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AI Under Regulation: The EU's Big Move

Overview: The European Union's AI Act is set to become the world's first comprehensive AI regulation, with initial enforcement starting February 2025 and full compliance required by August 2027. Much like how the General Data Protection Regulation (GDPR) reshaped global data privacy standards, this legislation could trigger a domino effect setting new operational guidelines for the safe and ethical use of AI, globally. **Healthcare marketers need to pay close attention**, as AI-driven (machine learning, deep learning, generative AI) marketing tools will face heightened scrutiny—especially in the high-risk category.

The AI Act will use a risk-based classification system to determine regulatory requirements for different AI applications.

Minimal risk	Limited risk	High risk	Unacceptable risk
AI used in everyday applications (eg, spam filters) faces minimal regulation.	AI applications like chatbots must disclose that they are AI-driven	AI in critical sectors like healthcare must meet strict compliance, transparency, and oversight requirements (eg, diagnostic tools, treatment recommendation systems)	Banned AI systems (eg, social scoring, real-time biometric surveillance).

What you need to know about the Act:

- This Act applies directly to healthcare companies using media campaigns, marketing automation, and/or patient engagement tools
- Non-compliance could lead to fines going as high as €35 million or 7% of annual revenue
- This Act applies to any company using AI within the EU, regardless of where the headquarters are
- Many of the AI-driven tools used in medical marketing and patient engagement may fall into the "high-risk" category, necessitating new compliance protocols

How to adapt and get ahead:

- **Audit AI Use** – Identify AI applications being used and classify them within the AI Act's risk framework
- **Enhance Transparency** – Disclose clear AI usage in patient or HCP interactions
- **Increase Oversight** – Implement human review processes for high-risk AI applications
- **Engage Legal Teams** – Ensure marketing strategies align with evolving AI regulations

The bottom line

The EU AI Act is a wake-up call for responsible AI daily operation and innovation. Brands activating in the EU that adapt early will not only stay compliant, but also gain a competitive edge in a rapidly evolving landscape. Now is the time to future-proof AI strategies!

If you'd like to learn more or have any questions, please reach out to Roshen Mathew, Chief AI & Innovation Officer at SSCG Media Group at roshen.mathew@sscgmedia.com

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