

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0298.01 Brita Darling x2241

HOUSE BILL 26-1195

HOUSE SPONSORSHIP

Rydin and Mabrey,

SENATE SPONSORSHIP

Amabile and Mullica,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON THE USE OF ARTIFICIAL INTELLIGENCE**
102 **RELATING TO PSYCHOTHERAPY SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits licensed, certified, or registered psychologists, professional counselors, social workers, clinical social workers, marriage and family therapists, addiction counselors, or candidates for those credentials, as well as unlicensed psychotherapists and other individuals lawfully permitted to provide psychotherapy services in the state (regulated professionals), from using an artificial intelligence system to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Directly interact with clients in any form of therapeutic communication;
- Generate therapeutic recommendations or treatment plans without review and approval by regulated professionals; or
- Detect emotions or mental states.

Under current law, the practice of "psychotherapy" or "psychotherapy services" means, in pertinent part: Treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral and mental health disorders; understand unconscious or conscious motivation; resolve emotional, relationship, or attitudinal conflicts; or modify behaviors that interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention that takes place on a regular basis or over a period of time, or, in the cases of testing, assessment, and brief psychotherapy, psychotherapy can be a single intervention. The definition of psychotherapy in current law also states that it is the intent of the general assembly that the definition of psychotherapy be interpreted in its narrowest sense to regulate only those persons that clearly fall within the definition.

The bill allows regulated professionals to use an artificial intelligence system to assist in providing administrative support or supplementary support for psychotherapy services if the regulated professional maintains full responsibility for all interactions, outputs, and data use associated with the artificial intelligence system.

Further, if a client's therapeutic session will be recorded or transcribed through the use of an artificial intelligence system, the regulated professional must obtain written, informed consent from the client or the client's representative.

The bill does not prohibit the use of an artificial intelligence system within accredited or approved educational, instructional, or professional training programs so long as the artificial intelligence system is used solely for educational, administrative, simulation, or training purposes and is not deployed or marketed for use with clients, patients, or the public.

The bill also does not prohibit the development or testing of an artificial intelligence system solely for research purposes under the oversight of a federally registered institutional review board, so long as the artificial intelligence system is not offered to consumers or used to provide psychotherapy services outside of the research setting.

Further, the bill also does not prohibit the use of a technology or service that provides self-help, coaching, guided meditation, or wellness tools and that does not diagnose or treat mental health disorders and clearly discloses that the technology or service is not a substitute for clinical care.

The applicable board that regulates a regulated professional may

take disciplinary action against a regulated professional that violates prohibitions in the bill concerning the use of artificial intelligence systems relating to psychotherapy services.

The bill also makes it unlawful for an individual, corporation, or entity (person) to provide, advertise, or otherwise offer psychotherapy services to the public in the state unless the services are provided by a regulated professional.

It is an unfair trade practice under the "Colorado Consumer Protection Act" for a person to use a term, letter, or phrase in the advertising, interface, or outputs of an artificial intelligence system that indicates or implies that the artificial intelligence system's output data is endorsed by or equivalent to psychotherapy services provided by regulated professionals or represent that the artificial intelligence system provides psychotherapy services or that users' data or information is confidential.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-245-224, **amend**
3 (1)(w) and (1)(x); and **add** (1)(y) as follows:

4 **12-245-224. Prohibited activities - related provisions -**
5 **definition.**

6 (1) A person licensed, registered, or certified under this article 245
7 violates this article 245 if the person:

8 (w) Has sold or fraudulently obtained or furnished a license,
9 registration, or certification to practice as a psychologist, social worker,
10 marriage and family therapist, licensed professional counselor,
11 psychotherapist, or addiction counselor or has aided or abetted in those
12 activities; ~~or~~

13 (x) Has failed to respond, in the manner required by the board, to
14 a complaint filed with or by the board against the licensee, registrant, or
15 certificate holder; OR

16 (y) FAILS TO COMPLY WITH SECTION 12-245-224.5 CONCERNING
17 THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 12-245-224.5 as
2 follows:

3 **12-245-224.5. Use of artificial intelligence systems for**
4 **psychotherapy services - unauthorized use - permitted use by**
5 **regulated individuals - consent - use in educational and training**
6 **settings and research - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) (I) "ADMINISTRATIVE SUPPORT" MEANS TASKS THAT:

10 (A) ARE PERFORMED TO ASSIST A LICENSEE, REGISTRANT,
11 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
12 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE IN THE DELIVERY OF
13 PSYCHOTHERAPY SERVICES; AND

14 (B) DO NOT INVOLVE THERAPEUTIC COMMUNICATION.

15 (II) "ADMINISTRATIVE SUPPORT" INCLUDES THE FOLLOWING, AT A
16 MINIMUM:

17 (A) MANAGING APPOINTMENT SCHEDULING AND REMINDERS;

18 (B) PROCESSING BILLING AND INSURANCE CLAIMS; AND

19 (C) DRAFTING GENERAL COMMUNICATIONS RELATED TO THERAPY
20 LOGISTICS THAT DO NOT INCLUDE THERAPEUTIC ADVICE.

21 (b) "ARTIFICIAL INTELLIGENCE SYSTEM" HAS THE MEANING SET
22 FORTH IN SECTION 6-1-1701 (2).

23 (c) (I) "CONSENT" MEANS A CLEAR, EXPLICIT, AFFIRMATIVE,
24 SPECIFIC, AND UNAMBIGUOUS WRITTEN AGREEMENT, INCLUDING A
25 WRITTEN AGREEMENT PROVIDED BY ELECTRONIC MEANS, ENTERED INTO
26 BY AN INDIVIDUAL THAT IS REVOCABLE BY THE INDIVIDUAL.

27 (II) "CONSENT" DOES NOT INCLUDE AN AGREEMENT THAT IS

1 OBTAINED BY ANY OF THE FOLLOWING MEANS:

2 (A) THE ACCEPTANCE OF A GENERAL OR BROAD TERMS OF USE
3 AGREEMENT OR A SIMILAR DOCUMENT THAT CONTAINS DESCRIPTIONS OF
4 ARTIFICIAL INTELLIGENCE ALONG WITH OTHER UNRELATED INFORMATION;

5 (B) AN INDIVIDUAL INTERACTING WITH A GIVEN PIECE OF DIGITAL
6 CONTENT IN A MANNER THAT INVOLVES HOVERING OVER, MUTING,
7 PAUSING, OR CLOSING THE DIGITAL CONTENT; OR

8 (C) AN AGREEMENT OBTAINED THROUGH THE USE OF DECEPTION.

9 (d) "PERSON" HAS THE MEANING SET FORTH IN SECTION 2-4-401
10 (8).

11 (e) "SUPPLEMENTARY SUPPORT" MEANS TASKS PERFORMED TO
12 ASSIST A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
13 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
14 SERVICES IN THE STATE IN THE DELIVERY OF PSYCHOTHERAPY SERVICES
15 THAT DO NOT INVOLVE THERAPEUTIC COMMUNICATION AND THAT ARE NOT
16 ADMINISTRATIVE SUPPORT. "SUPPLEMENTARY SUPPORT" INCLUDES, AT A
17 MINIMUM:

18 (I) PREPARING AND MAINTAINING CLIENT RECORDS, INCLUDING
19 THERAPY NOTES;

20 (II) ANALYZING DATA TO TRACK CLIENT PROGRESS OR IDENTIFY
21 TRENDS, SUBJECT TO REVIEW BY A LICENSEE, REGISTRANT, CERTIFICATE
22 HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE
23 PSYCHOTHERAPY SERVICES IN THE STATE; AND

24 (III) IDENTIFYING AND ORGANIZING INTERNAL AND EXTERNAL
25 RESOURCES OR REFERRALS FOR CLIENT USE.

26 (f) (I) "THERAPEUTIC COMMUNICATION" MEANS ANY VERBAL,
27 NONVERBAL, OR WRITTEN INTERACTION CONDUCTED IN A CLINICAL OR

1 PROFESSIONAL SETTING THAT MEETS THE DEFINITION OF PSYCHOTHERAPY
2 SERVICES. "THERAPEUTIC COMMUNICATION" INCLUDES:

3 (A) DIRECT INTERACTIONS WITH CLIENTS FOR THE PURPOSE OF
4 UNDERSTANDING OR REFLECTING THEIR THOUGHTS, EMOTIONS, OR
5 EXPERIENCES;

6 (B) PROVIDING GUIDANCE, THERAPEUTIC STRATEGIES, OR
7 INTERVENTIONS DESIGNED TO ACHIEVE MENTAL OR BEHAVIORAL HEALTH
8 OUTCOMES;

9 (C) OFFERING EMOTIONAL SUPPORT, REASSURANCE, OR EMPATHY
10 IN RESPONSE TO PSYCHOLOGICAL OR EMOTIONAL DISTRESS;

11 (D) COLLABORATING WITH CLIENTS TO DEVELOP OR MODIFY
12 THERAPEUTIC GOALS OR TREATMENT PLANS; AND

13 (E) OFFERING BEHAVIORAL FEEDBACK INTENDED TO PROMOTE
14 PSYCHOLOGICAL GROWTH OR TO ADDRESS MENTAL OR BEHAVIORAL
15 HEALTH CONDITIONS.

16 (II) "THERAPEUTIC COMMUNICATION" DOES NOT INCLUDE
17 GENERAL WELLNESS EDUCATION, INSTRUCTION, OR GUIDANCE THAT IS
18 INTENDED TO PROMOTE OVERALL HEALTH AND WELL-BEING, RATHER THAN
19 TO DIAGNOSE, TREAT, OR ADDRESS A SPECIFIC MENTAL, EMOTIONAL, OR
20 BEHAVIORAL HEALTH CONCERN.

21 (2) A PERSON SHALL NOT PROVIDE, ADVERTISE, OR OTHERWISE
22 OFFER PSYCHOTHERAPY SERVICES TO THE PUBLIC IN THE STATE,
23 INCLUDING THROUGH THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM,
24 UNLESS THE PSYCHOTHERAPY SERVICES ARE CONDUCTED IN ACCORDANCE
25 WITH THIS SECTION BY A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR
26 OTHER INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
27 SERVICES IN THE STATE.

1 (3) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
2 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
3 SERVICES IN THE STATE MAY USE AN ARTIFICIAL INTELLIGENCE SYSTEM TO
4 ASSIST IN PROVIDING ADMINISTRATIVE SUPPORT OR SUPPLEMENTARY
5 SUPPORT FOR PSYCHOTHERAPY SERVICES IF THE LICENSEE, REGISTRANT,
6 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
7 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE MAINTAINS FULL
8 RESPONSIBILITY FOR ALL INTERACTIONS, OUTPUTS, AND DATA USE
9 ASSOCIATED WITH THE ARTIFICIAL INTELLIGENCE SYSTEM AND SATISFIES
10 THE REQUIREMENTS SET FORTH IN SUBSECTION (5) OF THIS SECTION.

11 (4) THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM IS SUBJECT
12 TO AND MUST COMPLY WITH APPLICABLE STATE AND FEDERAL PRIVACY
13 AND SECURITY LAWS, INCLUDING THE "HEALTH INSURANCE PORTABILITY
14 AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, PUB.L. 104-191, AND
15 ITS IMPLEMENTING REGULATIONS.

16 (5) (a) IF A CLIENT'S THERAPEUTIC SESSION WILL BE RECORDED OR
17 TRANSCRIBED, A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
18 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
19 SERVICES IN THE STATE SHALL NOT USE AN ARTIFICIAL INTELLIGENCE
20 SYSTEM TO ASSIST IN PROVIDING SUPPLEMENTARY SUPPORT FOR
21 PSYCHOTHERAPY SERVICES, UNLESS:

22 (I) THE CLIENT OR THE CLIENT'S LEGALLY AUTHORIZED
23 REPRESENTATIVE IS INFORMED IN ADVANCE IN WRITING OF THE
24 FOLLOWING:

25 (A) THAT AN ARTIFICIAL INTELLIGENCE SYSTEM WILL BE USED;

26 AND

27 (B) THE SPECIFIC PURPOSE FOR WHICH THE ARTIFICIAL

1 INTELLIGENCE SYSTEM WILL BE USED;

2 (II) THE CLIENT OR THE CLIENT'S LEGALLY AUTHORIZED
3 REPRESENTATIVE CONSENTS IN WRITING TO THE USE OF THE ARTIFICIAL
4 INTELLIGENCE SYSTEM; AND

5 (III) THE CLIENT'S REFUSAL TO PROVIDE OR LATER DECISION TO
6 REVOKE CONSENT REQUIRED PURSUANT TO SUBSECTION (5)(a)(II) OF THIS
7 SECTION SHALL NOT BE USED AS A BASIS TO DENY PSYCHOTHERAPY
8 SERVICES.

9 (b) THE CONSENT REQUIRED PURSUANT TO SUBSECTION (5)(a)(II)
10 OF THIS SECTION FOR THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM TO
11 RECORD OR TRANSCRIBE THERAPEUTIC SESSIONS IS REQUIRED ONLY FOR
12 THE INITIAL USE OF THE ARTIFICIAL INTELLIGENCE SYSTEM OCCURRING ON
13 OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND NOT FOR EACH
14 SUBSEQUENT THERAPEUTIC SESSION, UNLESS THE PURPOSE OR MANNER OF
15 USE MATERIALLY CHANGES.

16 (6) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
17 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
18 SERVICES IN THE STATE SHALL NOT ALLOW AN ARTIFICIAL INTELLIGENCE
19 SYSTEM TO DO ANY OF THE FOLLOWING:

20 (a) DIRECTLY INTERACT WITH CLIENTS IN ANY FORM OF
21 THERAPEUTIC COMMUNICATION; OR

22 (b) GENERATE THERAPEUTIC RECOMMENDATIONS OR TREATMENT
23 PLANS WITHOUT REVIEW AND APPROVAL BY THE LICENSEE, REGISTRANT,
24 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
25 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE.

26

27 (7) EXCEPT AS PROVIDED IN SUBSECTIONS (8) AND (9) OF THIS

1 SECTION, AN ARTIFICIAL INTELLIGENCE SYSTEM USED AS PERMITTED
2 PURSUANT TO THIS SECTION MUST NOT PROVIDE, DIRECT, GUIDE, OR
3 ATTEMPT TO PROVIDE, DIRECT, OR GUIDE PSYCHOTHERAPY, CLINICAL
4 INTERVENTION, COUNSELING, DIAGNOSIS, TREATMENT PLANNING, OR ANY
5 OTHER ACTIVITY THAT CONSTITUTES THE PRACTICE OF PSYCHOTHERAPY
6 WITH AN INDIVIDUAL OR A GROUP.

7 (8) NOTHING IN THIS SECTION PROHIBITS THE USE OF AN ARTIFICIAL
8 INTELLIGENCE SYSTEM WITHIN AN ACCREDITED OR APPROVED
9 EDUCATIONAL, INSTRUCTIONAL, OR PROFESSIONAL TRAINING PROGRAM,
10 SO LONG AS THE ARTIFICIAL INTELLIGENCE SYSTEM:

11 (a) IS USED SOLELY FOR EDUCATIONAL, ADMINISTRATIVE,
12 SIMULATION, OR TRAINING PURPOSES;

13 (b) IS NOT DEPLOYED, MARKETED, OR REPRESENTED AS A TOOL FOR
14 USE WITH CLIENTS, PATIENTS, OR MEMBERS OF THE PUBLIC; AND

15 (c) FOR ANY SIMULATION, TRAINING MODULE, OR EDUCATIONAL
16 ACTIVITY THAT INCLUDES CONTENT RELATED TO CLINICAL
17 DECISION-MAKING, IS SUPERVISED, REVIEWED, OR CONTROLLED BY AN
18 INDIVIDUAL LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE LAWFULLY
19 PERMITTED TO PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE.

20 (9) NOTHING IN THIS SECTION PROHIBITS THE DEVELOPMENT,
21 TESTING, OR EVALUATION OF AN ARTIFICIAL INTELLIGENCE SYSTEM
22 SOLELY FOR RESEARCH PURPOSES CONDUCTED UNDER THE OVERSIGHT OF
23 AN INSTITUTIONAL REVIEW BOARD REGISTERED WITH THE UNITED STATES
24 DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO LONG AS THE
25 ARTIFICIAL INTELLIGENCE SYSTEM IS NOT OFFERED TO CONSUMERS OR
26 USED TO PROVIDE PSYCHOTHERAPY SERVICES OUTSIDE OF THE RESEARCH
27 SETTING.

1 (10) THIS SECTION DOES NOT APPLY TO:

2 (a) AN INDIVIDUAL ENGAGED IN THE PRACTICE OF RELIGIOUS
3 MINISTRY WHO SATISFIES THE REQUIREMENTS OF SECTION 12-245-217(1)
4 OR AN INDIVIDUAL WITH LIVED EXPERIENCE OF MENTAL HEALTH
5 CONDITIONS OR RECOVERY FROM SUBSTANCE USE WHO PROVIDES PEER
6 SUPPORT SERVICES, WITHOUT CLINICAL INTERVENTION, THAT ARE
7 INTENDED TO OFFER ENCOURAGEMENT, UNDERSTANDING, AND GUIDANCE;
8 OR

9 (b) A TECHNOLOGY OR SERVICE THAT PROVIDES SELF-HELP,
10 COACHING, GUIDED MEDITATION, JOURNALING, REFLECTIONS,
11 PSYCHOEDUCATION, GOAL SETTING, PROGRESS TRACKING, THERAPEUTIC
12 SESSION PREPARATION, THERAPEUTIC SESSION SUMMARIES, MOOD
13 MONITORING, MINDFULNESS EXERCISES, BREATHING EXERCISES, CRISIS
14 RESOURCE DIRECTORIES, SAFETY PLANNING, OR OTHER WELLNESS TOOLS
15 AND THAT:

16 (I) DOES NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS;
17 AND

18 (II) CLEARLY DISCLOSES THAT THE TECHNOLOGY OR SERVICE IS
19 NOT A SUBSTITUTE FOR CLINICAL CARE.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-1705.2 as
21 follows:

22 **6-1-1705.2. Use of artificial intelligence systems -**
23 **psychotherapy services - prohibited practices.**

24 (1) A PERSON SHALL NOT USE ANY TERM, LETTER, OR PHRASE IN
25 THE ADVERTISING, INTERFACE, OR OUTPUTS OF AN ARTIFICIAL
26 INTELLIGENCE SYSTEM IN A MANNER THAT:

27 (a) INDICATES OR IMPLIES THAT THE ARTIFICIAL INTELLIGENCE

1 SYSTEM'S OUTPUT DATA IS BEING PROVIDED BY, IS ENDORSED BY, OR IS
2 EQUIVALENT TO SERVICES PROVIDED BY AN INDIVIDUAL LICENSED,
3 REGISTERED, OR CERTIFIED IN THE STATE PURSUANT TO ARTICLE 245 OF
4 TITLE 12 TO ENGAGE IN THE PRACTICE OF PSYCHOTHERAPY OR TO PROVIDE
5 PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION 12-245-202 (14);

6 (b) REPRESENTS THAT THE ARTIFICIAL INTELLIGENCE SYSTEM
7 PROVIDES PSYCHOTHERAPY SERVICES, AS DEFINED IN SECTION 12-245-202
8 (14); OR

9 (c) REPRESENTS THAT A USER'S DATA OR INFORMATION IS
10 CONFIDENTIAL.

11 **SECTION 4. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 12, 2026, if adjournment sine die is on May 13,
15 2026); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2026 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to actions taken on or after the applicable
22 effective date of this act.