

SB 640-FN - AS INTRODUCED

2026 SESSION

26-2088

09/08

SENATE BILL **640-FN**

AN ACT relative to the use of artificial intelligence to provide services requiring a professional license.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Gannon, Dist 23; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Rosenwald, Dist 13; Sen. McGough, Dist 11; Sen. Perkins Kwoka, Dist 21; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Rep. Moffett, Merr. 4; Rep. Schmidt, Straf. 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill:

I. Prohibits the use of artificial intelligence or other means to provide services requiring a professional license unless those services are provided by someone with such a license.

II. Allows the office of professional licensure and certification to collect fees for the costs of enforcement of the prohibition on unlicensed practice.

III. Establishes specific requirements for the use of artificial intelligence for psychologists, mental health practitioners, and alcohol and other drug use professionals.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the use of artificial intelligence to provide services requiring a professional license.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Office of Professional Licensure and Certification; Unlicensed Practice. Amend RSA 310:13 to
2 read as follows:

3 310:13 Unlicensed Practice.

4 ***I.*** Whoever, ***including but not limited to individuals and entities***, not being licensed or
5 otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in
6 a profession licensed by the office of professional licensure and certification, engages in activity
7 requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself
8 a licensed professional, ***or provides goods or services requiring professional licensure***, or
9 whoever does such acts after receiving notice that such person's license to practice has been
10 suspended or revoked, is engaged in unlawful practice. The office may, for purposes of verifying
11 licensure, request to see the license of anyone who advertises oneself as engaging in a profession
12 licensed by the office, engages in activity requiring professional licensure, or in any way holds
13 oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts
14 after receiving notice that such person's license to practice has been suspended or revoked, at the
15 place of business, or where such business is being conducted, of such individual. After providing
16 notice and opportunity to be heard in accordance with RSA 310:10, and upon making an affirmative
17 finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or
18 economic benefit that the person derived from the violation, or up to \$10,000 for each offense,
19 whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a
20 separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or
21 municipality where the act of unlawful practice takes place may maintain an action to enjoin any
22 person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not
23 replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to
24 any board.

25 ***II.*** ***No individual, corporation, or other entity or person may provide, advertise, or***
26 ***otherwise offer services requiring professional licensure to the public in this state, or***
27 ***otherwise engage in unlawful practice as described in paragraph I through Internet-based***
28 ***artificial intelligence, unless those services are delivered by a licensed professional. For***
29 ***purposes of this section, artificial intelligence means any computer-based system, software,***
30 ***or algorithm designed to perform tasks that typically require human cognitive functions,***

1 *including but not limited to natural language processing, pattern recognition, decision-*
2 *making, or predictive analytics.*

3 *III. For any order issued in resolution of a disciplinary proceeding by the board,*
4 *where the board has found unlicensed practice, the board may require the respondent who*
5 *is the subject of such finding to pay the office the reasonable cost of investigation and*
6 *prosecution of the proceeding, but which shall not exceed \$10,000. This sum may be*
7 *imposed in addition to any otherwise authorized administrative fines levied by the board*
8 *as part of the penalty. The investigative and prosecution costs shall be assessed by the*
9 *office, and any sums recovered shall be credited to the office's fund and disbursed by the*
10 *office for any future investigations of complaints and activities that violate this chapter or*
11 *rules adopted under this chapter.*

12 **2 Psychologists; Unlawful Practice and Artificial Intelligence.** New Section;
13 Psychologists; Unlawful Practice and Artificial Intelligence. Amend RSA 329-B by inserting after
14 section 17 the following new section:

15 329-B:17-a Unlawful Practice and Artificial Intelligence.

16 I. In this section:

17 (a) "Administrative support" means tasks performed to assist a licensed professional in
18 the delivery of psychology, licensed school psychology-doctoral, or licensed school psychology-
19 specialist practice services that do not involve therapeutic communication, including but not limited
20 to:

21 (1) Managing appointment scheduling and reminders.

22 (2) Processing billing and insurance claims.

23 (3) Drafting general communications related to therapy logistics.

24 (b) "Artificial intelligence" means any computer-based system, software, or algorithm
25 designed to perform tasks that typically require human cognitive functions, including but not limited
26 to natural language processing, pattern recognition, decision-making, or predictive analytics.

27 (c) "Consent" means a clear, explicit affirmative act by an individual that
28 unambiguously communicates the individual's express, freely given, informed, voluntary, and
29 specific written agreement to the use of artificial intelligence under this chapter.

30 (d) "Licensed professional" means a person holding a valid license or certification in this
31 state to provide psychology, licensed school psychology-doctoral, or licensed school psychology-
32 specialist practice services under this chapter.

33 (e) "Peer support" means nonclinical services provided by individuals with lived
34 experience of mental health conditions or recovery from substance use disorders, intended to offer
35 encouragement, understanding, and guidance without clinical intervention.

36 (f) "Religious counseling" means faith-based counseling provided by clergy, pastoral
37 counselors, or other religious leaders acting within the scope of their religious duties, provided the

1 services are not represented as clinical psychology, licensed school psychology-doctoral, or licensed
2 school psychology-specialist practice. "Religious counseling" also includes all counseling activities
3 and services of religious leaders described in RSA 329-B:28, I(d).

4 (g) "Supplementary support" means tasks performed to assist a licensed professional in
5 the delivery of psychology, licensed school psychology-doctoral, or licensed school psychology-
6 specialist practice services that do not involve therapeutic communication, including but not limited
7 to:

8 (1) Preparing and maintaining client records, including therapy notes.

9 (2) Analyzing anonymized data to track client progress or identify trends, subject to
10 review by a licensed professional.

11 (3) Identifying and organizing external resources or referrals for client use.

12 (h) "Therapeutic communication" means any verbal, nonverbal, or written interaction
13 conducted in a professional setting intended to diagnose, treat, or address an individual's mental,
14 emotional, or behavioral health concerns, including but not limited to:

15 (1) Direct interactions with clients for the purpose of understanding or reflecting
16 their thoughts, emotions, or experiences.

17 (2) Providing guidance, therapeutic strategies, or interventions designed to achieve
18 mental health outcomes.

19 (3) Offering emotional support, reassurance, or empathy in response to psychological
20 distress.

21 (4) Collaborating with clients to develop or modify treatment plans or therapeutic
22 goals.

23 (5) Delivering behavioral feedback intended to promote psychological growth or
24 address mental health conditions.

25 II. A licensed professional may use artificial intelligence to assist in services provided by the
26 licensed professional within their scope of practice. When doing so, the licensed professional:

27 (a) Shall maintain full responsibility for all interactions, outputs, and data use
28 associated with the artificial intelligence.

29 (b) May permit artificial intelligence to provide client interactions as directed by the
30 licensed professional, so long as the licensed professional:

31 (1) Reviews all such interactions in a timely manner; and

32 (2) Takes appropriate steps to review, analyze and further restrict interactions of
33 the artificial intelligence as appropriate under this section.

34 (c) May use the artificial intelligence to record client interactions for analysis by the
35 licensed professional, so long as it is done in accordance with the law and the ethical and legal
36 obligations of the licensed professional.

1 (d) May only use artificial intelligence to support psychology, licensed school psychology-
2 doctoral, or licensed school psychology-specialist practice services when:

3 (1) The client or the client's legally authorized representative is informed in writing
4 that artificial intelligence will be used and of the specific purpose for which it will be used; and

5 (2) The client or the client's legally authorized representative provides written
6 consent for that use.

7 III. A licensed professional's use of artificial intelligence in a manner that is inconsistent
8 with paragraph II shall be misconduct sufficient to support disciplinary proceedings brought by the
9 board in accordance with RSA 310.

10 IV. This section shall not apply to:

11 (a) Religious counseling;

12 (b) Peer support; or

13 (c) Self-help materials and educational resources that are publicly available and do not
14 purport to offer psychology, licensed school psychology-doctoral, or licensed school psychology-
15 specialist practice services.

16 3 New Section; Mental Health Practice; Unlicensed Therapy and the Use of Artificial
17 Intelligence. Amend RSA 330-A by inserting after section 25 the following new section:

18 330-A:25-a Unlicensed Therapy and the Use of Artificial Intelligence.

19 I. In this section:

20 (a) "Administrative support" means tasks performed to assist a mental health
21 practitioner in the delivery of mental health practice services that do not involve therapeutic
22 communication, including but not limited to:

23 (1) Managing appointment scheduling and reminders.

24 (2) Processing billing and insurance claims.

25 (3) Drafting general communications related to therapy logistics.

26 (b) "Artificial intelligence" means any computer-based system, software, or algorithm
27 designed to perform tasks that typically require human cognitive functions, including but not limited
28 to natural language processing, pattern recognition, decision-making, or predictive analytics.

29 (c) "Consent" means a clear, explicit affirmative act by an individual that
30 unambiguously communicates the individual's express, freely given, informed, voluntary, and
31 specific written agreement to the use of artificial intelligence under this chapter.

32 (d) "Peer support" means nonclinical services provided by individuals with lived
33 experience of mental health conditions or recovery from substance use disorders, intended to offer
34 encouragement, understanding, and guidance without clinical intervention.

35 (e) "Religious counseling" means faith-based counseling provided by clergy, pastoral
36 counselors, or other religious leaders acting within the scope of their religious duties, provided the

1 services are not represented as mental health practice. "Religious counseling" also includes all
2 counseling activities and services of religious leaders described in RSA 329-B:28, I(d).

3 (f) "Supplementary support" means tasks performed to assist a mental health
4 practitioner in the delivery of mental health practice services that do not involve therapeutic
5 communication, including but not limited to:

6 (1) Preparing and maintaining client records, including therapy notes.

7 (2) Analyzing anonymized data to track client progress or identify trends, subject to
8 review by a mental health practitioner.

9 (3) Identifying and organizing external resources or referrals for client use.

10 (g) "Therapeutic communication" means any verbal, nonverbal, or written interaction
11 conducted in a professional setting intended to diagnose, treat, or address an individual's mental,
12 emotional, or behavioral health concerns, including but not limited to:

13 (1) Direct interactions with clients for the purpose of understanding or reflecting
14 their thoughts, emotions, or experiences.

15 (2) Providing guidance, therapeutic strategies, or interventions designed to achieve
16 mental health outcomes.

17 (3) Offering emotional support, reassurance, or empathy in response to psychological
18 distress.

19 (4) Collaborating with clients to develop or modify treatment plans or therapeutic
20 goals.

21 (5) Delivering behavioral feedback intended to promote psychological growth or
22 address mental health conditions.

23 II. A mental health practitioner may use artificial intelligence to assist in services provided
24 by the mental health practitioner within their scope of practice. When doing so, the mental health
25 practitioner:

26 (a) Shall maintain full responsibility for all interactions, outputs, and data use
27 associated with the artificial intelligence.

28 (b) May permit artificial intelligence to provide client interactions as directed by the
29 mental health practitioner, so long as the mental health practitioner:

30 (1) Reviews all such interactions in a timely manner; and

31 (2) Takes appropriate steps to review, analyze and further restrict interactions of
32 the artificial intelligence as appropriate in their professional judgment.

33 (c) May use the artificial intelligence to record client interactions for analysis by the
34 mental health practitioner, so long as it is done in accordance with the law and the ethical and legal
35 obligations of the mental health practitioner.

36 (d) May only use artificial intelligence to support psychology, licensed school psychology-
37 doctoral, or licensed school psychology-specialist practice services when:

1 (1) The client or the client’s legally authorized representative is informed in writing
2 that artificial intelligence will be used and of the specific purpose for which it will be used; and

3 (2) The client or the client’s legally authorized representative provides written
4 consent for that use.

5 III. A mental health practitioner’s use of artificial intelligence in a manner that is
6 inconsistent with paragraph II shall be misconduct sufficient to support disciplinary proceedings
7 brought by the board in accordance with RSA 310.

8 IV. This section shall not apply to:

9 (a) Religious counseling;

10 (b) Peer support; or

11 (c) Self-help materials and educational resources that are publicly available and do not
12 purport to offer psychology, licensed school psychology-doctoral, or licensed school psychology-
13 specialist practice services.

14 4 New Section; Alcohol and Other Drug Use Professionals. Amend RSA 330-C by inserting after
15 section 20 the following new section:

16 330-C:20-a Unlawful Practice and the Use of Artificial Intelligence.

17 I. In this section:

18 (a) “Administrative support” means tasks performed to assist a licensed professional in
19 the delivery of substance use counseling services that do not involve therapeutic communication,
20 including but not limited to:

21 (1) Managing appointment scheduling and reminders.

22 (2) Processing billing and insurance claims.

23 (3) Drafting general communications related to therapy logistics.

24 (b) “Artificial intelligence” means any computer-based system, software, or algorithm
25 designed to perform tasks that typically require human cognitive functions, including but not limited
26 to natural language processing, pattern recognition, decision-making, or predictive analytics.

27 (c) “Consent” means a clear, explicit affirmative act by an individual that
28 unambiguously communicates the individual’s express, freely given, informed, voluntary, and
29 specific written agreement to the use of artificial intelligence under this chapter.

30 (d) “Licensed professional” means a person holding a valid license or certification in this
31 state as a master licensed alcohol and drug counselor or a licensed alcohol and drug counselor.

32 (e) “Peer support” means nonclinical services provided by individuals with lived
33 experience of mental health conditions or recovery from substance use disorders, intended to offer
34 encouragement, understanding, and guidance without clinical intervention.

35 (f) “Religious counseling” means faith-based counseling provided by clergy, pastoral
36 counselors, or other religious leaders acting within the scope of their religious duties, provided the
37 services are not represented as substance use counseling services.

1 (g) “Supplementary support” means tasks performed to assist a licensed professional in
2 the delivery of substance use counseling services that do not involve therapeutic communication,
3 including but not limited to:

4 (1) Preparing and maintaining client records, including therapy notes.

5 (2) Analyzing anonymized data to track client progress or identify trends, subject to
6 review by a licensed professional.

7 (3) Identifying and organizing external resources or referrals for client use.

8 (h) “Therapeutic communication” means any verbal, nonverbal, or written interaction
9 conducted in a professional setting intended to diagnose, treat, or address an individual's mental,
10 emotional, or behavioral health concerns, including but not limited to:

11 (1) Direct interactions with clients for the purpose of understanding or reflecting
12 their thoughts, emotions, or experiences.

13 (2) Providing guidance, therapeutic strategies, or interventions designed to achieve
14 mental health outcomes.

15 (3) Offering emotional support, reassurance, or empathy in response to psychological
16 distress.

17 (4) Collaborating with clients to develop or modify treatment plans or therapeutic
18 goals.

19 (5) Delivering behavioral feedback intended to promote psychological growth or
20 address mental health conditions.

21 II. A licensed professional may use artificial intelligence to assist in services provided by the
22 licensed professional within their scope of practice. When doing so, the licensed professional:

23 (a) Shall maintain full responsibility for all interactions, outputs, and data use
24 associated with the artificial intelligence.

25 (b) May permit artificial intelligence to provide client interactions as directed by the
26 licensed professional, so long as the licensed professional:

27 (1) Reviews all such interactions in a timely manner; and

28 (2) Takes appropriate steps to review, analyze, and further restrict interactions of
29 the artificial intelligence as appropriate in their professional judgment.

30 (c) The licensed professional may use the artificial intelligence to record client
31 interactions for analysis by the licensed professional, so long as it is done in accordance with the law
32 and the ethical and legal obligations of the licensed professional.

33 (d) A licensed professional may only use artificial intelligence to support substance use
34 counseling services when:

35 (1) The client or the client’s legally authorized representative is informed in writing
36 that artificial intelligence will be used and of the specific purpose for which it will be used; and

1 (2) The client or the client's legally authorized representative provides written
2 consent for that use.

3 III. A licensed professional's use of artificial intelligence in a manner that is inconsistent
4 with paragraph II shall be misconduct sufficient to support disciplinary proceedings brought by the
5 board in accordance with RSA 310.

6 IV. This section does not apply to:

7 (a) Religious counseling;

8 (b) Peer support; or

9 (c) Self-help materials and educational resources that are publicly available and do not
10 purport to offer psychology, licensed school psychology-doctoral, or licensed school psychology-
11 specialist practice services.

12 5 Effective Date. This act shall take effect upon its passage.

LBA
26-2088
11/17/25

**SB 640-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the use of artificial intelligence to provide services requiring a professional license.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2026 through 2029.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification