

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0298.01 Brita Darling x2241

HOUSE BILL 26-1195

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A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON THE USE OF ARTIFICIAL INTELLIGENCE**
102 **RELATING TO PSYCHOTHERAPY SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits licensed, certified, or registered psychologists, professional counselors, social workers, clinical social workers, marriage and family therapists, addiction counselors, or candidates for those credentials, as well as unlicensed psychotherapists and other individuals lawfully permitted to provide psychotherapy services in the state (regulated professionals), from using an artificial intelligence system to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
April 16, 2026

HOUSE
Amended 2nd Reading
April 13, 2026

- Directly interact with clients in any form of therapeutic communication;
- Generate therapeutic recommendations or treatment plans without review and approval by regulated professionals; or
- Detect emotions or mental states.

Under current law, the practice of "psychotherapy" or "psychotherapy services" means, in pertinent part: Treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral and mental health disorders; understand unconscious or conscious motivation; resolve emotional, relationship, or attitudinal conflicts; or modify behaviors that interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention that takes place on a regular basis or over a period of time, or, in the cases of testing, assessment, and brief psychotherapy, psychotherapy can be a single intervention. The definition of psychotherapy in current law also states that it is the intent of the general assembly that the definition of psychotherapy be interpreted in its narrowest sense to regulate only those persons that clearly fall within the definition.

The bill allows regulated professionals to use an artificial intelligence system to assist in providing administrative support or supplementary support for psychotherapy services if the regulated professional maintains full responsibility for all interactions, outputs, and data use associated with the artificial intelligence system.

Further, if a client's therapeutic session will be recorded or transcribed through the use of an artificial intelligence system, the regulated professional must obtain written, informed consent from the client or the client's representative.

The bill does not prohibit the use of an artificial intelligence system within accredited or approved educational, instructional, or professional training programs so long as the artificial intelligence system is used solely for educational, administrative, simulation, or training purposes and is not deployed or marketed for use with clients, patients, or the public.

The bill also does not prohibit the development or testing of an artificial intelligence system solely for research purposes under the oversight of a federally registered institutional review board, so long as the artificial intelligence system is not offered to consumers or used to provide psychotherapy services outside of the research setting.

Further, the bill also does not prohibit the use of a technology or service that provides self-help, coaching, guided meditation, or wellness tools and that does not diagnose or treat mental health disorders and clearly discloses that the technology or service is not a substitute for clinical care.

The applicable board that regulates a regulated professional may

take disciplinary action against a regulated professional that violates prohibitions in the bill concerning the use of artificial intelligence systems relating to psychotherapy services.

The bill also makes it unlawful for an individual, corporation, or entity (person) to provide, advertise, or otherwise offer psychotherapy services to the public in the state unless the services are provided by a regulated professional.

It is an unfair trade practice under the "Colorado Consumer Protection Act" for a person to use a term, letter, or phrase in the advertising, interface, or outputs of an artificial intelligence system that indicates or implies that the artificial intelligence system's output data is endorsed by or equivalent to psychotherapy services provided by regulated professionals or represent that the artificial intelligence system provides psychotherapy services or that users' data or information is confidential.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-245-224, **amend**
3 (1)(w) and (1)(x); and **add** (1)(y) as follows:

4 **12-245-224. Prohibited activities - related provisions -**
5 **definition.**

6 (1) A person licensed, registered, or certified under this article 245
7 violates this article 245 if the person:

8 (w) Has sold or fraudulently obtained or furnished a license,
9 registration, or certification to practice as a psychologist, social worker,
10 marriage and family therapist, licensed professional counselor,
11 psychotherapist, or addiction counselor or has aided or abetted in those
12 activities; ~~or~~

13 (x) Has failed to respond, in the manner required by the board, to
14 a complaint filed with or by the board against the licensee, registrant, or
15 certificate holder; OR

16 (y) FAILS TO COMPLY WITH SECTION 12-245-224.5 CONCERNING
17 THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS.

1 **SECTION 2.** In Colorado Revised Statutes, **add 12-245-224.5** as
2 follows:

3 **12-245-224.5. Use of artificial intelligence systems for**
4 **psychotherapy services - permitted use by regulated individuals -**
5 **consent - use in educational and training settings and research -**
6 **prohibited use - liability - unfair or deceptive trade practice -**
7 **definitions.**

8 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) (I) "ADMINISTRATIVE SUPPORT" MEANS TASKS THAT:

11 (A) ARE PERFORMED TO ASSIST A LICENSEE, REGISTRANT,
12 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
13 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE IN THE DELIVERY OF
14 PSYCHOTHERAPY SERVICES; AND

15 (B) DO NOT INVOLVE THERAPEUTIC COMMUNICATION.

16 (II) "ADMINISTRATIVE SUPPORT" INCLUDES THE FOLLOWING, AT A
17 MINIMUM:

18 (A) MANAGING APPOINTMENT SCHEDULING AND REMINDERS;

19 (B) PROCESSING BILLING AND INSURANCE CLAIMS; AND

20 (C) DRAFTING GENERAL COMMUNICATIONS RELATED TO THERAPY
21 LOGISTICS THAT DO NOT INCLUDE THERAPEUTIC ADVICE.

22 (b) "ARTIFICIAL INTELLIGENCE SYSTEM" MEANS ANY
23 MACHINE-BASED SYSTEM THAT, FOR ANY EXPLICIT OR IMPLICIT OBJECTIVE,
24 INFERS FROM THE INPUTS THE SYSTEM RECEIVES HOW TO GENERATE
25 OUTPUTS, INCLUDING CONTENT, DECISIONS, PREDICTIONS, OR
26 RECOMMENDATIONS, THAT CAN INFLUENCE PHYSICAL OR VIRTUAL
27 ENVIRONMENTS.

1 (c) (I) "CONSENT" MEANS A CLEAR, EXPLICIT, AFFIRMATIVE,
2 SPECIFIC, AND UNAMBIGUOUS WRITTEN AGREEMENT, INCLUDING A
3 WRITTEN AGREEMENT PROVIDED BY ELECTRONIC MEANS, ENTERED INTO
4 BY AN INDIVIDUAL THAT IS REVOCABLE BY THE INDIVIDUAL.

5 (II) "CONSENT" DOES NOT INCLUDE AN AGREEMENT THAT IS
6 OBTAINED BY ANY OF THE FOLLOWING MEANS:

7 (A) THE ACCEPTANCE OF A GENERAL OR BROAD TERMS OF USE
8 AGREEMENT OR A SIMILAR DOCUMENT THAT CONTAINS DESCRIPTIONS OF
9 ARTIFICIAL INTELLIGENCE ALONG WITH OTHER UNRELATED INFORMATION;

10 (B) AN INDIVIDUAL INTERACTING WITH A GIVEN PIECE OF DIGITAL
11 CONTENT IN A MANNER THAT INVOLVES HOVERING OVER, MUTING,
12 PAUSING, OR CLOSING THE DIGITAL CONTENT; OR

13 (C) AN AGREEMENT OBTAINED THROUGH THE USE OF DECEPTION.

14 (d) "SUPPLEMENTARY SUPPORT" MEANS TASKS PERFORMED TO
15 ASSIST A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
16 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
17 SERVICES IN THE STATE IN THE DELIVERY OF PSYCHOTHERAPY SERVICES
18 THAT DO NOT INVOLVE THERAPEUTIC COMMUNICATION AND THAT ARE NOT
19 ADMINISTRATIVE SUPPORT. "SUPPLEMENTARY SUPPORT" INCLUDES, AT A
20 MINIMUM:

21 (I) PREPARING AND MAINTAINING CLIENT RECORDS, INCLUDING
22 THERAPY NOTES;

23 (II) ANALYZING DATA TO TRACK CLIENT PROGRESS OR IDENTIFY
24 TRENDS, SUBJECT TO REVIEW BY A LICENSEE, REGISTRANT, CERTIFICATE
25 HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE
26 PSYCHOTHERAPY SERVICES IN THE STATE; ==

27 (III) IDENTIFYING AND ORGANIZING INTERNAL AND EXTERNAL

1 RESOURCES OR REFERRALS FOR CLIENT USE; AND

2 (IV) COLLECTING MENTAL HEALTH OR WELLNESS INFORMATION,
3 INCLUDING SYMPTOM FREQUENCY TRACKING; MOOD RATING SCALES;
4 INTAKE QUESTIONNAIRES AND RESPONSES; MEDICATION ADHERENCE
5 LOGGING; SLEEP AND ACTIVITY TRACKING; AND USE OF SIMILAR,
6 STRUCTURED DATA COLLECTION TOOLS.

7 (e) (I) "SYNCHRONOUS" MEANS INTERACTIONS OCCURRING
8 SIMULTANEOUSLY IN WHICH THERE IS ACTIVE PARTICIPATION BETWEEN
9 THE CLIENT AND THE LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR
10 OTHER INDIVIDUAL LEGALLY PERMITTED TO PROVIDE PSYCHOTHERAPY
11 SERVICES IN THE STATE.

12 (II) "SYNCHRONOUS" DOES NOT MEAN A REVIEW OF AN
13 INTERACTION AFTER THE INTERACTION HAS OCCURRED.

14 (f) (I) "THERAPEUTIC COMMUNICATION" MEANS ANY VERBAL,
15 NONVERBAL, OR WRITTEN INTERACTION CONDUCTED IN A CLINICAL OR
16 PROFESSIONAL SETTING THAT MEETS THE DEFINITION OF PSYCHOTHERAPY
17 SERVICES. "THERAPEUTIC COMMUNICATION" INCLUDES:

18 (A) DIRECT INTERACTIONS WITH CLIENTS FOR THE PURPOSE OF
19 UNDERSTANDING OR REFLECTING THEIR THOUGHTS, EMOTIONS, OR
20 EXPERIENCES;

21 (B) PROVIDING GUIDANCE, THERAPEUTIC STRATEGIES, OR
22 INTERVENTIONS DESIGNED TO ACHIEVE MENTAL OR BEHAVIORAL HEALTH
23 OUTCOMES;

24 (C) OFFERING EMOTIONAL SUPPORT, REASSURANCE, OR EMPATHY
25 IN RESPONSE TO PSYCHOLOGICAL OR EMOTIONAL DISTRESS;

26 (D) COLLABORATING WITH CLIENTS TO DEVELOP OR MODIFY
27 THERAPEUTIC GOALS OR TREATMENT PLANS; AND

1 (E) OFFERING BEHAVIORAL FEEDBACK INTENDED TO PROMOTE
2 PSYCHOLOGICAL GROWTH OR TO ADDRESS MENTAL OR BEHAVIORAL
3 HEALTH CONDITIONS.

4 (II) "THERAPEUTIC COMMUNICATION" DOES NOT INCLUDE
5 GENERAL WELLNESS EDUCATION, INSTRUCTION, OR GUIDANCE THAT IS
6 INTENDED TO PROMOTE OVERALL HEALTH AND WELL-BEING, RATHER THAN
7 TO DIAGNOSE, TREAT, OR ADDRESS A SPECIFIC MENTAL, EMOTIONAL, OR
8 BEHAVIORAL HEALTH CONCERN.

9 (2) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
10 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
11 SERVICES IN THE STATE MAY USE AN ARTIFICIAL INTELLIGENCE SYSTEM TO
12 ASSIST IN PROVIDING ADMINISTRATIVE SUPPORT OR SUPPLEMENTARY
13 SUPPORT FOR PSYCHOTHERAPY SERVICES IF THE LICENSEE, REGISTRANT,
14 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
15 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE MAINTAINS
16 RESPONSIBILITY FOR REVIEWING ANY OUTPUTS OF THE ARTIFICIAL
17 INTELLIGENCE SYSTEM USED TO PROVIDE ADMINISTRATIVE SUPPORT OR
18 SUPPLEMENTARY SUPPORT AND SATISFIES THE REQUIREMENTS SET FORTH
19 IN SUBSECTION (4) OF THIS SECTION.

20 (3) THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM IS SUBJECT
21 TO AND MUST COMPLY WITH APPLICABLE STATE AND FEDERAL PRIVACY
22 AND SECURITY LAWS, INCLUDING THE "HEALTH INSURANCE PORTABILITY
23 AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AND ITS
24 IMPLEMENTING REGULATIONS.

25 (4) (a) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
26 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
27 SERVICES IN THE STATE SHALL NOT USE AN ARTIFICIAL INTELLIGENCE

1 SYSTEM TO RECORD OR TRANSCRIBE A CLIENT'S THERAPEUTIC SESSION,
2 UNLESS:

3 (I) THE CLIENT OR THE CLIENT'S LEGALLY AUTHORIZED
4 REPRESENTATIVE IS INFORMED IN ADVANCE IN WRITING OF THE
5 FOLLOWING:

6 (A) THAT AN ARTIFICIAL INTELLIGENCE SYSTEM WILL BE USED;
7 AND

8 (B) THE SPECIFIC PURPOSE FOR WHICH THE ARTIFICIAL
9 INTELLIGENCE SYSTEM WILL BE USED;

10 (II) THE CLIENT OR THE CLIENT'S LEGALLY AUTHORIZED
11 REPRESENTATIVE CONSENTS IN WRITING TO THE USE OF THE ARTIFICIAL
12 INTELLIGENCE SYSTEM; AND

13 (III) THE CLIENT'S REFUSAL TO PROVIDE OR LATER DECISION TO
14 REVOKE THE CONSENT REQUIRED PURSUANT TO SUBSECTION (4)(a)(II) OF
15 THIS SECTION SHALL NOT BE USED AS A BASIS TO DENY PSYCHOTHERAPY
16 SERVICES.

17 (b) THE CONSENT REQUIRED PURSUANT TO SUBSECTION (4)(a)(II)
18 OF THIS SECTION FOR THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM TO
19 RECORD OR TRANSCRIBE THERAPEUTIC SESSIONS IS REQUIRED ONLY FOR
20 THE INITIAL USE OF THE ARTIFICIAL INTELLIGENCE SYSTEM OCCURRING ON
21 OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND NOT FOR EACH
22 SUBSEQUENT THERAPEUTIC SESSION, UNLESS THE PURPOSE OR MANNER OF
23 USE MATERIALLY CHANGES.

24 (5) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
25 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
26 SERVICES IN THE STATE SHALL NOT ALLOW AN ARTIFICIAL INTELLIGENCE
27 SYSTEM TO DO ANY OF THE FOLLOWING:

1 (a) INTERACT WITH CLIENTS IN ANY FORM OF THERAPEUTIC
2 COMMUNICATION WITHOUT SYNCHRONOUS, REAL-TIME INTERACTION
3 BETWEEN THE LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
4 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
5 SERVICES IN THE STATE, THE ARTIFICIAL INTELLIGENCE SYSTEM, AND THE
6 CLIENT; OR

7 (b) GENERATE THERAPEUTIC RECOMMENDATIONS OR TREATMENT
8 PLANS WITHOUT REVIEW AND APPROVAL BY THE LICENSEE, REGISTRANT,
9 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
10 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE.

11 (6) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (7) AND (8) OF THIS
12 SECTION, A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
13 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
14 SERVICES IN THE STATE SHALL NOT USE AN ARTIFICIAL INTELLIGENCE
15 SYSTEM TO PROVIDE, DIRECT, GUIDE, OR ATTEMPT TO PROVIDE, DIRECT, OR
16 GUIDE PSYCHOTHERAPY, CLINICAL INTERVENTION, COUNSELING,
17 DIAGNOSIS, TREATMENT PLANNING, OR ANY OTHER ACTIVITY THAT
18 CONSTITUTES THE PRACTICE OF PSYCHOTHERAPY WITH AN INDIVIDUAL OR
19 A GROUP UNLESS THE USE COMPLIES WITH SUBSECTION (5) OF THIS
20 SECTION.

21 (b) A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
22 INDIVIDUAL LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY
23 SERVICES IN THE STATE SHALL PROVIDE TO THE CLIENT DURING THE
24 INITIAL CLIENT CONTACT WRITTEN INFORMATION CONCERNING
25 PROHIBITIONS SPECIFIED IN SUBSECTION (6)(a) OF THIS SECTION ON THE
26 USE OF ARTIFICIAL INTELLIGENCE SYSTEMS IN THE PRACTICE OF
27 PSYCHOTHERAPY.

1 (7) NOTHING IN THIS SECTION PROHIBITS A LICENSEE, REGISTRANT,
2 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
3 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE FROM USING AN
4 ARTIFICIAL INTELLIGENCE SYSTEM WITHIN AN ACCREDITED OR APPROVED
5 EDUCATIONAL, INSTRUCTIONAL, OR PROFESSIONAL TRAINING PROGRAM,
6 SO LONG AS THE ARTIFICIAL INTELLIGENCE SYSTEM:

7 (a) IS USED SOLELY FOR EDUCATIONAL, ADMINISTRATIVE,
8 SIMULATION, OR TRAINING PURPOSES;

9 (b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, IS
10 NOT DEPLOYED, MARKETED, OR REPRESENTED AS A TOOL FOR USE WITH
11 CLIENTS, PATIENTS, OR MEMBERS OF THE PUBLIC; AND

12 (c) FOR ANY SIMULATION, TRAINING MODULE, OR EDUCATIONAL
13 ACTIVITY THAT INCLUDES CONTENT RELATED TO CLINICAL
14 DECISION-MAKING, IS REVIEWED OR CONTROLLED BY AN INDIVIDUAL
15 LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE LAWFULLY PERMITTED
16 TO PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE.

17 (8) NOTHING IN THIS SECTION PROHIBITS A LICENSEE, REGISTRANT,
18 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
19 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE FROM BEING INVOLVED
20 IN THE DEVELOPMENT, TESTING, OR EVALUATION OF AN ARTIFICIAL
21 INTELLIGENCE SYSTEM SOLELY FOR RESEARCH PURPOSES CONDUCTED
22 UNDER THE OVERSIGHT OF AN INSTITUTIONAL REVIEW BOARD REGISTERED
23 WITH THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
24 SERVICES, SO LONG AS THE ARTIFICIAL INTELLIGENCE SYSTEM IS NOT
25 OFFERED TO CONSUMERS OR USED TO PROVIDE PSYCHOTHERAPY SERVICES
26 OUTSIDE OF THE RESEARCH SETTING.

27 (9) THIS SECTION DOES NOT APPLY TO A LICENSEE, REGISTRANT,

1 CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LAWFULLY PERMITTED TO
2 PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE WHO USES OR
3 RECOMMENDS THE USE OF A TECHNOLOGY OR SERVICE THAT:

4 (a) PROVIDES SELF-HELP, THERAPEUTIC HOMEWORK, PATIENT
5 NAVIGATION, COACHING, GUIDED MEDITATION, JOURNALING,
6 REFLECTIONS, PSYCHOEDUCATION, GOAL SETTING, PROGRESS TRACKING,
7 THERAPEUTIC SESSION PREPARATION, THERAPEUTIC SESSION SUMMARIES,
8 MOOD MONITORING, MINDFULNESS EXERCISES, BREATHING EXERCISES,
9 CRISIS RESOURCE DIRECTORIES, SAFETY PLANNING, OR OTHER WELLNESS
10 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 
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 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-1705.2 as

1 follows:

2 **6-1-1705.2. Use of artificial intelligence systems -**
3 **psychotherapy services - prohibited practices - definitions.**

4 (1) A PERSON SHALL NOT USE ANY TERM, LETTER, OR PHRASE IN
5 THE ADVERTISING, INTERFACE, OR OUTPUTS OF AN ARTIFICIAL
6 INTELLIGENCE SYSTEM IN A MANNER THAT:

7 (a) INDICATES OR IMPLIES THAT THE ARTIFICIAL INTELLIGENCE
8 SYSTEM'S OUTPUT DATA IS BEING PROVIDED BY, IS ENDORSED BY, OR IS
9 EQUIVALENT TO SERVICES PROVIDED BY AN INDIVIDUAL LICENSED,
10 REGISTERED, OR CERTIFIED IN THE STATE PURSUANT TO ARTICLE 245 OF
11 TITLE 12 TO ENGAGE IN THE PRACTICE OF PSYCHOTHERAPY OR TO PROVIDE
12 PSYCHOTHERAPY SERVICES;

13 (b) REPRESENTS THAT THE ARTIFICIAL INTELLIGENCE SYSTEM
14 PROVIDES PSYCHOTHERAPY SERVICES; OR

15 (c) REPRESENTS THAT A USER'S DATA IS CONFIDENTIAL IN A
16 MANNER THAT WOULD LEAD A REASONABLE USER TO BELIEVE THAT THE
17 DATA IS PROTECTED IN A MANNER COMPARABLE TO PRIVACY PROTECTIONS
18 AFFORDED BY THERAPIST-CLIENT CONFIDENTIALITY IN A RELATIONSHIP
19 BETWEEN A LICENSEE, REGISTRANT, CERTIFICATE HOLDER, OR OTHER
20 PERSON LAWFULLY PERMITTED TO PROVIDE PSYCHOTHERAPY SERVICES IN
21 THE STATE AND THE CLIENT.

22 (2) NOTHING IN THIS SECTION IMPOSES LIABILITY ON A LICENSEE,
23 REGISTRANT, CERTIFICATE HOLDER, OR OTHER INDIVIDUAL LEGALLY
24 PERMITTED TO PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE FOR
25 DEFECTS IN, OR FAILURES OF, AN ARTIFICIAL INTELLIGENCE SYSTEM THAT
26 ARE ATTRIBUTABLE TO THE DEVELOPER OR DEPLOYER OF THE ARTIFICIAL
27 INTELLIGENCE SYSTEM. THE LIABILITY OF A DEVELOPER OR DEPLOYER FOR

1 SUCH DEFECTS OR FAILURES IS GOVERNED BY APPLICABLE CONSUMER
2 PROTECTION LAW.

3 (3) NOTHING IN THIS SECTION PROHIBITS THE USE OF AN ARTIFICIAL
4 INTELLIGENCE SYSTEM WITHIN AN ACCREDITED OR APPROVED
5 EDUCATIONAL, INSTRUCTIONAL, OR PROFESSIONAL TRAINING PROGRAM,
6 SO LONG AS THE ARTIFICIAL INTELLIGENCE SYSTEM:

7 (a) IS USED SOLELY FOR EDUCATIONAL, ADMINISTRATIVE,
8 SIMULATION, OR TRAINING PURPOSES;

9 (b) NOTWITHSTANDING SECTION 12-245-224.5 (5)(a), IS NOT
10 DEPLOYED, MARKETED, OR REPRESENTED AS A TOOL FOR USE WITH
11 CLIENTS, PATIENTS, OR MEMBERS OF THE PUBLIC; AND

12 (c) FOR ANY SIMULATION, TRAINING MODULE, OR EDUCATIONAL
13 ACTIVITY THAT INCLUDES CONTENT RELATED TO CLINICAL
14 DECISION-MAKING, IS REVIEWED OR CONTROLLED BY AN INDIVIDUAL
15 LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE LAWFULLY PERMITTED
16 TO PROVIDE PSYCHOTHERAPY SERVICES IN THE STATE.

17 (4) NOTHING IN THIS SECTION PROHIBITS THE DEVELOPMENT,
18 TESTING, OR EVALUATION OF AN ARTIFICIAL INTELLIGENCE SYSTEM
19 SOLELY FOR RESEARCH PURPOSES CONDUCTED UNDER THE OVERSIGHT OF
20 AN INSTITUTIONAL REVIEW BOARD REGISTERED WITH THE UNITED STATES
21 DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO LONG AS THE
22 ARTIFICIAL INTELLIGENCE SYSTEM IS NOT OFFERED TO CONSUMERS OR
23 USED TO PROVIDE PSYCHOTHERAPY SERVICES OUTSIDE OF THE RESEARCH
24 SETTING.

25 (5) THIS SECTION DOES NOT APPLY TO THE USE OF A TECHNOLOGY
26 OR SERVICE THAT:

27 (a) PROVIDES SELF-HELP, THERAPEUTIC HOMEWORK, PATIENT

1 NAVIGATION, COACHING, GUIDED MEDITATION, JOURNALING,
2 REFLECTIONS, PSYCHOEDUCATION, GOAL SETTING, PROGRESS TRACKING,
3 THERAPEUTIC SESSION PREPARATION, THERAPEUTIC SESSION SUMMARIES,
4 MOOD MONITORING, MINDFULNESS EXERCISES, BREATHING EXERCISES,
5 CRISIS RESOURCE DIRECTORIES, SAFETY PLANNING, OR OTHER WELLNESS
6 TOOLS THAT:

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

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

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

15 (I) DOES NOT DIAGNOSE OR TREAT MENTAL HEALTH DISORDERS;
16 AND

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

19 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "ARTIFICIAL INTELLIGENCE SYSTEM" HAS THE MEANING SET
22 FORTH IN SECTION 12-245-224.5.

23 ==
24 (b) "PSYCHOTHERAPY" OR "PSYCHOTHERAPY SERVICES" HAS THE
25 MEANING SET FORTH IN SECTION 12-245-202.

26 **SECTION 4. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 12, 2026, if adjournment sine die is on May 13,
3 2026); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2026 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to actions taken on or after the applicable
10 effective date of this act. ■