

HB 452 Generative AI in Mental Health

Background

AI is already taking an important role in promoting mental health, and its impact will become more important in the future. AI chatbots purporting to help with mental health concerns are in the marketplace but vary widely in efficacy and safety.

This bill was drafted in response to a study by the Office of AI Policy, which engaged hundreds of expert stakeholders to understand this emerging market. There are many **benefits of mental health chatbots**, including:

- Access to care and support when needed, especially where traditional resources are not readily available
- Just-in-time interventions to promote healthy practices in real time
- Access to needed care without any stigma, which is a barrier for some

There are also safety, privacy, and technological concerns.

How HB 452 addresses these risks and concerns

1. Consumer Protection

Concerns:

- Privacy of sensitive health data
- Unethical targeted advertising
- AIs being mistaken for humans

Proposed in the bill:

- Data sale/sharing restrictions
- Restrictions on unethical targeted advertising
- Upfront disclosure that chatbot is not a human

2. Guidance for licensed professionals

Concerns:

- Therapists unwittingly harming clients
- Therapists avoiding AI use due to unclear expectation

Proposed:

- Joint guidance letter with DOPL
- No legislative action needed

3. Defining a legal pathway for AI developers

Concerns:

- Developers need a clear legal pathway to deploy in this regulated space
- Need to ensure high degree of safety and efficacy
- Need to be flexible as AI abilities evolve

Proposed in the bill:

- A safe harbor for developers who follow clinical and technological best practices
- DOPL with generally refrain from enforcement against companies in safe harbor
- No licensure plan recommended