HOUSE . . . . No. 1974

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating the use of artificial intelligence (AI) in providing mental health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Josh S. Cutler	*6th Plymouth*	*1/16/2023*
Vanna Howard	*17th Middlesex*	*2/27/2023*

HOUSE . . . . No. 1974

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 1974) of Josh S. Cutler and Vanna Howard relative to the use of artificial intelligence in mental health services. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court
(2023-2024)

_____

An Act regulating the use of artificial intelligence (AI) in providing mental health services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1. Chapter 123 of the General Laws, as appearing in the 2020 Official Edition,

2   is hereby amended by inserting after section 36C the following section:

3   Section 1: Purpose

4   The purpose of this act is to regulate the use of Artificial Intelligence (AI) in providing

5   mental health services in the Commonwealth of Massachusetts in order to ensure the safety and

6   well-being of individuals seeking mental health treatment, while also allowing for the

7   responsible use of AI in mental health services.

8   Section 2: Definitions

9   (a) "Artificial Intelligence" or "AI" means any technology that can simulate human

10   intelligence, including but not limited to, natural language processing, training language models,

11   reinforcement learning from human feedback and machine learning systems.

12   (b) "Mental health services" means any service provided by a licensed mental health

13   professional for the purpose of diagnosing, treating, or preventing mental illness or emotional or

14   behavioral disorders.

15   (c) "Licensed mental health professional" means any individual who is licensed by the

16   state of Massachusetts to provide mental health services, including but not limited to,

17   psychiatrists, psychologists, licensed mental health counselors (LMHCs), licensed independent

18   clinical social workers (LICSWs) and other professional counselors.

19   Section 3: Regulation of AI in Mental Health Services

20   (a) Any licensed mental health professional who wishes to provide mental health services

21   through the use of AI shall first seek approval from the relevant professional licensing board.

22   (b) Any AI system used to provide mental health services must be designed to prioritize

23   the safety and well-being of individuals seeking treatment and must be continuously monitored

24   by a licensed mental health professional to ensure its safety and effectiveness.

25   (c) Any licensed mental health professional providing mental health services through the

26   use of AI shall inform patients of the use of AI in their treatment and provide them with the

27   option to receive treatment from a licensed mental health professional.

28   (d) Any licensed mental health professional providing mental health services through the

29   use of AI shall disclose the use of AI to patients in advance and obtain their informed consent.

30   Section 4: Penalties

31   (a) Any licensed mental health professional who violates the provisions of this act shall

32   be subject to disciplinary action by the relevant professional licensing board.