

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

May 6, 2026
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB26-1195 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 4, line 6, after "**prohibited use** -" insert
- 2 "**liability - unfair or deceptive trade practice** -".

- 3 Page 5, line 25, strike "AND".

- 4 Page 5, line 27, strike "USE." and substitute "USE; AND
- 5 (IV) COLLECTING MENTAL HEALTH OR WELLNESS INFORMATION,
- 6 INCLUDING SYMPTOM FREQUENCY TRACKING; MOOD RATING SCALES;
- 7 INTAKE QUESTIONNAIRES AND RESPONSES; MEDICATION ADHERENCE
- 8 LOGGING; SLEEP AND ACTIVITY TRACKING; AND USE OF SIMILAR,
- 9 STRUCTURED DATA COLLECTION TOOLS."

- 10 Page 6, before line 1 insert:

- 11 "(e) (I) "SYNCHRONOUS" MEANS INTERACTIONS OCCURRING
- 12 SIMULTANEOUSLY IN WHICH THERE IS ACTIVE PARTICIPATION BETWEEN
- 13 THE CLIENT AND THE LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR
- 14 OTHER INDIVIDUAL LEGALLY PERMITTED TO PROVIDE PSYCHOTHERAPY
- 15 SERVICES IN THE STATE.
- 16 (II) "SYNCHRONOUS" DOES NOT MEAN A REVIEW OF AN
- 17 INTERACTION AFTER THE INTERACTION HAS OCCURRED."

- 18 Reletter succeeding paragraph accordingly.

- 19 Page 8, line 25, after "(6)" insert "(a)".

- 20 Page 9, after line 7 insert:

1 "(b) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
2 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
3 SERVICES IN THE STATE SHALL PROVIDE TO THE CLIENT DURING THE
4 INITIAL CLIENT CONTACT WRITTEN INFORMATION CONCERNING
5 PROHIBITIONS SPECIFIED IN SUBSECTION (6)(a) OF THIS SECTION ON THE
6 USE OF ARTIFICIAL INTELLIGENCE SYSTEMS IN THE PRACTICE OF
7 PSYCHOTHERAPY."

8 Page 10, line 11, before "COACHING," insert "PATIENT NAVIGATION,".

9 Page 10, strike lines 16 through 22 and substitute "DIRECTORIES, SAFETY
10 PLANNING, OR OTHER WELLNESS TOOLS THAT:

11 (I) DO NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS; AND

12 (II) CLEARLY AND CONSPICUOUSLY DISCLOSE THAT THE
13 TECHNOLOGY OR SERVICE IS NOT A SUBSTITUTE FOR CLINICAL CARE; OR

14 (b) IS AUTHORIZED, APPROVED, CLEARED, OR GRANTED
15 ENFORCEMENT DISCRETION BY THE FEDERAL FOOD AND DRUG
16 ADMINISTRATION FOR AN INTENDED USE THAT INCLUDES THE DELIVERY OF
17 BEHAVIORAL HEALTH INTERVENTIONS, INCLUDING AN ARTIFICIAL
18 INTELLIGENCE SYSTEM, AND THAT:

19 (I) DOES NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS;
20 AND

21 (II) CLEARLY AND CONSPICUOUSLY DISCLOSES THAT THE
22 TECHNOLOGY OR SERVICE IS NOT A SUBSTITUTE FOR CLINICAL CARE."

23 Page 10, after line 23 insert:

24 "(10) A VIOLATION OF SUBSECTION (5)(a) OF THIS SECTION SHALL
25 BE DEEMED AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS PROVIDED IN
26 ARTICLE 1 OF TITLE 6."

27 Page 11, lines 12 and 13, strike "OR INFORMATION IS CONFIDENTIAL." and
28 substitute "IS CONFIDENTIAL IN A MANNER THAT WOULD LEAD A
29 REASONABLE USER TO BELIEVE THAT THE DATA IS PROTECTED IN A
30 MANNER COMPARABLE TO PRIVACY PROTECTIONS AFFORDED BY
31 THERAPIST-CLIENT CONFIDENTIALITY IN A RELATIONSHIP BETWEEN A
32 LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER PERSON
33 LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY SERVICES IN THE
34 STATE AND THE CLIENT."

35 Page 11, strike lines 14 through 27 and substitute:

36 "(2) NOTHING IN THIS SECTION IMPOSES LIABILITY ON A LICENSEE,

1 REGISTRANT, CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LEGALLY
2 PERMITTED TO PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE FOR
3 DEFECTS IN, OR FAILURES OF, AN ARTIFICIAL INTELLIGENCE SYSTEM THAT
4 ARE ATTRIBUTABLE TO THE DEVELOPER OR DEPLOYER OF THE ARTIFICIAL
5 INTELLIGENCE SYSTEM. THE LIABILITY OF A DEVELOPER OR DEPLOYER FOR
6 SUCH DEFECTS OR FAILURES IS GOVERNED BY APPLICABLE CONSUMER
7 PROTECTION LAW."

8 Renumber succeeding subsections accordingly.

9 Page 12, line 25, before "COACHING," insert "PATIENT NAVIGATION,".

10 Page 13, strike lines 3 through 9 and substitute "DIRECTORIES, SAFETY
11 PLANNING, OR OTHER WELLNESS TOOLS THAT:

12 (I) DO NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS; AND

13 (II) CLEARLY AND CONSPICUOUSLY DISCLOSE THAT THE
14 TECHNOLOGY OR SERVICE IS NOT A SUBSTITUTE FOR CLINICAL CARE; OR

15 (b) IS AUTHORIZED, APPROVED, CLEARED, OR GRANTED
16 ENFORCEMENT DISCRETION BY THE FEDERAL FOOD AND DRUG
17 ADMINISTRATION FOR AN INTENDED USE THAT INCLUDES THE DELIVERY OF
18 BEHAVIORAL HEALTH INTERVENTIONS, INCLUDING AN ARTIFICIAL
19 INTELLIGENCE SYSTEM, AND THAT:

20 (I) DOES NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS;
21 AND

22 (II) CLEARLY AND CONSPICUOUSLY DISCLOSES THAT THE
23 TECHNOLOGY OR SERVICE IS NOT A SUBSTITUTE FOR CLINICAL CARE."

24 Page 13, strike lines 14 and 15.

25 Reletter succeeding paragraph accordingly.

** *** ** *** **