

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2100 Session of  
2025

INTRODUCED BY BIZZARRO, O'MARA, FREEMAN, RIVERA, VENKAT AND  
HANBIDGE, DECEMBER 12, 2025

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
DECEMBER 12, 2025

AN ACT

1 Providing for the use of mental health chatbots and artificial  
2 intelligence by mental health therapists; imposing duties on  
3 the Bureau of Professional and Occupational Affairs; and  
4 imposing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Protecting  
9 Patients Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Administrative support." Tasks performed to assist a  
15 mental health therapist in the delivery of therapy or  
16 psychotherapy services that do not involve confidential  
17 communications. The term includes:

18 (1) Managing appointment scheduling and reminders.

1           (2)   Processing billing and insurance claims.

2           "Artificial intelligence."   A machine-based system that makes  
3 predictions, recommendations or decisions influencing real or  
4 virtual environments.

5           "Artificial intelligence technology."   A computer system,  
6 application or other product that uses or incorporates one or  
7 more forms of artificial intelligence.

8           "Confidential communications."   Information obtained by an  
9 individual licensed under the act of March 23, 1972 (P.L.136,  
10 No.52), known as the Professional Psychologists Practice Act,  
11 including information obtained by the individual's examination  
12 of the client or patient, which is:

13           (1)   the following:

14               (i)   transmitted between the client or patient and an  
15 individual in the course of their professional  
16 relationship; or

17               (ii)   transmitted among the client or patient, an  
18 individual and individuals who are participating in the  
19 diagnosis or treatment under the direction of an  
20 individual, including members of the client's or  
21 patient's family; and

22           (2)   made in confidence, for the diagnosis or treatment  
23 of the client or patient by the individual and by a means not  
24 intended to be disclosed to third persons other than those  
25 individuals:

26               (i)   present to further the interest of the client or  
27 patient in the consultation, examination or interview;

28               (ii)   reasonably necessary for the transmission of  
29 the communications; or

30               (iii)   participating in the diagnosis and treatment

1 of the client or patient under the direction of the  
2 mental health therapist.

3 "Generative artificial intelligence." An artificial  
4 intelligence technology that:

5 (1) is trained on data;

6 (2) is designed to simulate human conversation with a  
7 consumer through one or more of the following:

8 (i) text;

9 (ii) audio; or

10 (iii) visual communication; and

11 (3) generates nonscripted outputs similar to outputs  
12 created by a human with limited or no human oversight.

13 "Health care provider." As defined in 45 CFR 160.103  
14 (relating to definitions).

15 "Health plan." As defined in 45 CFR 160.103.

16 "Individually identifiable health information." Information,  
17 whether oral or recorded in any form or medium, that relates to  
18 the physical or mental health or condition of an individual.

19 "Mental health chatbot."

20 (1) An artificial intelligence technology that:

21 (i) uses generative artificial intelligence to  
22 engage in interactive conversations with a user similar  
23 to the confidential communications that an individual  
24 would have with a mental health therapist; and

25 (ii) a supplier represents, or a reasonable person  
26 would believe, can or will provide mental health therapy  
27 or help a user manage or treat mental health conditions.

28 (2) The term does not include artificial intelligence  
29 technology that only:

30 (i) provides scripted output, such as guided

1 meditations or mindfulness exercises; or

2 (ii) analyzes an individual's input for the purpose  
3 of connecting the individual with a mental health  
4 therapist.

5 "Mental health therapist." An individual who is engaging in  
6 the practice of psychology as defined in the Professional  
7 Psychologists Practice Act.

8 "Pennsylvania user." An individual located in this  
9 Commonwealth at the time the individual accesses or uses a  
10 mental health chatbot.

11 "Supplier." A seller, lessor, assignor, offeror, broker or  
12 other person that regularly solicits, engages in or enforces  
13 consumer transactions, whether or not the person deals directly  
14 with consumers.

15 "Therapy." The treatment of mental conditions by verbal or  
16 written communication and interaction.

17 "User input." Content provided to a mental health chatbot by  
18 a Pennsylvania user.

19 Section 3. Protection of personal information.

20 (a) Prohibition.--A supplier of a mental health chatbot may  
21 not sell to or share with a third party:

22 (1) individually identifiable health information of a  
23 Pennsylvania user; or

24 (2) user input of a Pennsylvania user.

25 (b) Applicability.--Subsection (a) does not apply to  
26 individually identifiable health information:

27 (1) requested by a health care provider with the consent  
28 of the Pennsylvania user;

29 (2) provided to a health plan of a Pennsylvania user  
30 upon request of the Pennsylvania user; or

1 (3) shared in compliance with subsection (c).

2 (c) Exception.--A supplier of a mental health chatbot may  
3 share individually identifiable health information necessary to  
4 ensure the effective functionality of the mental health chatbot  
5 with another party with which the supplier has a contract  
6 related to that functionality. When sharing information under  
7 this subsection, the supplier and the other entity shall comply  
8 with all applicable privacy and security provisions of 45 CFR  
9 Pts. 160 (relating to general administrative requirements) and  
10 164 Subpts. A (relating to general provisions) and E (relating  
11 to privacy of individually identifiable health information), as  
12 if the supplier were a covered entity and the other entity were  
13 a business associate, as those terms are defined in 45 CFR  
14 160.103 (relating to definitions).

15 Section 4. Advertising.

16 (a) Prohibitions.--

17 (1) A supplier of a mental health chatbot may not use a  
18 mental health chatbot to advertise a specific product or  
19 service to a Pennsylvania user in a conversation between the  
20 Pennsylvania user and the mental health chatbot unless the  
21 mental health chatbot:

22 (i) Clearly and conspicuously identifies the  
23 advertisement as an advertisement.

24 (ii) Clearly and conspicuously discloses to the  
25 Pennsylvania user any:

26 (A) sponsorship;

27 (B) business affiliation; or

28 (C) agreement that the supplier has with a third  
29 party to promote, advertise or recommend the product  
30 or service.

1           (2) A supplier of a mental health chatbot may not use a  
2       Pennsylvania user's input to:

3           (i) determine whether to display an advertisement  
4       for a product or service to the Pennsylvania user, unless  
5       the advertisement is for the mental health chatbot  
6       itself;

7           (ii) determine a product, service or category of  
8       product or service, to advertise to the Pennsylvania  
9       user; or

10          (iii) customize how an advertisement is presented to  
11       the Pennsylvania user.

12       (b) Construction.--This section does not prohibit a mental  
13   health chatbot from recommending that a Pennsylvania user seek  
14   counseling, therapy or other assistance from a mental health  
15   therapist, including a specific mental health therapist.

16   Section 5. Disclosures.

17       (a) Artificial intelligence.--A supplier of a mental health  
18   chatbot shall cause a mental health chatbot to clearly and  
19   conspicuously disclose to a Pennsylvania user that the mental  
20   health chatbot is an artificial intelligence technology and not  
21   a human.

22       (b) Process.--The disclosure under subsection (a) shall be  
23   made:

24           (1) Before the Pennsylvania user may access the features  
25       of the mental health chatbot.

26           (2) At the beginning of any interaction with the  
27       Pennsylvania user if the Pennsylvania user has not accessed  
28       the mental health chatbot within the previous seven days.

29           (3) Any time a Pennsylvania user asks or otherwise  
30       prompts the mental health chatbot about whether artificial

1 intelligence is being used.

2 Section 6. Prohibition on unauthorized therapy services.

3 (a) Requirements.--An individual, corporation, supplier or  
4 entity may not provide, advertise or otherwise offer therapy  
5 services, including through the use of Internet-based artificial  
6 intelligence, to the public in this Commonwealth unless the  
7 therapy or psychotherapy services are conducted by an individual  
8 who is a mental health therapist.

9 (b) Use of artificial intelligence.--A mental health  
10 therapist may only use artificial intelligence for  
11 administrative support. A mental health therapist may not allow  
12 artificial intelligence to do any of the following:

13 (1) make independent therapeutic decisions;

14 (2) directly interact with clients in any form of  
15 therapeutic communication;

16 (3) generate therapeutic recommendations or treatment  
17 plans without review and approval by the mental health  
18 therapist; or

19 (4) detect emotions or mental states.

20 Section 7. Disclosure of records and communications.

21 All records kept by a mental health therapist and all  
22 communications between a patient and a mental health therapist  
23 shall be confidential and shall not be disclosed except as  
24 required under the act of July 9, 1976 (P.L.817, No.143), known  
25 as the Mental Health Procedures Act.

26 Section 8. Enforcement and penalties.

27 A violation of this act shall be subject to section 11 of the  
28 act of March 23, 1972 (P.L.136, No.52), known as the  
29 Professional Psychologists Practice Act.

30 Section 9. Applicability.

1       This act shall apply to the extent to which the use of  
2   artificial intelligence is not preempted by Federal law.  
3   Section 10.   Effective date.  
4       This act shall take effect in 60 days.