of Representatives lawyer
- 20 years drafting tech legislation



Greg Whisenant

Commerce Policy Advisor

- Technology startup founder
- Background in public policy and regulation



Courtney Rae

Head of Stakeholder Outreach

- Worked at Goldman, Sachs & Co. and Angelo, Gordon & Co. in High Net Worth sales
- Protocol Office at State Department

Two Distinct Processes

The Learning Lab

Evaluation Criteria

- Substantive AI issue
- Local impact in Utah
- Appropriate size/scope for Lab's resources
- Realistic probability of regulatory/legislative action

Regulatory Mitigation

Our Approach

- Evaluate options for regulatory relief
- Include stakeholders to capture their input
- Determine if regulatory relief is in Utah's interest
- Define specific proposals for regulatory and legislative action



First Learning Agenda: Gen AI in Mental Health

On track to make recommendations for 2025 legislative session

1

It Addresses Substantive AI Issues

Spans multiple areas in artificial intelligence, including data privacy, protected license scope of practice issues, healthcare

2

It Will Have a Local Impact in Utah

Utah is facing a sustained spike in mental health issues, particularly with our youth, aggravated by a shortage of mental health resources statewide.

3

It's an Appropriate Size

This is an active issue that we can get our arms around to recommend regulatory and legislative changes.

4

It Has Significant Stakeholder Support

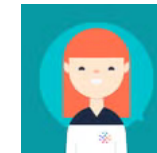
Mental health, and its perceived aggravators (social media, screen time, isolation) are major societal and family concerns.



Mental Health AI Landscape



Nuna



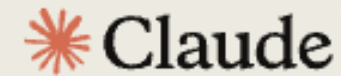
Serenity



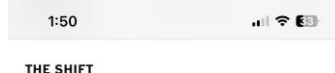
Replika



Headspace



In the Headlines



Meet My A.I. Friends

Our columnist spent the past month hanging out with 18 A.I. companions. They critiqued his clothes, chatted among themselves and hinted at a very different future.

1:59

newyorker.com



Listen to this article - 17:57 min [Learn more](#)



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OPEN QUESTIONS

IN THE AGE OF A.I., WHAT MAKES PEOPLE UNIQUE?

More than ever, we're challenged to define what's valuable about being human.

By Joshua Rothman
August 6, 2024



15 Jul 2024

More People Are Turning to Mental Health AI Chatbots. What Could Go Wrong? – National Geographic

by Geisel Communications

[Read article](#) - Nicholas Jacobson, an assistant professor of biomedical data science and psychiatry, is mentioned in an article about the use of AI chatbots to treat mental health care. Jacobson says that the accessibility and scalability of digital platforms can significantly lower barriers to mental health care and make it available to a broader population.



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HELP DESK

Ethical Issues

Tech in Your Life

This article was published more than **1 year ago**

Online creators are de facto therapists for millions. It's complicated.

Faced with explosive demand and few safeguards, creators of mental health content are defining their own ethics



WSJ

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WSJ wants to hear from you. Take part in this short survey to help shape The Journal. [Survey](#)

WELLNESS

Can Mental-Health Chatbots Help With Anxiety and Depression?

Advances in AI technology are opening up new possibilities, researchers say, but chatbots are still no substitute for a human therapist

By [Shirley S. Wang](#) [Follow](#)
May 12, 2024 at 9:00 am ET



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Recent Survey Results

Attitudes and perceptions of AI in behavioral health

Do you use AI tools in your practice?

16%

Do you recommend AI tools to your clients?

6%

Do your clients report using AI tools for mental health purposes?

15%

Have your clients reported any harms from the use of AI tools for mental health purposes, including AI chatbots?

5%



Legislative Areas We're Exploring

Consumer Protection

Highly sensitive data demands more rigorous handling

- Limitations on in-app advertising for mental health apps
- Algorithm considerations
- Informed consent and disclosure
- Data sharing and protection

Protected Practice

Are existing models a useful tool for regulating GenAI chatbots?

- Licensed (“it’s like a human”)
- Medical Devices (“it’s like a machine”)
- Artificial Intelligence Risk Frameworks (“it’s like software”)

Consumers have different expectations for each category.



Protected Practice: A Closer Look

Can we borrow from these paradigms to develop the right regulatory framework?

MAJOR CHARACTERISTICS

| License "It's Like a Human" | Medical Device "It's Like a Machine" | AI Risk Practices "It's Like Software" |
|--|--|--|
| Competency: goes to school, earns a degree | Stratification based on risk/harm, ranging from levels 1 – 3 | Best practices |
| Supervision: repetition and observation | May be subject to clinical trials | Average/adversarial behavior, data poisoning |
| Conforms to professional practice rules | Minimum hurdles for safety and efficacy | Self-imposed ethics codes |
| Restricted to specific scope of practice based on license type | Continuous post-market monitoring | Software development practices (e.g., bug tracking, performance monitoring, continuous release, fine tuning) |
| | Claims about intended use | |



In Summary

Today's Briefing Objectives

- Share the direction of our efforts to date
- Invite your involvement, either directly or via relevant stakeholders
- Set expectations on likely recommendations
- No other actionable items today

Upcoming

- We expect to make legislative recommendations in October



Thank you.

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Dr. Zach Boyd

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