

1.1 Backer and Bierman from the Committee on Health Finance and Policy to which was
1.2 referred:

1.3 H. F. No. 3893, A bill for an act relating to health occupations; regulating use of artificial
1.4 intelligence in psychotherapy services; providing for civil penalties; proposing coding for
1.5 new law in Minnesota Statutes, chapter 214.

1.6 Reported the same back with the following amendments:

1.7 Page 1, after line 21, insert:

1.8 "(c) "Ambient listening" means the ability of a device to hear and process sounds and
1.9 transcribe conversations."

1.10 Page 2, line 1, delete "(c)" and insert "(d)"

1.11 Page 2, line 4, after the period, insert "Artificial intelligence system includes but is not
1.12 limited to a chatbot."

1.13 Page 2, delete lines 5 and 6

1.14 Page 2, line 10, after the first "worker" insert ", graduate social worker, independent
1.15 social worker,"

1.16 Page 3, line 12, after the period, insert "Therapy or psychotherapy services include but
1.17 are not limited to psychological or psychosocial assessment services."

1.18 Page 3, line 19, delete "or"

1.19 Page 3, line 21, delete the period and insert "; or"

1.20 Page 3, after line 21, insert:

1.21 "(4) provide psychological or psychosocial assessment services."

1.22 Page 3, after line 25, insert:

2.1 "Subd. 4. **Public protections.** (a) If a licensed professional uses a chatbot to communicate
2.2 with a client as part of administrative or supplementary support, the chatbot must immediately
2.3 communicate to the client that the chatbot is not a human being and that the client should
2.4 consult with a family member, friend, or licensed professional if the client communicates
2.5 one or more of the following to the chatbot:

2.6 (1) thoughts or feelings related to the client's mental health;

2.7 (2) symptoms the client is experiencing, if the symptoms could be those of a mental
2.8 illness;

2.9 (3) a mental health diagnosis or condition; or

2.10 (4) thoughts of self-harm or harm to others.

2.11 (b) A licensed professional must not use ambient listening to assist in providing
2.12 administrative or supplementary support unless the client provides written, informed consent
2.13 to its use. Before a licensed professional uses ambient listening to assist in providing
2.14 administrative or supplementary support, the licensed professional must:

2.15 (1) provide the client with information on and the potential risks of using ambient
2.16 listening, including but not limited to:

2.17 (i) the purposes for which the licensed professional would use ambient listening;

2.18 (ii) where data collected via ambient listening is stored;

2.19 (iii) who has access to data collected via ambient listening;

2.20 (iv) whether any data collected via ambient listening is used to train a large language
2.21 model;

2.22 (v) the timing and method for destruction of data collected via ambient listening;

2.23 (vi) that the licensed professional will not penalize the client in any manner if the client
2.24 declines to permit ambient listening; and

2.25 (vii) that the licensed professional maintains responsibility for proofreading, correcting
2.26 errors, and signing and dating case notes created via ambient listening; and

2.27 (2) provide the client with an opportunity to consent or decline to consent to the use of
2.28 ambient listening.

2.29 (c) If a client consents to the use of ambient listening, both the client and the licensed
2.30 professional must sign and date the consent form."

3.1 Page 3, line 26, after "hearings" insert "; licensed professionals" and delete "individual,
3.2 corporation, or" and insert "licensed professional"

3.3 Page 3, line 27, delete "entity"

3.4 Page 3, line 28, delete "\$10,000" and insert "\$50,000"

3.5 Page 3, line 31, delete "licensee" and insert "licensed professional"

3.6 Page 4, line 7, delete "individual, corporation, or entity" and insert "licensed professional"

3.7 Page 4, line 9, delete "An individual," and insert "A licensed professional"

3.8 Page 4, line 10, delete "corporation, or entity"

3.9 Page 4, line 12, delete "An individual, corporation, or entity" and insert "A licensed
3.10 professional"

3.11 Page 4, after line 18, insert:

3.12 "Subd. 6. Enforcement; other individuals, entities, corporations. The attorney general
3.13 may enforce this section under section 8.31 against an individual other than a licensed
3.14 professional, a corporation, or an entity that violates this section."

3.15 Renumber the subdivisions in sequence

3.16 With the recommendation that when so amended the bill be re-referred to the Committee
3.17 on Judiciary Finance and Civil Law.

3.18 This Committee action taken March 18, 2026

3.19, Co-Chair

3.20, Co-Chair