

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2175 Session of
2026

INTRODUCED BY SHUSTERMAN, SCHLOSSBERG, SAPPEY, HILL-EVANS,
HOWARD, FREEMAN, WAXMAN, RIVERA, OTTEN, SANCHEZ, CEPEDA-
FREYTIZ, BOYD, SCOTT, DOUGHERTY, DALEY, PROBST, HANBIDGE AND
ISAACSON, JANUARY 30, 2026

REFERRED TO COMMITTEE ON COMMERCE, JANUARY 30, 2026

AN ACT

1 Amending Title 12 (Commerce and Trade) of the Pennsylvania
2 Consolidated Statutes, providing for consumer protection and
3 for artificial intelligence and chatbots; imposing duties on
4 the Bureau of Consumer Protection in the Office of Attorney
5 General; and imposing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 12 of the Pennsylvania Consolidated
9 Statutes is amended by adding a part to read:

10 PART VI11 CONSUMER PROTECTION12 Chapter13 71. Artificial Intelligence and Chatbots14 CHAPTER 7115 ARTIFICIAL INTELLIGENCE AND CHATBOTS16 Sec.17 7101. Scope of chapter.18 7102. Definitions.

1 7103. Protection of personal information.

2 7104. Advertising.

3 7105. Disclosure of artificial intelligence technology.

4 7106. Enforcement and penalties.

5 7107. Construction.

6 § 7101. Scope of chapter.

7 This chapter relates to artificial intelligence and chatbots.

8 § 7102. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Artificial intelligence." As defined in 18 Pa.C.S. §
13 3131(g) (relating to unlawful dissemination of intimate image).

14 "Artificial intelligence technology." A computer system,
15 application or other product that uses or incorporates one or
16 more forms of artificial intelligence.

17 "Bureau." The Bureau of Consumer Protection in the Office of
18 Attorney General.

19 "Chatbot." As follows:

20 (1) Artificial intelligence technology that:

21 (i) Uses generative artificial intelligence to
22 engage in interactive conversations with a consumer.

23 (ii) A supplier represents, or a reasonable person
24 would believe, can or will provide information to a
25 consumer to help a consumer manage a situation or treat a
26 condition, including a situation or treatment involving
27 mental health care.

28 (2) The term does not include artificial intelligence
29 technology that only:

30 (i) provides scripted output, including a guided

1 meditation or mindfulness exercise; or

2 (ii) analyzes an individual's input for the purpose
3 of connecting the individual with a human mental health
4 professional.

5 "Consumer." An individual located in this Commonwealth at
6 the time that the individual accesses or uses a chatbot.

7 "Consumer input." Content provided to a chatbot by a
8 consumer.

9 "Covered entity." As defined in 45 CFR 160.103 (relating to
10 definitions).

11 "Generative artificial intelligence." As defined in 18
12 Pa.C.S. § 3131(g).

13 "Health care provider." As follows:

14 (1) A person, corporation, facility, institution or
15 other entity licensed, certified or approved by the
16 Commonwealth to provide health care or professional medical
17 services.

18 (2) The term includes a physician, chiropractor,
19 optometrist, professional nurse, certified nurse-midwife,
20 podiatrist, hospital, nursing home, ambulatory surgical
21 center and birth center.

22 "Health plan." As defined in 45 CFR 160.103.

23 "Individually identifiable health information." Information,
24 whether oral or recorded in any form or medium, that relates to
25 the physical or mental health or condition of an individual.

26 "Mental health care." Any care, treatment, service or
27 procedure to maintain, diagnose, treat or provide for mental
28 health, including any medication program and therapeutic
29 treatment.

30 "Mental health professional." As follows:

(1) An individual who is licensed, certified or otherwise authorized in accordance with the laws of this Commonwealth to administer or provide mental health care in the ordinary course of business or practice of a profession.

(2) The term includes:

(i) Any of the following, as defined in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985:

(A) A physician.

(B) A physician assistant.

(ii) An advance practice professional as defined in section 2 of the act of May 31, 2018 (P.L.123, No.25), known as the Outpatient Psychiatric Oversight Act.

(iii) An individual licensed as a psychologist in accordance with the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.

(iv) Any of the following, as defined in section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law:

(A) A certified registered nurse practitioner.

(B) A clinical nurse specialist.

(v) Any of the following, as defined in section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act:

(A) A licensed associate marriage and family therapist.

(B) A licensed associate professional counselor.

(C) A licensed bachelor social worker.

- (D) A licensed clinical social worker.
- (E) A licensed marriage and family therapist.
- (F) A licensed professional counselor.
- (G) A licensed social worker.
- (H) A social worker.

(vi) An addictions counselor who is licensed, certified or otherwise authorized to staff drug and alcohol treatment projects and provide services regarding substance abuse and recovery, in accordance with 28 Pa. Code Pt. V (relating to Department of Drug and Alcohol Programs) and the laws of this Commonwealth.

12 "Operator." An individual or entity, including a
13 corporation, partnership, limited liability company, business
14 trust, estate, foundation, association, organization or trust,
15 or an agent or subsidiary thereof, that offers the use of or
16 provides a chatbot to a consumer, if the chatbot is bought from
17 or otherwise provided by a supplier.

"Supplier." As follows:

(1) A seller, lessor, assignor, offeror, broker or other person that regularly solicits, engages in or enforces transactions with a consumer regarding a chatbot, whether or not the person deals directly with the consumer.

(2) The term includes an operator.

§ 7103. Protection of personal information.

25 (a) Prohibition.--Except as provided under subsections (b)
26 and (c), a supplier may not sell to or share with a third party
27 the following:

(1) Individually identifiable health information of a consumer.

(2) Consumer input.

1 (b) Applicability.--The prohibition under subsection (a)
2 shall not apply if:

3 (1) Either:

4 (i) A health care provider requests access to the
5 individually identifiable health information of the
6 consumer and the consumer consents to the access in
7 accordance with subsection (d).

8 (ii) The consumer requests that a health plan be
9 provided access to the individually identifiable health
10 information of the consumer and the consumer consents to
11 the access in accordance with subsection (d).

12 (2) The individually identifiable health information is
13 shared in accordance with subsection (c).

14 (c) Sharing information.--

15 (1) A supplier may share a consumer's individually
16 identifiable health information if:

17 (i) the sharing of the information is necessary to
18 ensure the effective functionality of the chatbot with a
19 third party with which the supplier has a contract
20 related to the functionality; and

21 (ii) the consumer consents to the sharing of the
22 information in accordance with subsection (d).

23 (2) When sharing information in accordance with this
24 subsection, the supplier and the third party shall comply
25 with all applicable privacy and security provisions of 45 CFR
26 Pts. 160 (relating to general administrative requirements)
27 and 164 (relating to security and privacy), as if the
28 supplier were a covered entity and the third party were a
29 business associate.

30 (d) Consent.--

1 (1) A consumer may consent to access to individually
2 identifiable health information of the consumer by a health
3 care provider or health plan in accordance with this section.

4 (2) To be effective, the consent under this subsection
5 must:

6 (i) Be in writing.

7 (ii) Acknowledge that the consumer understands and
8 agrees to the access of the individually identifiable
9 health information of the consumer by a health care
10 provider or health plan.

11 (3) The consent under this subsection may involve the
12 consumer initialing or signing the acknowledgment described
13 in paragraph (2)(ii), checking a box, providing an electronic
14 signature or hitting a button.

15 § 7104. Advertising.

16 (a) Supplier.--A supplier may not:

17 (1) Use a chatbot to advertise a specific product or
18 service to a consumer in a conversation between the consumer
19 and the chatbot.

20 (2) Use consumer input to:

21 (i) Determine whether to display an advertisement
22 for a product or service to the consumer, unless the
23 advertisement is for the chatbot itself.

24 (ii) Determine a product, service or category of
25 product or service to advertise to the consumer.

26 (iii) Customize how an advertisement is presented to
27 the consumer.

28 (b) Construction.--This section shall not be construed to
29 prohibit a chatbot from recommending a consumer to seek
30 counseling, therapy or other assistance from a mental health

1 professional.

2 § 7105. Disclosure of artificial intelligence technology.

3 (a) Policy required.--

4 (1) Subject to paragraph (2), a supplier of a chatbot
5 shall develop, implement and maintain a written policy
6 containing disclosures regarding the chatbot in accordance
7 with subsection (c).

8 (2) In complying with paragraph (1), a supplier shall
9 protect any trade secret or other proprietary information
10 regarding the chatbot.

11 (b) Consent required.--

12 (1) Before accessing the features of a chatbot or
13 entering the chat page of a chatbot, a consumer must
14 acknowledge that the consumer has read, understands and
15 consents to the policy described under subsection (a) and the
16 purpose, capabilities and limitations of the chatbot.

17 (2) The consent under this subsection must be in writing
18 and may involve the consumer initialing or signing the
19 acknowledgment described in paragraph (1), checking a box,
20 providing an electronic signature or hitting a button.

21 (c) Specific disclosures.--The policy described under
22 subsection (a) must clearly and conspicuously provide the
23 following:

24 (1) The intended purposes of the chatbot.
25 (2) The abilities and limitations of the chatbot.
26 (3) A statement that the chatbot is an artificial
27 intelligence technology and is not a human, which must be
28 provided each time that the consumer asks or otherwise
29 prompts the chatbot about whether artificial intelligence is
30 being used.

(4) The procedures by which the supplier:

(i) Conducts testing, prior to making the chatbot publicly available and regularly thereafter, to ensure that the output of the chatbot poses no greater risk to a consumer than that posed to an individual communicating with a human.

(ii) Identifies reasonably foreseeable adverse outcomes to, and potentially harmful interactions with, consumers that could result from using the chatbot.

(iii) Provides a mechanism for a consumer to report any potentially harmful interactions from the use of the chatbot.

(iv) Implements protocols to assess and respond to risk of harm to consumers or other individuals.

(v) Details actions taken to prevent or mitigate any adverse outcomes or potentially harmful interactions.

(vi) Implements protocols to respond, as soon as practicable, to acute risks of physical harm.

(vii) Reasonably ensures regular, objective reviews of safety, accuracy and efficacy, which may include internal or external audits.

(viii) Provides consumers with instructions on the safe use of the chatbot.

(ix) Prioritizes consumer mental health and safety over engagement metrics or profit.

(x) Implements measures to prevent discriminatory treatment of consumers.

(xi) Ensures compliance with the security and privacy provisions of 45 CFR Pts. 160 (relating to general administrative requirements) and 164 (relating to

1 security and privacy), as if the supplier were a covered
2 entity.

3 (d) Documentation.--A supplier shall maintain documentation
4 regarding the development and implementation of the chatbot that
5 describes:

- 6 (1) Foundation models used in development.
- 7 (2) Training data used.
- 8 (3) Compliance with Federal and State privacy law.
- 9 (4) Consumer data collection and sharing practices.
- 10 (5) Ongoing efforts to ensure accuracy, reliability,
11 fairness and safety.

12 (e) Filing.--A supplier shall file the policy described
13 under subsection (a) with the bureau, in the form and manner as
14 prescribed by the bureau, along with:

- 15 (1) The name and address of the supplier.
- 16 (2) The name of the chatbot.
- 17 (3) An annual filing fee as prescribed by the bureau.

18 (f) Additional information.--A supplier may provide to the
19 bureau, in the form and manner prescribed by the bureau:

- 20 (1) Any revision to the policy described under
21 subsection (a) and filed in accordance with subsection (e).
- 22 (2) Any other documentation that the supplier deems
23 appropriate to provide.

24 (g) Compliance.--A supplier shall comply with the
25 requirements of the policy filed in accordance with this
26 section.

27 (h) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Trade secret." As defined in section 5302 (relating to

1 definitions).

2 § 7106. Enforcement and penalties.

3 (a) Administration and enforcement generally.--The bureau
4 shall administer and enforce the provisions of this chapter.

5 (b) Actions by bureau.--In enforcing this chapter, the
6 bureau may:

7 (1) Impose on a supplier an administrative fine not to
8 exceed \$2,500 for each act or omission that constitutes a
9 violation of this chapter by the supplier.

10 (2) Bring an action in a court of competent jurisdiction
11 against a supplier whose act or omission constitutes a
12 violation of this chapter.

13 (c) Court authority.--

14 (1) In an action brought by the bureau to enforce this
15 chapter, the court may:

16 (i) Declare that an act or practice violates a
17 provision of this chapter.

18 (ii) Grant injunctive relief.

19 (iii) Order the disgorgement of money received in
20 violation of this chapter.

21 (iv) Order the payment of disgorged money to a
22 consumer or other person injured as a result of a
23 violation of this chapter.

24 (v) Impose a fine not to exceed \$2,500 for each act
25 or omission that constitutes a violation of this chapter.

26 (vi) Award other relief as the court deems
27 reasonable and necessary.

28 (2) If the court awards judgment or injunctive relief to
29 the bureau, the court shall award the bureau:

30 (i) Reasonable attorney fees.

(ii) Court costs.

(iii) Investigative fees.

(3) The court may impose a civil penalty not to exceed 000 for each violation of an administrative or court order issued for a violation of this chapter.

(d) Attorney General.--The Attorney General may bring a

7 civil action on behalf of the bureau to collect a fine or civil
8 penalty imposed under this section.

(e) **Deposit.**--The bureau shall deposit all fines and civil

10 penalties collected under this section into the fund designated
11 for the receipt of money relating to the 988 Suicide and Crisis
12 Lifeline.

(f) Private right of action.--Nothing in this section shall be construed to limit any other remedy available at law.

§ 7107. Construction.

Nothing in this chapter shall be construed to:

(1) Bar or otherwise restrict the bureau from bringing an enforcement action in accordance with other State law against a supplier.

(2) Claim, imply, advertise or otherwise recognize that a chatbot is, or replaces services rendered by, a mental health professional or emotional support professional.

23 Section 2. This act shall take effect in 60 days.