

By: Schatzline

H.B. No. 1265

A BILL TO BE ENTITLED

AN ACT

relating to artificial intelligence mental health services.

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

SECTION 1. Subtitle E, Title 7, Health and Safety Code, is amended by adding Chapter 616 to read as follows:

CHAPTER 616. ARTIFICIAL INTELLIGENCE MENTAL HEALTH SERVICES

Sec. 616.001. DEFINITIONS. In this chapter:

(1) "Artificial intelligence" means computer software designed to simulate human intelligence through machine learning and perform tasks normally requiring human involvement.

(2) "Artificial intelligence mental health services" means counseling, therapy, or other mental health services provided through the use of artificial intelligence.

(3) "Commission" means the Health and Human Services Commission.

(4) "Executive commissioner" means the executive commissioner of the commission.

(5) "Licensed mental health professional" means an individual licensed by this state to provide counseling, therapy, or other mental health services, including:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code, who specializes in psychiatry;

(B) a psychologist licensed under Chapter 501, Occupations Code;

1 (C) a marriage and family therapist licensed
2 under Chapter 502, Occupations Code;

3 (D) a licensed professional counselor licensed
4 under Chapter 503, Occupations Code; and

5 (E) a social worker licensed under Chapter 505,
6 Occupations Code.

7 Sec. 616.002. REQUIREMENTS FOR PROVISION OF ARTIFICIAL
8 INTELLIGENCE MENTAL HEALTH SERVICES. (a) A person may not provide
9 artificial intelligence mental health services to an individual in
10 this state unless:

11 (1) the artificial intelligence application through
12 which the services are provided is commission-approved under
13 Section 616.003; and

14 (2) the person providing the services is a licensed
15 mental health professional or a person who ensures a licensed
16 mental health professional is available at all times to each
17 individual receiving services through artificial intelligence.

18 (b) The licensed mental health professional described by
19 Subsection (a) must:

20 (1) be available to review the progress of an
21 individual receiving artificial intelligence mental health
22 services;

23 (2) be available to communicate directly as needed
24 with the individual; and

25 (3) intervene in the provision of the services if the
26 individual is:

27 (A) threatening harm to self or others; or

1 (B) reporting abuse or neglect of a child.

2 (c) A person who offers artificial intelligence mental
3 health services shall:

4 (1) clearly advise each individual who may use the
5 services that the services are provided through artificial
6 intelligence; and

7 (2) obtain the individual's informed consent before
8 the individual receives the services.

9 Sec. 616.003. REQUIRED TESTING AND APPROVAL. (a)

10 Notwithstanding Section 616.002, a licensed mental health
11 professional may provide artificial intelligence mental health
12 services only to an individual who has agreed to receive the
13 services for purposes of testing an artificial intelligence
14 application as indicated by the individual signing an informed
15 consent document acknowledging the individual understands the
16 nature of the testing and agrees to:

17 (1) receive artificial intelligence mental health
18 services through an application in active development that has not
19 been demonstrated to be competent and safe; and

20 (2) release the artificial intelligence mental health
21 services provider from all liability associated with the artificial
22 intelligence mental health services provided during testing.

23 (b) An artificial intelligence application may only be
24 considered to have successfully completed testing after the testing
25 results demonstrate competency and safety in the application's
26 provision of artificial intelligence mental health services.

27 (c) Following a request for approval of an artificial

1 intelligence application to provide mental health services, the
2 commission shall evaluate the application's testing results and
3 issue an order approving or disapproving the application's use in
4 providing artificial intelligence mental health services in this
5 state.

6 (d) The commission shall post on its Internet website the
7 testing results of each artificial intelligence application
8 submitted to the commission for testing.

9 Sec. 616.004. ETHICS AND STANDARDS FOR ARTIFICIAL
10 INTELLIGENCE MENTAL HEALTH SERVICES. (a) A licensed mental health
11 professional in this state who provides artificial intelligence
12 mental health services shall be guided by the ethical principles
13 and standards applicable in the provision of mental health services
14 without the use of artificial intelligence.

15 (b) A person who provides artificial intelligence mental
16 health services may not discriminate against an individual on the
17 basis of race, ethnicity, gender, sexual orientation, or any other
18 characteristic.

19 Sec. 616.005. STATE AGENCY REGULATORY AUTHORITY;
20 DISCIPLINARY ACTION. (a) Each state agency regulating the
21 provision of counseling, therapy, or other mental health services
22 shall recognize as authorized by this state the artificial
23 intelligence mental health services provided through an artificial
24 intelligence application approved under this chapter.

25 (b) A person providing artificial intelligence mental
26 health services who violates an applicable provision of a
27 professional licensing statute is subject to disciplinary action as

1 provided by that statute regardless of whether the person is
2 licensed under that statute.

3 Sec. 616.006. REPORTING. A person who provides artificial
4 intelligence mental health services shall maintain records of the
5 person's provision of the services in the same manner as required by
6 the applicable professional licensing statute.

7 Sec. 616.007. RULES. The executive commissioner shall
8 adopt rules necessary to implement this chapter.

9 SECTION 2. This Act takes effect September 1, 2025.