AI therapy and emotional-support chatbots under the EU AI Act: prohibited, high-risk or transparency only?

22 November 2026 · 7 min read · blogs.iictp.org/ai-therapy-chatbots-eu-ai-act-prohibited-high-risk

Short answer: under the EU AI Act, an AI system used for therapy or emotional support may be banned outright if it exploits vulnerabilities and causes significant harm, may be high-risk if it is a medical device needing third-party conformity assessment, and may otherwise face transparency duties. The analysis comes from the AI Act website maintained by the Future of Life Institute, which notes that the European Commission can exercise enforcement powers from 2 August 2026. It is commentary, not legal advice, and the page's publication date was not shown.

TL;DR The short version

- Under the EU AI Act, a therapy or emotional-support AI may be prohibited if it exploits vulnerabilities and causes significant harm.
- It may be high-risk if it is a medical device needing third-party conformity assessment, and otherwise faces transparency duties.
- The analysis is commentary from the Future of Life Institute's AI Act site, not legal advice; classification depends on intended purpose, claims and actual effect.

Read online, listen to it, or change the text size: https://blogs.iictp.org/ai-therapy-chatbots-eu-ai-act-prohibited-high-risk

What does the analysis cover?

It looks at AI systems, and in particular general-purpose AI (GPAI) systems such as chat assistants, when used for therapy or emotional support, and at the obligations of both the system provider and the provider of the underlying model. It notes reports of harm, including sycophancy, where a system validates a user's views and can reinforce harmful behaviour.

How the classification works

- **System and model layers.** The Act regulates GPAI models and also the AI systems built on them. When a provider integrates its own model into a system, the model is also treated as placed on the EU market (Recital 97), so two sets of obligations can apply.
- **Prohibited practice, Article 5(1)(b).** Systems that exploit vulnerabilities such as age, disability or a specific social or economic situation, with the objective or effect of materially distorting behaviour in a way that causes or is reasonably likely to cause significant harm, cannot be placed on the market, put into service or used in the EU. The wording is "objective, or the effect", so intent is not required.

- **High-risk via medical device rules.** If a system is a medical device under the Medical Device Regulation and needs third-party conformity assessment, it can fall under Article 6(1) and Annex I. Software intended for the diagnosis, monitoring or treatment of disease, including mental illness, can be a medical device; products for lifestyle and well-being purposes are not, per MDR recital 19.
- **Transparency.** Systems interacting directly with people can carry transparency duties even if they are neither banned nor high-risk.
- **Model-level duties.** Providers of certain GPAI models must identify, assess and mitigate systemic risks, which may include risks to public mental health, and must report serious incidents such as serious harm to a person's mental or physical health.

What is new compared with a generic AI Act summary

The page applies the categories to one use case. It also points out that the Commission's guidelines on prohibited practices give, as an example of a possibly prohibited system, a therapeutic chatbot aimed at people with mental disabilities, subject to the exact conditions in the guidelines.

Limitations and open questions

- The source is a non-governmental explainer site, not the Official Journal or the Commission. Check the text of the Act on EUR-Lex.
- Classification is fact-specific: marketing claims, intended purpose and actual effect all matter.
- The page itself says it remains to be seen how effectively the risks will be mitigated.
- It was not read in full here, and later amendments or Commission guidance may change the picture.
- None of this is legal advice.

What it means for lawyers and compliance teams

- Ask whether the product claims a medical purpose; that pushes it toward medical-device and high-risk analysis.
- Test for harm from vulnerable-user interactions, not only for intended use.
- Map duties at both the system and the model layer, and agree who carries each in the contract.
- Keep incident reporting in view for serious harm.

Frequently asked questions

- **Is every AI therapy chatbot banned?** No. Whether Article 5(1)(b) applies depends on the particular system.
- **Do general chat assistants count?** The page says GPAI systems used for therapy or emotional support must comply with their AI Act obligations, whatever they were designed for.
- **Is this official guidance?** No. It is commentary from the AI Act website.

Related reading

- Responsible AI in practice
- What is LLM hallucination?
- AI transformation governance for leaders

- AI Practitioner

Sources and currency

Sources were read on 22 November 2026. Products, rules and standards change, so check the linked originals before you rely on any detail.

> Related credential: AI Practitioner. Explore the exam facts and syllabus.

Sources and further reading

1. Future of Life Institute, AI Act website. AI Therapy under the EU AI Act. Undated page, read 22 November 2026. artificialintelligenceact.eu/ai-therapy-under-the-eu-ai-act.

Published by IICTP, an independent technical credential body, on 22 November 2026. The current version of this post is at https://blogs.iictp.org/ai-therapy-chatbots-eu-ai-act-prohibited-high-risk. More guides: blogs.iictp.org.