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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3893

03/02/2026 Authored by Scott, Liebling, Robbins, Keeler, Tabke and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy
03/23/2026 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to health occupations; regulating use of artificial intelligence in
1.3 psychotherapy services; providing for civil penalties; proposing coding for new
1.4 law in Minnesota Statutes, chapter 214.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [214.165] REGULATING USE OF ARTIFICIAL INTELLIGENCE IN
1.7 PSYCHOTHERAPY SERVICES.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.9 subdivision have the meanings given.

1.10 (b) "Administrative or supplementary support" means tasks performed to assist a licensed
1.11 professional in the delivery of therapy or psychotherapy services that do not involve
1.12 therapeutic communication. Administrative or supplementary support includes but is not
1.13 limited to:

1.14 (1) preparing and maintaining client records, including but not limited to therapy notes;

1.15 (2) managing appointment scheduling and reminders;

1.16 (3) processing billing and insurance claims;

1.17 (4) analyzing anonymized data to track client progress or identify trends for review by
1.18 a licensed professional;

1.19 (5) identifying and organizing external resources or referrals for client use; and

1.20 (6) drafting general communications related to therapy logistics that do not include
1.21 therapeutic advice.

2.1 (c) "Ambient listening" means the ability of a device to hear and process sounds and
2.2 transcribe conversations.

2.3 (d) "Artificial intelligence system" means any machine-based system that, for any explicit
2.4 or implicit objective, calculates from the inputs the system receives how to generate outputs,
2.5 including but not limited to content, decisions, predictions, or recommendations, that can
2.6 influence physical or virtual environments. Artificial intelligence system includes but is not
2.7 limited to a chatbot.

2.8 (e) "Licensed professional" means an individual who holds a valid license issued in
2.9 Minnesota to provide therapy or psychotherapy services, including but not limited to:

2.10 (1) a licensed psychologist providing clinical services under sections 148.88 to 148.981;

2.11 (2) a licensed social worker, graduate social worker, independent social worker, or
2.12 independent clinical social worker under chapter 148E;

2.13 (3) a licensed professional counselor or licensed professional clinical counselor under
2.14 sections 148B.50 to 148B.75;

2.15 (4) a licensed marriage and family therapist under sections 148B.06 to 148B.392;

2.16 (5) a licensed alcohol and drug counselor authorized to provide therapy or psychotherapy
2.17 services under chapter 148F;

2.18 (6) a licensed behavioral analyst under sections 148.9981 to 148.9995;

2.19 (7) a licensed physician under chapter 147; and

2.20 (8) any other health professional authorized in Minnesota to provide therapy or
2.21 psychotherapy services.

2.22 (f) "Peer support" means services provided by individuals with lived experience of
2.23 mental health conditions or recovery from substance use that are intended to offer
2.24 encouragement, understanding, and guidance without clinical intervention.

2.25 (g) "Religious counseling" means counseling provided by clergy members, pastoral
2.26 counselors, or other religious leaders acting within the scope of their religious duties if the
2.27 services are explicitly faith based and are not represented as clinical mental health, therapy,
2.28 or psychotherapy services.

2.29 (h) "Therapeutic communication" means any verbal, nonverbal, or written interaction
2.30 conducted in a clinical or professional setting that is intended to diagnose, treat, or address
2.31 an individual's mental, emotional, or behavioral health concerns. Therapeutic communication
2.32 includes but is not limited to:

3.1 (1) directly interacting with clients for the purpose of understanding or reflecting the
3.2 client's thoughts, emotions, or experiences;

3.3 (2) providing guidance, therapeutic strategies, or interventions designed to achieve
3.4 mental health outcomes;

3.5 (3) offering emotional support, reassurance, or empathy in response to psychological or
3.6 emotional distress;

3.7 (4) collaborating with clients to develop or modify therapeutic goals or treatment plans;
3.8 and

3.9 (5) offering behavioral feedback intended to promote psychological growth or address
3.10 mental health conditions.

3.11 (i) "Therapy or psychotherapy services" means services provided to diagnose, treat, or
3.12 improve an individual's mental health or behavioral health. Therapy or psychotherapy
3.13 services include but are not limited to psychological or psychosocial assessment services.

3.14 Subd. 2. **Prohibited uses of artificial intelligence.** (a) An individual, corporation, or
3.15 entity must not provide, advertise, or otherwise offer therapy or psychotherapy services to
3.16 the public in Minnesota unless the therapy or psychotherapy services are conducted by an
3.17 individual who is a licensed professional.

3.18 (b) A licensed professional must not use artificial intelligence systems to:

3.19 (1) make independent therapeutic decisions;

3.20 (2) directly interact with clients in any form of therapeutic communication;

3.21 (3) generate therapeutic recommendations or treatment plans without review and approval
3.22 by the licensed professional; or

3.23 (4) provide psychological or psychosocial assessment services.

3.24 Subd. 3. **Permitted uses of artificial intelligence.** A licensed professional may use
3.25 artificial intelligence systems to assist in providing administrative or supplementary support
3.26 in therapy or psychotherapy services if the licensed professional maintains full responsibility
3.27 for all interactions, outputs, and data use associated with the system.

3.28 Subd. 4. **Public protections.** (a) If a licensed professional uses a chatbot to communicate
3.29 with a client as part of administrative or supplementary support, the chatbot must immediately
3.30 communicate to the client that the chatbot is not a human being and that the client should
3.31 consult with a family member, friend, or licensed professional if the client communicates
3.32 one or more of the following to the chatbot:

- 4.1 (1) thoughts or feelings related to the client's mental health;
- 4.2 (2) symptoms the client is experiencing, if the symptoms could be those of a mental
- 4.3 illness;
- 4.4 (3) a mental health diagnosis or condition; or
- 4.5 (4) thoughts of self-harm or harm to others.
- 4.6 (b) A licensed professional must not use ambient listening to assist in providing
- 4.7 administrative or supplementary support unless the client provides written, informed consent
- 4.8 to its use. Before a licensed professional uses ambient listening to assist in providing
- 4.9 administrative or supplementary support, the licensed professional must:
- 4.10 (1) provide the client with information on and the potential risks of using ambient
- 4.11 listening, including but not limited to:
- 4.12 (i) the purposes for which the licensed professional would use ambient listening;
- 4.13 (ii) where data collected via ambient listening is stored;
- 4.14 (iii) who has access to data collected via ambient listening;
- 4.15 (iv) whether any data collected via ambient listening is used to train a large language
- 4.16 model;
- 4.17 (v) the timing and method for destruction of data collected via ambient listening;
- 4.18 (vi) that the licensed professional will not penalize the client in any manner if the client
- 4.19 declines to permit ambient listening; and
- 4.20 (vii) that the licensed professional maintains responsibility for proofreading, correcting
- 4.21 errors, and signing and dating case notes created via ambient listening; and
- 4.22 (2) provide the client with an opportunity to consent or decline to consent to the use of
- 4.23 ambient listening.
- 4.24 (c) If a client consents to the use of ambient listening, both the client and the licensed
- 4.25 professional must sign and date the consent form.
- 4.26 **Subd. 5. Enforcement, penalties, and hearings; licensed professionals. (a) Any**
- 4.27 **licensed professional found in violation of this section must pay a civil penalty to the**
- 4.28 **health-related licensing board responsible for regulating the relevant profession in an amount**
- 4.29 **not to exceed \$50,000 per violation.**
- 4.30 **(b) The health-related licensing board responsible for regulating the relevant profession**
- 4.31 **must determine the amount of the penalty so as to deprive the licensed professional of any**

5.1 economic advantage gained by reason of the violation, to discourage similar violations, or
5.2 to reimburse the board for the cost of investigation and proceeding, including but not limited
5.3 to fees paid for services provided by the Court of Administrative Hearings, legal and
5.4 investigative services provided by the Office of the Attorney General, court reporters,
5.5 witnesses, reproduction of records, board members' per diem compensation, board staff
5.6 time, and travel costs and expenses incurred by board staff and board members.

5.7 (c) The health-related licensing board responsible for regulating the relevant profession
5.8 must provide the licensed professional with written notice of the finding of a violation and
5.9 the imposition of a civil penalty that includes the reasons for the finding, the amount of the
5.10 civil penalty, and the right to request a hearing under chapter 14. A licensed professional
5.11 must request a contested case hearing under chapter 14 from the health-related licensing
5.12 board within 30 days of receiving the notice in this paragraph.

5.13 (d) A licensed professional found in violation of this section must pay the civil penalty
5.14 within 60 days after notice of the violation and imposition of civil penalty under paragraph
5.15 (c) or after the date of an order issued following a contested case hearing under chapter 14,
5.16 whichever is later.

5.17 (e) Each health-related licensing board responsible for regulating a licensed professional
5.18 under this section has the authority to investigate any actual, alleged, or suspected violation
5.19 of this section.

5.20 Subd. 6. **Enforcement; other individuals, entities, corporations.** The attorney general
5.21 may enforce this section under section 8.31 against an individual other than a licensed
5.22 professional, a corporation, or an entity that violates this section.

5.23 Subd. 7. **Exceptions.** This section does not apply to:

5.24 (1) religious counseling;

5.25 (2) peer support; or

5.26 (3) self-help materials and educational resources that are available to the public and do
5.27 not purport to offer therapy or psychotherapy services.

5.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.