

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2037

By: Goodwin

8 AS INTRODUCED

9 An Act relating to artificial intelligence; defining
10 terms; requiring certain informed consent for use of
11 artificial intelligence by licensed mental health
12 professional or licensed health care provider;
13 authorizing and prohibiting certain uses of
14 artificial intelligence; specifying authority to make
15 final decisions; providing administrative penalties;
16 prohibiting certain acts related to therapy or
17 psychotherapy services; authorizing certain
18 investigation and penalties by the Attorney General;
19 providing for codification; and declaring an
20 emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified

23 in the Oklahoma Statutes as Section 7101 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

25 As used in this act:

26 1. "Administrative support" means tasks performed to assist a
27 licensed mental health professional in the delivery of therapy or

1 psychotherapy services that do not involve therapeutic
2 communication. Administrative support includes, but is not limited
3 to, managing appointment scheduling and reminders, processing
4 billing and insurance claims, and drafting general communications
5 related to therapy logistics that do not include therapeutic advice;

6 2. "Artificial intelligence" means a machine-based system that,
7 for explicit or implicit objectives, infers, from the input it
8 receives, how to generate outputs such as predictions, content,
9 recommendations, or decisions that can influence physical or virtual
10 environments;

11 3. a. "Consent" means a clear, explicit affirmative act by
12 an individual that:

13 (1) unambiguously communicates the individual's
14 express, freely given, informed, voluntary,
15 specific, and unambiguous written agreement,
16 including a written agreement provided by
17 electronic means, and

18 (2) is revocable by the individual.

19 b. Consent does not include an agreement that is obtained
20 by the following:

21 (1) the acceptance of a general or broad terms of use
22 agreement or a similar document that contains
23 descriptions of artificial intelligence along
24 with other unrelated information,

- (2) an individual hovering over, muting, pausing, or closing a given piece of digital content, or
- (3) an agreement obtained through the use of deceptive actions;

4. "Health care services" means services included in, or incidental to, furnishing to an individual:

- a. medical, dental, or optometric care or hospitalization, or
- b. other services for the purpose of preventing, alleviating, curing, or healing a physical illness or injury;

5. "Licensed health care provider" means a person who is licensed, certified, or registered by this state to provide health care services or a medical group, independent practice association, or professional corporation providing health care services;

6. "Licensed mental health professional" has the same meaning as provided by Section 1-103 of Title 43A of the Oklahoma Statutes;

7. "Supplementary support" means tasks performed to assist a licensed mental health professional in the delivery of therapy or psychotherapy services that do not involve therapeutic communication and that are not administrative support. Supplementary support includes, but is not limited to, preparing and maintaining client records, including therapy notes; analyzing anonymized data to track client progress or identify trends, subject to review by a licensed

1 mental health professional; and identifying and organizing external
2 resources or referrals for client use;

3 8. "Therapeutic communication" means any verbal, nonverbal, or
4 written interaction conducted in a clinical or professional setting
5 that is intended to diagnose, treat, or address an individual's
6 mental, emotional, or behavioral health concerns. Therapeutic
7 communication includes, but is not limited to:

- 8 a. interacting directly with clients for the purpose of
9 understanding or reflecting their thoughts, emotions,
10 or experiences,
- 11 b. providing guidance, therapeutic strategies, or
12 interventions designed to achieve mental health
13 outcomes,
- 14 c. offering emotional support, reassurance, or empathy in
15 response to psychological or emotional distress,
- 16 d. collaborating with clients to develop or modify
17 therapeutic goals or treatment plans, and
- 18 e. offering behavioral feedback intended to promote
19 psychological growth or address mental health
20 conditions; and

21 9. "Therapy or psychotherapy services" means services provided
22 to diagnose, treat, or improve an individual's mental health or
23 behavioral health.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7102 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A licensed mental health professional shall not use
5 artificial intelligence to assist in providing supplementary support
6 in therapy or psychotherapy where the client's therapeutic session
7 is recorded or transcribed unless:

8 1. The patient or the patient's legally authorized
9 representative is informed in writing of the following:

10 a. that artificial intelligence will be used, and
11 b. the specific purpose of the artificial intelligence
12 tool or system that will be used; and

13 2. The patient or the patient's legally authorized
14 representative provides consent to the use of artificial
15 intelligence.

16 B. A licensed mental health professional may use artificial
17 intelligence tools or systems to assist in providing administrative
18 support or supplementary support in therapy or psychotherapy
19 services if the licensed mental health professional maintains full
20 responsibility for all interactions, outputs, and data use
21 associated with the system and satisfies the requirements of
22 subsection A of this section. A licensed mental health professional
23 shall not allow artificial intelligence to do any of the following:

24 1. Make independent therapeutic decisions;

1 2. Directly interact with clients in any form of therapeutic
2 communication;

3 3. Generate therapeutic recommendations or treatment plans
4 without review by the licensed mental health professional; or

5 4. Detect emotions or mental states.

6 C. A licensed mental health provider, not artificial
7 intelligence or similar systems, shall make final decisions in the
8 provision of therapy or psychotherapy services.

9 D. A licensed mental health professional found in violation of
10 this section shall, in accordance with the Administrative Procedures
11 Act and the provisions of Title 59 of the Oklahoma Statutes, be
12 subject to disciplinary action by the appropriate licensure board
13 including, but not limited to, a fine in an amount not to exceed Ten
14 Thousand Dollars (\$10,000.00) per violation, as determined by the
15 licensure board, with penalties assessed based on the degree of harm
16 and the circumstances of the violation.

17 E. 1. An individual, corporation, or entity shall not provide,
18 advertise, or otherwise offer therapy or psychotherapy services
19 through the use of Internet-based artificial intelligence to the
20 public in this state unless the therapy or psychotherapy services
21 are conducted by an individual who is a licensed mental health
22 professional.

23 2. The Attorney General may investigate actual, alleged, or
24 suspected violations of paragraph 1 of this subsection and levy

1 administrative fines on any individual, corporation, or entity found
2 in violation of paragraph 1 of this subsection, in an amount not to
3 exceed Ten Thousand Dollars (\$10,000.00) for each violation of this
4 section, and may assess any other penalty or remedy authorized by
5 law. Administrative fines shall be assessed:

- 6 a. based on the degree of harm and the circumstances of
7 the violation, and
- 8 b. after a hearing is held in accordance with the
Administrative Procedures Act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 7103 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A licensed health care provider shall not use artificial
14 intelligence to assist in the provision of a patient's care unless:

15 1. The patient or the patient's legally authorized
16 representative is informed in writing of the following:

- 17 a. that artificial intelligence will be used, and
- 18 b. the specific purpose of the artificial intelligence
19 tool or system that will be used; and

20 2. The patient or the patient's legally authorized
21 representative provides consent to the use of artificial
22 intelligence.

23 B. A licensed health care provider may use artificial
24 intelligence tools or systems to assist in providing health care

1 services if the licensed health care provider maintains full
2 responsibility for all interactions, outputs, and data use
3 associated with the system and satisfies the requirements of
4 subsection A of this section. A licensed health care provider shall
5 not allow artificial intelligence to do any of the following:

- 6 1. Make independent medical decisions;
- 7 2. Directly interact with patients in any form of medical
8 communication;
- 9 3. Diagnose medical conditions; or
- 10 4. Generate medical advice or recommendations or treatment
11 plans without review by the licensed health care provider.

12 C. A licensed health care provider, not artificial intelligence
13 or similar systems, shall make final decisions in the provision of
14 health care services.

15 D. A licensed health care provider found in violation of this
16 section shall, in accordance with the Administrative Procedures Act
17 and the provisions of Title 59 of the Oklahoma Statutes, be subject
18 to disciplinary action by the appropriate licensure board including,
19 but not limited to, a fine in an amount not to exceed Ten Thousand
20 Dollars (\$10,000.00) per violation, as determined by the licensure
21 board, with penalties assessed based on the degree of harm and the
22 circumstances of the violation.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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