



Overview of Artificial Intelligence Legislation in Health Care

2026 Legislative Council Study Committee on the Use of Artificial
Intelligence in Health Care
August 13th, 2026

Samantha Scotti, Associate Director, Health Program

How NCSL Serves State Legislatures

The National Conference of State Legislatures (NCSL) is the **bipartisan** organization serving **legislators and legislative staff** in America's 50 states, D.C. and territories.

With a strong belief in the importance of the legislative institution, NCSL knows **when states are strong, our nation is strong.**



POLICY RESEARCH

NCSL provides trusted, nonpartisan policy research and analysis

CONNECTIONS

NCSL links legislators and staff with each other and with experts

TRAINING

NCSL delivers training tailored specifically for legislators and staff

STATE VOICE IN D.C.

NCSL represents and advocates on behalf of states on Capitol Hill

MEETINGS

NCSL meetings facilitate information exchange and policy discussions

Agenda

Background

State Activity

Legislative Themes

State Examples

Q&A





Background

Artificial Intelligence Overview

Multiple Types of Artificial Intelligence

Examples include:

General AI – *Theoretical* AI that possesses human-like intelligence and can understand, learn and perform any task that a human can

Generative AI – creates new content (e.g., text, images, videos and music) by learning and mimicking large quantities of data

Computer Vision – teaches machines to interpret and understand visual information from images or videos

Natural Language Processing – enables machines to understand, interpret and generate human language

Machine Learning – trains algorithms to improve their performance on tasks through data analysis

Narrow AI – designed for specific tasks and operates within a limited domain like voice assistants

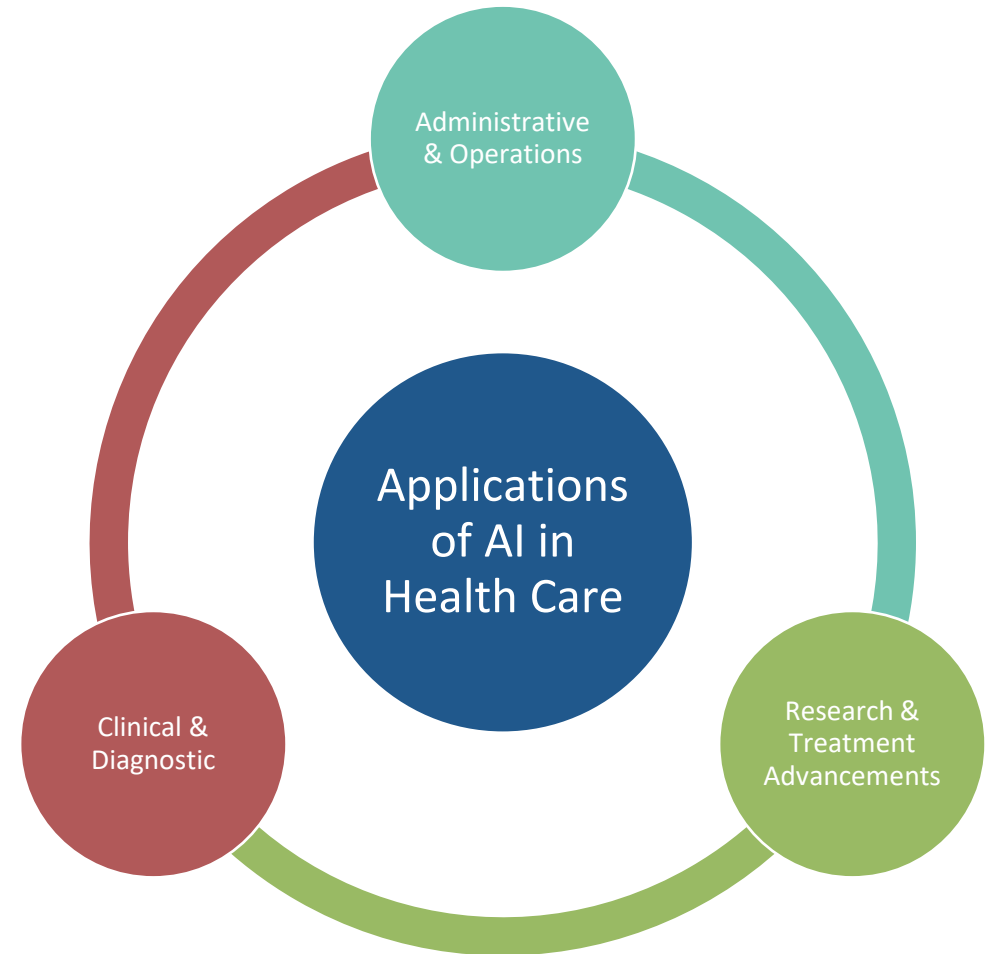
Artificial Intelligence in the Healthcare Sector

Prevalence:

- [More than 80% of physicians](#) use AI in their practice.
- As of December 2025, [1,524 AI-enabled medical devices](#) are approved by the FDA.

Examples of AI Uses in Healthcare:

- The FDA has [approved AI-assisted tools](#) to help detect cancers of the brain, breast, lung, prostate, skin and thyroid.
- Generative AI developed [six potential novel antibiotics](#) for resistant bacterial strains.
- An AI tool, [Predictive Optimal Trees in Emergency Surgery Risk](#) (POTTER), can accurately predict 30-day outcomes in patients undergoing emergency general surgery.
- Children's hospitals have implemented AI-generated [“digital twins”](#) to predict neurodevelopmental deficits in infants.



Federal Action

Executive Orders

- [Executive Order 14409: Promoting Advanced Artificial Intelligence Innovation and Security \(June 2026\)](#)
- [Executive Order 14277: Advancing Artificial Intelligence Education for American Youth \(April 2025\)](#)
- [Executive Order 14278: Preparing Americans for High-Paying Skilled Trade Jobs of the Future \(April 2025\)](#)
- [AI Action Plan– Winning the Race](#)
- [Executive Order:14355: Unlocking Cures for Pediatric Cancer with AI](#)
- [Ensuring a National Policy Framework for AI](#)
 - ❖ NCSL webinar: [Understanding the AI EO: Implications for State Legislatures](#)

Congress

- 10-year moratorium on state AI activity- removed from 2025 budget reconciliation bill
- Multiple bills related to privacy & children's online safety
 - [Take It Down Act](#) (enacted May 2025)
 - [Kids Online Safety Act](#) (introduced May 2025)
 - [Children & Teens' Online Privacy Protection Act](#) (introduced May 2025)





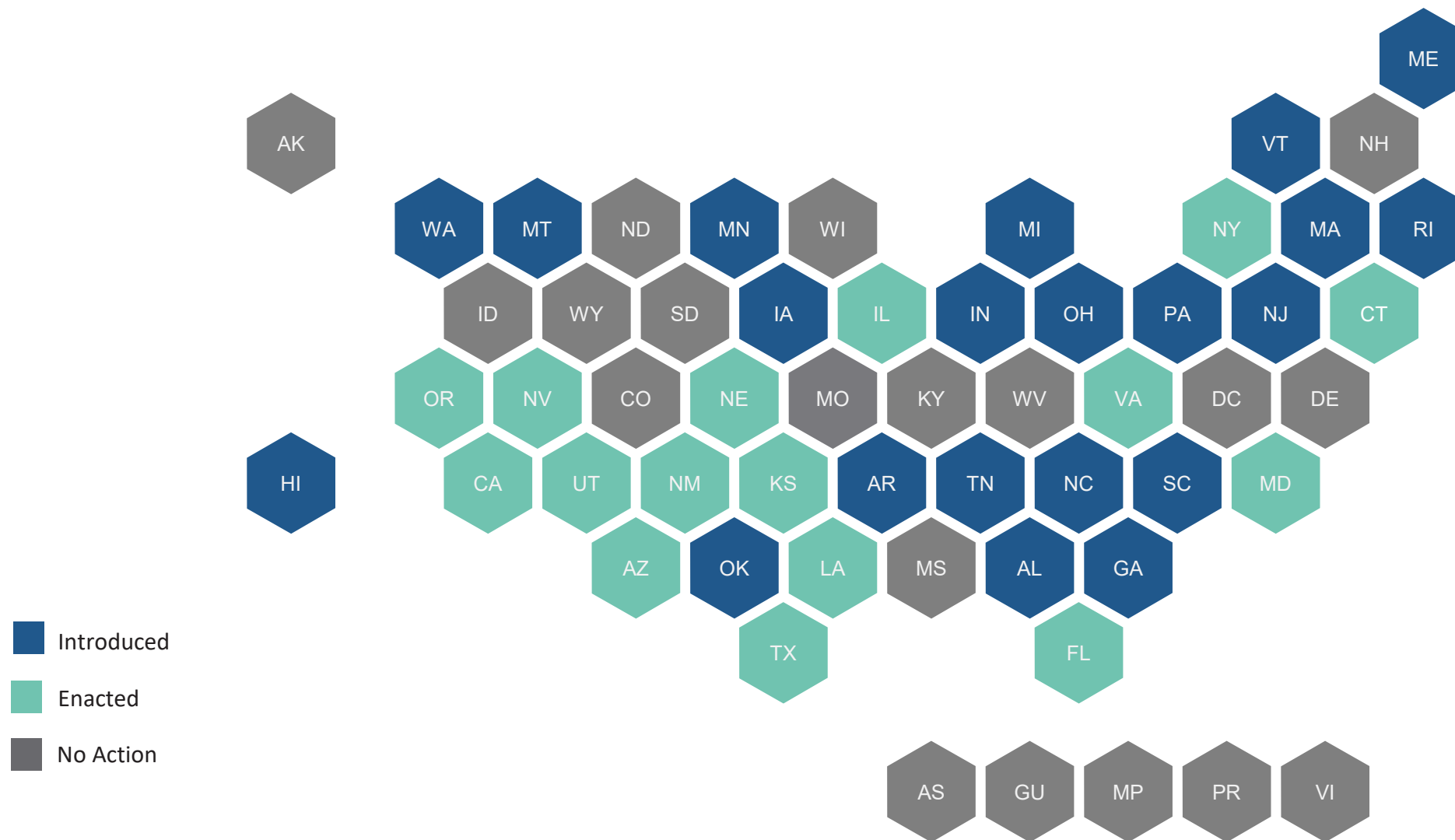
State Activity

AI & Health State Legislation

2025 Legislative Session

Additional Resource:

- [Artificial Intelligence Legislation Database](#) | NCSL

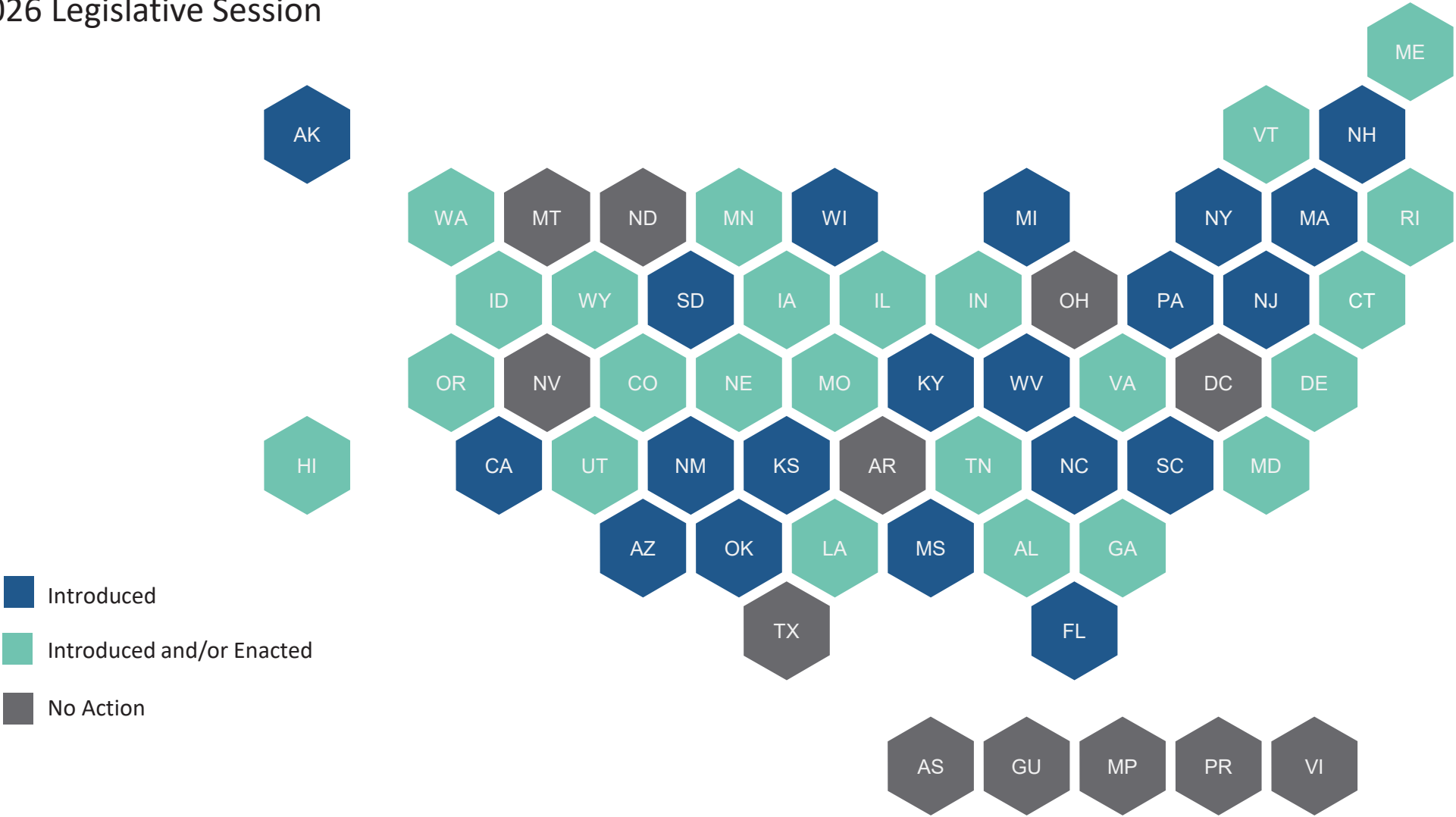


AI & Health State Legislation

2026 Legislative Session

Additional Resource:

- [Artificial Intelligence Legislation Database](#) | NCSL



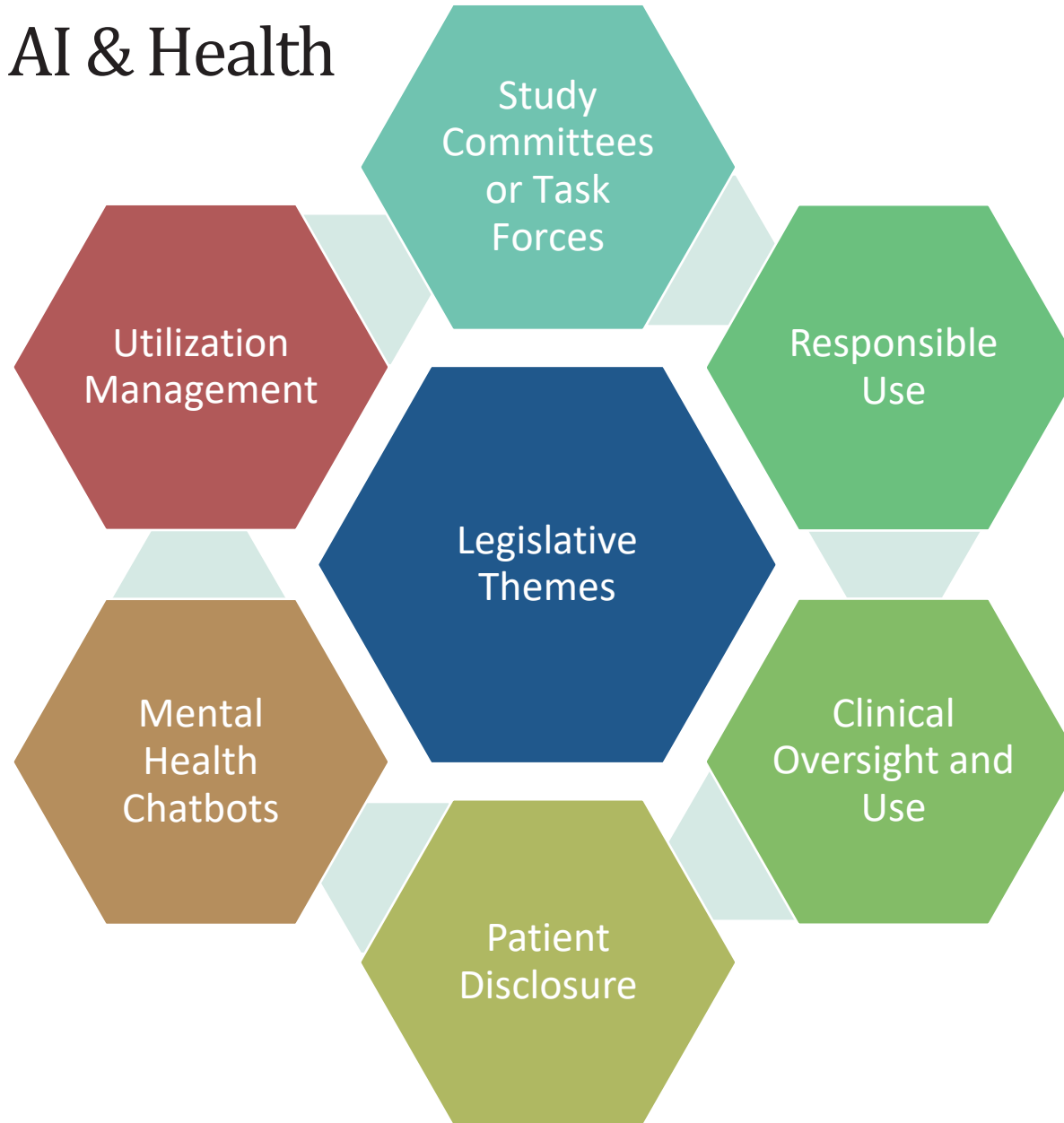
Source: NCSL (2026)





Legislative Themes

Legislative Themes: AI & Health

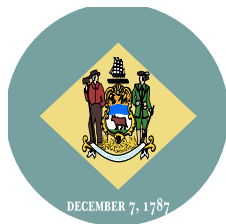


Clinical Use and Oversight

Legislative Examples

Delaware **HB 191 (2026)**

Prohibits nonhuman entities, including AI-powered agents from being licensed as medical professionals or using medical professional titles.



New Mexico **HB 178 (2025)**

Requires the Board of Nursing to promulgate rules establishing standards for the use of AI in nursing.



Maine **HB 1397 (2026)**

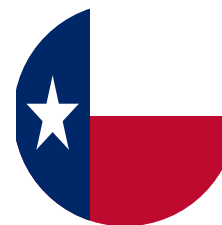
Allows AI for administrative and support tasks but not for direct therapeutic communication with clients. Requires client consent and disclosure.



Enacted Legislation

Texas **SB 1188 (2025)**

Requires health practitioners to verify the accuracy of AI-generated diagnostic or treatment recommendations before adding them to a patient's EHR.



Nevada **AB 406 (2025)**

Imposes certain restrictions and prohibitions on the use of an AI system by a licensed provider of mental and behavioral health care.



Utah **SB 150 (2026)**

Establishes a scope of practice review to assess whether AI tools may be incorporated into licensed health professions, including potential expansion of scope.



Patient Disclosure

Legislative Examples



California **AB 3030 (2024)**

Requires entities using generative AI to assist health care providers in patient communications to include a disclaimer.



Colorado **HB 1195 (2026)**

Requires providers to obtain advance written client consent prior to using AI to record or transcribe therapeutic sessions.

Louisiana **HB 475 (2026)**

Requires a healthcare professional to verbally disclose the use of any recording device, software or service to a patient before recording any part of an appointment or treatment for transcription by AI.



Utah **SB 149 (2024)**

Requires “regulated occupations” to prominently disclose that they are using computer-driven responses before they begin using generative AI for any oral or electronic messaging with an end user.



Utilization Management

Legislative Examples

ARIZONA HB 2175 (2025)

Prohibits the use of AI to deny a claim or prior authorization for medical necessity, experimental status or any other reason that involves the use of medical judgement.



MARYLAND HB 820 (2025)

Requires that certain carriers, pharmacy benefits managers and private review agents ensure that AI, algorithms or other software tools are used in a certain manner when used for conducting utilization review.

CALIFORNIA SB 1120 (2024)

Requires health plans who use AI for utilization management for medical necessity to comply with several requirements.



Enacted Legislation



NEBRASKA LB 77 (2025)

An AI-based algorithm shall not be the sole basis of a utilization review entity's decision to deny, delay or modify health care services based on medical necessity.

Georgia SB 444 (2026)

Sets standards for the use of AI in health insurance coverage and utilization review decisions, including requirements for human oversight.



TEXAS SB 815 (2025)

Prohibits a utilization review agent from using AI as the sole basis to deny, delay or modify health care services on the basis of medical necessity. Only a licensed provider has this authority.

Additional Resources:

- [Leaning Into Advanced Technologies to Support State Implementation of New Federal Medicaid Requirements](#) | Manatt
- [Medicaid and CHIP Eligibility, Enrollment, and Renewal Policies as States Resume Routine Operations](#) | KFF & Georgetown

State Approaches to AI and Medicaid



Colorado [HB 1139](#) (Enacted, 2026)

Establishes requirements for the use of artificial intelligence in utilization review and prohibits Medicaid payment for psychotherapy services delivered by an AI system.



Indiana [SB 5](#) (Enacted, 2025)

Allows state agencies (including the Medicaid agency) to use AI software to prepare financial statements or budget projections.

Behavioral Health and AI Chatbots

Legislative Examples

Idaho SB 1297 (2026)

Prohibits AI chatbots from representing themselves as providers of professional behavioral health care and requires disclosures and safeguards for minor users, including crisis-response protocols.

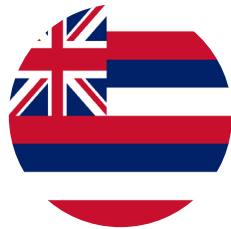


Oregon SB 1546 (2026)

Enacted: Establishes requirements for AI companion services, including evidence-based protocols to identify suicide or self-harm risk and additional protections for minors, such as limits on claims of sentience or emotional dependence.

Hawaii SB 3001 (2026)

Regulates conversational artificial intelligence services, including disclosure requirements for AI interactions, safety protocols for suicide prevention and special protections for minor users.



2026 Legislation



Tennessee SB 1580 (2026)

Restricts the development or deployment of AI systems that advertise or represent themselves as qualified mental health professionals.

Iowa SB 2417 (2026)

Mandates suicide prevention protocols and prohibits AI services from misrepresenting themselves as providing licensed mental health services.



Washington HB 2225 (2026)

Requires AI companion chatbot operators to implement and publicly disclose protocols for detecting and responding to suicide risk and self-harm, including crisis referrals and content safeguards.

Additional Legislative Examples



Alabama HJR 51 (2026)

Creates the Artificial Intelligence and Children's Internet Safety Study Commission to examine how states are addressing children's health and safety risks related to AI and social media, among other things.



Illinois SB 3114 (2026)

Prohibits automated downcoding that bypasses clinical information submitted by billing health care professionals and requires that all downcoding determinations be made or reviewed by a person.

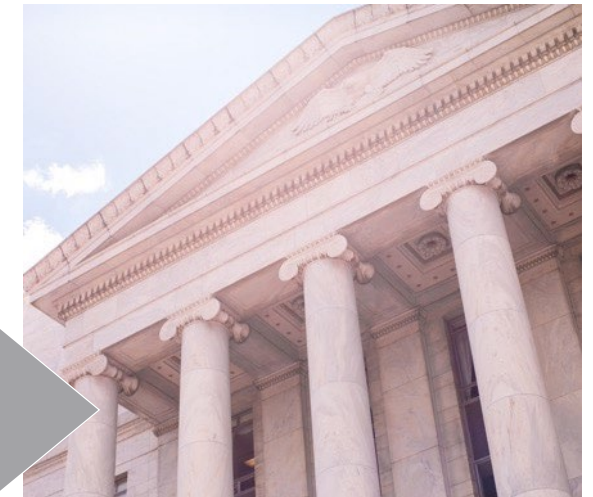
Kansas HB 2313 (2025)

Prohibits medical and research facilities from using genetic sequencers or operational software used for genetic analysis that is produced in or by a foreign adversary.



Utah SB 149 (2024)

Created an AI sandbox program within the Office of Artificial Intelligence Policy.

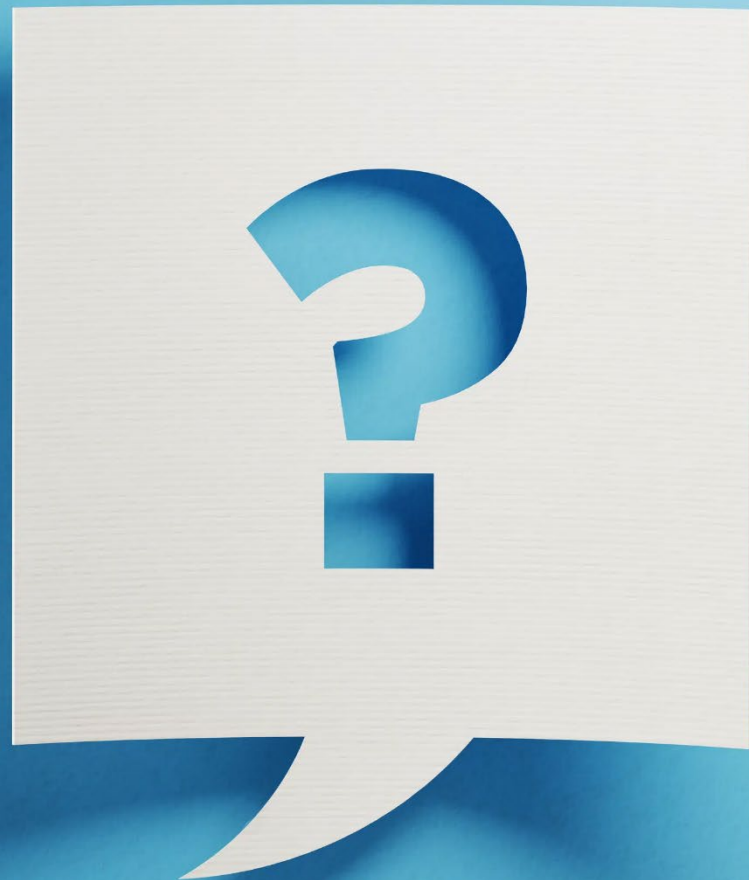


NCSL RESOURCES



Artificial Intelligence Policy Toolkit

- [Artificial Intelligence Legislation Database](#)
- [Artificial Intelligence 2025 Legislation](#)
- [Artificial Intelligence 2024 Legislation](#)
- [Artificial Intelligence 2023 Legislation](#)
- [Legislation Related to Artificial Intelligence \(2019-2022 Legislation\)](#)
- [Artificial Intelligence and Health Care: A Primer](#)
- [Approaches to Regulating Artificial Intelligence: A Primer](#)
- [Artificial Intelligence in Government: The Federal and State Landscape](#)
- [Artificial Intelligence in the Workplace: The Federal and State Legislative Landscape](#)
- [Legislative Use of Artificial Intelligence 2024 Survey](#)



Questions?



Samantha Scotti

Associate Director, Health

Reach out anytime!

EMAIL

samantha.scotti@ncsl.org

PHONE

303.856.1440

WEB

www.ncsl.org

