

2026 -- S 2197 SUBSTITUTE A

LC004017/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS -- OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN MENTAL HEALTH CARE ACT

Introduced By: Senators Urso, Tikoian, Zurier, Burke, Gu, Paolino, DiPalma, and Famiglietti

Date Introduced: January 23, 2026

Referred To: Senate Artificial Intelligence & Emerging Tech

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40.1 of the General Laws entitled "BEHAVIORAL HEALTHCARE,  
2 DEVELOPMENTAL DISABILITIES AND HOSPITALS" is hereby amended by adding thereto  
3 the following chapter:

4 CHAPTER 5.5

5 OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN MENTAL HEALTH  
6 CARE ACT

7 **40.1-5.5-1. Short title.**

8 This chapter shall be known and may be cited as the "Oversight of Artificial Intelligence  
9 Technology in Mental Health Care Act".

10 **40.1-5.5-2. Definitions.**

11 For the purposes of this chapter:

12 (1) "Administrative support" means tasks performed to assist a licensed professional or  
13 provider in the delivery of therapy or psychotherapy services that do not involve therapeutic  
14 communication. "Administrative support" includes, but is not limited to, the following:

15 (i) Managing appointment scheduling and reminders;

16 (ii) Processing billing and insurance claims; and

17 (iii) Drafting general communications related to therapy logistics that do not include  
18 therapeutic advice.

1           (2) "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-  
2 based system that can, for a given set of human-defined objectives, make predictions,  
3 recommendations, or decisions influencing real or virtual environments.

4           (3) "Consent" means an affirmative written agreement, including by electronic means,  
5 which unambiguously communicates the individual's explicit, express, freely given, informed,  
6 voluntary, and specific agreement, and which is revocable by the individual. "Consent" does not  
7 include an agreement that is obtained by the following:

8           (i) The acceptance of a general or broad terms of use, agreement, or a similar document  
9 that contains descriptions of artificial intelligence along with other unrelated information;

10          (ii) An individual hovering over, muting, pausing, or closing a given piece of digital  
11 content; or

12          (iii) Using deceptive actions.

13          (4) "Licensed professional or provider" means an individual who holds a valid license,  
14 credential, or certification issued by this state to provide therapy or psychotherapy services.

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

18          (6) "Permitted use of artificial intelligence" means the use of artificial intelligence tools or  
19 systems by a licensed professional or provider to assist in providing administrative support or  
20 supplementary support in therapy or psychotherapy services where the licensed professional or  
21 provider maintains full responsibility for all interactions, outputs, and data use associated with the  
22 system and satisfies the requirements of this chapter.

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

27          (8) "Supplementary support" means tasks performed to assist a licensed professional or  
28 provider in the delivery of therapy or psychotherapy services that do not involve therapeutic  
29 communication and that are not administrative support. "Supplementary support" includes, but is  
30 not limited to, the following:

31          (i) Preparing and maintaining client records, including therapy notes;

32          (ii) Analyzing data to track client progress or identify trends, subject to review by a  
33 licensed, credentialed, or certified professional; and

34          (iii) Identifying and organizing external resources or referrals for client use.

1           (9) "Therapeutic communication" means any verbal, non-verbal, or written interaction  
2 conducted in a clinical or professional setting that is intended to diagnose or treat an individual's  
3 mental, emotional, or behavioral health concerns. "Therapeutic communication" includes, but is  
4 not limited to:

5           (i) Direct interactions with clients for the purpose of understanding or reflecting their  
6 thoughts, emotions, or experiences;

7           (ii) Providing guidance, therapeutic strategies, or interventions designed to achieve mental  
8 health outcomes;

9           (iii) Offering emotional support, reassurance, or empathy in response to psychological or  
10 emotional distress;

11           (iv) Collaborating with clients to develop or modify therapeutic goals or treatment plans;  
12 and

13           (v) Offering behavioral feedback intended to promote psychological growth or address  
14 mental health conditions.

15           (10) "Therapy or psychotherapy services" means services provided to diagnose or treat an  
16 individual's mental health or behavioral health. "Therapy or psychotherapy services" does not  
17 include religious counseling or peer support.

18           **40.1-5.5-3. Artificial intelligence in mental health care: use restrictions and**  
19 **permissions.**

20           (a) No licensed professional or provider shall be permitted to use artificial intelligence,  
21 designed to simulate emotional attachment, bonding, or dependency or artificial intelligence  
22 companions for mental health or emotional support, to assist in therapy or psychotherapy services  
23 where the client's therapeutic session is recorded or transcribed unless the patient or the patient's  
24 parent, guardian or other legally authorized representative is informed in writing of the following  
25 and provides consent as defined in § 40.1-5.5-2:

26           (1) That artificial intelligence will be used;

27           (2) The specific purpose of the artificial intelligence tool or system that will be used; and

28           (3) The patient or the patient's parents, or other legally authorized representative, provides  
29 consent to the use of artificial intelligence.

30           (b) An individual, corporation, or entity may not provide, advertise, or otherwise offer  
31 therapy or psychotherapy services, including through the use of Internet-based artificial  
32 intelligence, to the public in this state unless the therapy or psychotherapy services are conducted  
33 by an individual who is a licensed professional or provider.

34           (c) A licensed professional or provider may use artificial intelligence only to the extent that

1 such use meets the requirements of subsection (a) of this section. A licensed professional or  
2 provider may not allow or otherwise use artificial intelligence to do any of the following:

3 (1) Make independent therapeutic decisions;

4 (2) Directly interact with clients in any form of therapeutic communication without active  
5 onsite or contemporaneous clinical supervision; or

6 (3) Determine therapeutic recommendations or treatment plans.

7 **40.1-5.5-4. Confidentiality of records.**

8 All records kept by a licensed professional or provider and all communications between an  
9 individual seeking therapy or psychotherapy services and a licensed professional or provider shall  
10 be confidential and shall not be disclosed except as provided pursuant to the provisions of § 40.1-  
11 5-26.

12 **40.1-5.5-5. Penalties.**

13 (a) The penalties pursuant to § 5-37.3-9 shall apply to any violation of the confidentiality  
14 provisions of this chapter.

15 (b) The executive office of health and human services shall have authority to investigate  
16 any actual, alleged, or suspected violation of this chapter.

17 (c) This chapter shall not apply to the following:

18 (1) Religious counseling;

19 (2) Peer support; and

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

22 (4) Any artificial intelligence tool or system that has been reviewed and cleared for use by  
23 the federal Food and Drug Administration, or another federal agency tasked with approving  
24 artificial intelligence and artificial intelligence algorithms for use in health care.

25 (5) Research pursuant to the patient consent and/or de-identification requirements of 21  
26 C.F.R. Pt. 50 and/or 45 C.F.R. Pt. 46 approved by a healthcare facility's institutional review board  
27 pursuant to § 23-17-19.1.

28 **40.1-5.5-6. Rules and Regulations.**

29 The executive office of health and human services is authorized to promulgate rules and  
30 regulations to carry out the intent of this chapter.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
HOSPITALS -- OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN  
MENTAL HEALTH CARE ACT

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- 1           This act would establish regulations regarding the use of artificial intelligence in mental
- 2   healthcare treatments.
- 3           This act would take effect upon passage.

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