SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 4280

(SENATE AUTHORS: KUPEC, Abeler and Hoffman)

DATE	D-PG	OFFICIAL STATUS
03/09/2026	6573	Introduction and first reading Referred to Health and Human Services

A bill for an act

relating to health occupations; regulating use of artificial intelligence in psychotherapy services; providing for civil penalties; proposing coding for new law in Minnesota Statutes, chapter 214.

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

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

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

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

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

(2) managing appointment scheduling and reminders;

(3) processing billing and insurance claims;

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

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

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

(c) "Artificial intelligence system" means any machine-based system that, for any explicit or implicit objective, calculates from the inputs the system receives how to generate outputs, including but not limited to content, decisions, predictions, or recommendations, that can influence physical or virtual environments.

(d) "Health-related licensing board" has the meaning given in section 214.01, subdivision 2.

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

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

(2) a licensed social worker or independent clinical social worker under chapter 148E;

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

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

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

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

(7) a licensed physician under chapter 147; and

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

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

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

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

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

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

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

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

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

(i) "Therapy or psychotherapy services" means services provided to diagnose, treat, or improve an individual's mental health or behavioral health.

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

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

(1) make independent therapeutic decisions;

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

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

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

Subd. 4. **Enforcement, penalties, and hearings.** (a) Any individual, corporation, or entity found in violation of this section must pay a civil penalty to the health-related licensing board responsible for regulating the relevant profession in an amount not to exceed $10,000 per violation.

(b) The health-related licensing board responsible for regulating the relevant profession must determine the amount of the penalty so as to deprive the licensee of any economic advantage gained by reason of the violation, to discourage similar violations, or to reimburse

the board for the cost of investigation and proceeding, including but not limited to fees paid for services provided by the Court of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and travel costs and expenses incurred by board staff and board members.

(c) The health-related licensing board responsible for regulating the relevant profession must provide the individual, corporation, or entity with written notice of the finding of a violation and the imposition of a civil penalty that includes the reasons for the finding, the amount of the civil penalty, and the right to request a hearing under chapter 14. An individual, corporation, or entity must request a contested case hearing under chapter 14 from the health-related licensing board within 30 days of receiving the notice in this paragraph.

(d) An individual, corporation, or entity found in violation of this section must pay the civil penalty within 60 days after notice of the violation and imposition of civil penalty under paragraph (c) or after the date of an order issued following a contested case hearing under chapter 14, whichever is later.

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

Subd. 5. **Exceptions.** This section does not apply to:

(1) religious counseling;

(2) peer support; or

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

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