

ASSEMBLY BILL NO. 406—ASSEMBLYMEMBERS
JACKSON AND NADEEM

MARCH 11, 2025

Referred to Committee on Education

SUMMARY—Makes various changes relating to health.
(BDR 34-674)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health; requiring a public school to provide certain information relating to mental health to pupils; prohibiting certain uses of artificial intelligence in public schools; requiring that a pupil be allowed credit or promotion to the next higher grade despite absences from school in certain circumstances; deeming certain absences from school to be approved absences; imposing certain restrictions relating to the marketing and programming of artificial intelligence systems; prohibiting certain persons from representing themselves as qualified to provide mental or behavioral health care; imposing certain restrictions relating to the use of artificial intelligence by providers of mental or behavioral health care; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the board of trustees of a school district or governing
2 body of a charter school to ensure that information relating to mental health
3 resources appears on the back of any identification card issued to a pupil at a school
4 within the school district or the charter school. (NRS 388.1335) **Section 1** of this
5 bill requires each public school to publish on an Internet website maintained by the
6 school and to provide at the school information relating to mental health and certain
7 resources for caring for the mental health of pupils. **Section 1** also requires each
8 public school to conduct a live assembly at least once every 3 months during the



9 school year for the pupils of the school to provide education and information
10 relating to mental health.

11 Existing law prescribes the authority and duties of a school counselor, school
12 psychologist and school social worker. (NRS 391.293, 391.294, 391.296) **Section 2**
13 of this bill prohibits a public school from using artificial intelligence to perform the
14 functions and duties of a school counselor, school psychologist or school social
15 worker which relate to the mental health of pupils.

16 Existing law, in general, requires a child between 6 and 18 years of age to
17 attend public school. (NRS 392.040) Existing law requires the board of trustees of a
18 school district to prescribe a minimum number of days that a pupil must be in
19 attendance for the pupil to obtain credit or be promoted to the next higher grade.
20 (NRS 392.122) Existing law excuses a child from those attendance requirements
21 when satisfactory written evidence, including a certificate from certain providers of
22 health care, is presented to the board of trustees of the school district in which the
23 child resides that the child's physical or mental condition or behavioral health is
24 such as to prevent or render inadvisable the child's attendance at school or his or
25 her application to study. (NRS 392.050) **Section 3** of this bill additionally excuses a
26 child from attendance for the dates immediately preceding and immediately
27 following any date or dates to which a certificate from a provider of health care
28 applies.

29 Existing law deems as a truant a pupil who is absent from school without the
30 approval of a teacher or principal of the school, unless the pupil is absent: (1)
31 because the pupil is physically or mentally unable to attend school; or (2) for the
32 observance of a religious holiday. (NRS 391.130) A day on which a pupil is absent
33 for those reasons must be: (1) deemed as approved, with certain exceptions; and (2)
34 credited towards the minimum number of days that a pupil must be in attendance
35 to obtain credit or be promoted to the next higher grade, if the pupil has completed
36 course-work requirements. (NRS 392.122, 392.130) **Section 6** of this bill provides
37 that a pupil is not a truant if the pupil is absent from school: (1) for the bereavement
38 of the death of an immediate family member; (2) because the pupil is experiencing
39 distress relating to bullying; or (3) for certain other mental or behavioral health
40 reasons. **Section 6** requires the parent or legal guardian or other person having
41 control or charge of a pupil who is absent from school for those reasons to notify
42 the teacher or principal of the school within 3 days after the absence. **Section 6** then
43 deems those absences as approved, except that only a certain amount of absences
44 for each reason may be approved within 1 school year. **Section 5** of this bill
45 requires those days on which the pupil was absent under those circumstances to be
46 credited towards the minimum number of days that the pupil must be in attendance
47 to obtain credit or be promoted to the next higher grade, if the pupil has completed
48 course-work requirements. **Section 4** of this bill provides that an absence that is
49 approved under those circumstances is not considered an absence that a school is
50 required to indicate on a report card issued to a pupil.

51 **Section 5** prohibits the denial of credit to a pupil or the promotion of a pupil to
52 the next higher grade because the pupil did not attend school for the minimum
53 number of days required if: (1) the pupil has earned at least a weighted 3.0 grade
54 point average, on a 4.0 grading scale, for the school year; and (2) the absences,
55 without which would otherwise allow the pupil to receive credit or be promoted to
56 the next grade, were caused by or relate to bullying or physical, mental or
57 behavioral health.

58 Existing law: (1) regulates the practice and requires the licensure of certain
59 mental health professionals, including psychiatrists, psychologists, marriage and
60 family therapists, clinical professional counselors, registered nurses, social workers,
61 alcohol and drug counselors and problem gambling counselors; and (2) prohibits
62 unlicensed persons from engaging in the practices of those professions. (Chapters
63 630, 632, 633 and 641-641C of NRS) **Section 7** of this bill prohibits, with certain



64 exceptions, an artificial intelligence provider from offering to users in this State an
65 artificial intelligence system that is specifically programmed to provide a user with
66 a service or an experience that would constitute the practice of professional mental
67 or behavioral health care if provided by a natural person. **Section 7** also prohibits,
68 with certain exceptions, an artificial intelligence provider or a natural person who is
69 not licensed to practice professional mental or behavioral health care from making
70 certain representations that would lead a person to believe that the provider, the
71 artificial intelligence system operated by the provider or the natural person is
72 capable of or qualified to provide mental or behavioral health care. **Section 8** of this
73 bill imposes certain restrictions and prohibitions on the use of an artificial
74 intelligence system by a licensed provider of mental and behavioral health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 388.1335 is hereby amended to read as
2 follows:

3 388.1335 1. *Each public school, including, without*
4 *limitation, a charter school or university school for profoundly*
5 *gifted pupils, shall publish on an Internet website maintained by*
6 *the school and provide in a conspicuous and accessible location at*
7 *the school information relating to mental health, including,*
8 *without limitation:*

9 (a) *Information about any counseling or other mental health*
10 *services that are available to pupils at the school, including,*
11 *without limitation, services provided by the school and services*
12 *available in the community where the school is located; and*

13 (b) *Information relating to resources and services for crisis*
14 *intervention, including, without limitation, information about the*
15 *hotline described in NRS 433.704 for persons who are considering*
16 *suicide or otherwise in a behavioral health crisis.*

17 2. *Each public school, including, without limitation, a charter*
18 *school or university school for profoundly gifted pupils, shall, at*
19 *least once every 3 months during the school year, conduct a live*
20 *assembly for pupils enrolled in the school in order to provide those*
21 *pupils with education and information relating to:*

22 (a) *Mental health in general;*

23 (b) *Services and self-help techniques that a pupil may seek out*
24 *or utilize for the purpose of improving his or her mental health;*
25 *and*

26 (c) *Resources that are available to support pupils who may be*
27 *impacted by or experiencing mental or behavioral health issues.*

28 3. *A school may invite an organization or other person*
29 *specializing in children's mental health to participate in an*
30 *assembly conducted pursuant to subsection 2 or to conduct such*
31 *an assembly.*



1 4. The board of trustees of a school district or the governing
2 body of a charter school shall ensure that information relating to
3 mental health resources, including, without limitation, the number 9-
4 8-8 which may be dialed to access the hotline described in NRS
5 433.704 for persons who are considering suicide or otherwise in a
6 behavioral health crisis, or any successor number for a hotline
7 established pursuant to the National Suicide Prevention Lifeline
8 program, appears on the back of any identification card issued to a
9 pupil at a school within the school district or the charter school.

10 ~~2.1~~ 5. As used in this section, “National Suicide Prevention
11 Lifeline program” has the meaning ascribed to it in NRS 433.702.

12 **Sec. 2.** Chapter 391 of NRS is hereby amended by adding
13 thereto a new section to read as follows:

14 *1. A public school, including, without limitation, a charter*
15 *school or university school for profoundly gifted pupils, shall not*
16 *use artificial intelligence to perform the functions and duties of a*
17 *school counselor, school psychologist or school social worker as*
18 *prescribed in NRS 391.293, 391.294 and 391.296, respectively,*
19 *which relate to the mental health of pupils.*

20 *2. As used in this section, “artificial intelligence” means a*
21 *system of machine-based technology that can simulate human*
22 *intelligence through one or more technological means, including,*
23 *without limitation, utilizing or deploying:*

- 24 *(a) Systems for machine learning;*
- 25 *(b) Large language models; or*
- 26 *(c) Systems for natural language processing.*

27 **Sec. 3.** NRS 392.050 is hereby amended to read as follows:

28 392.050 1. A child must be excused from attendance required
29 by the provisions of NRS 392.040 when satisfactory written
30 evidence is presented to the board of trustees of the school district in
31 which the child resides that the child’s physical or mental condition
32 or behavioral health is such as to prevent or render inadvisable the
33 child’s attendance at school or his or her application to study. *A*
34 *child must also be excused from attendance required by the*
35 *provisions of NRS 392.040 for the dates immediately preceding*
36 *and immediately following any date or dates to which a certificate*
37 *filed pursuant to subsection 2 applies.*

38 2. A certificate in writing from any qualified physician, mental
39 health professional or behavioral health professional acting within
40 his or her authorized scope of practice, filed with the board of
41 trustees immediately after its receipt, stating that the child is not
42 able to attend school or that the child’s attendance is inadvisable
43 must be taken as satisfactory evidence by the board of trustees.

44 3. A board of trustees of a school district which has excused
45 from attendance pursuant to subsection 1 a child who, pursuant to



1 NRS 388.417, qualifies as a pupil with a disability, shall make
2 available to the child a free appropriate public education in
3 compliance with the Individuals with Disabilities Education Act (20
4 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.

5 4. If a pupil is excused from attendance pursuant to subsection
6 1, the excusal must not negatively affect the rating of a public
7 school as determined by the Department pursuant to the statewide
8 system of accountability for public schools.

9 **Sec. 4.** NRS 392.118 is hereby amended to read as follows:

10 392.118 1. The board of trustees of each school district shall
11 adopt rules that require each public school in the district to include
12 the accounting of attendance and, if feasible, tardiness of a pupil on
13 each report card or other report of progress of the pupil. The report
14 card or other report of progress must indicate the number of
15 absences, if any, for the period covered by the report card or other
16 report of progress.

17 2. An absence ~~for the observance of a religious holiday~~ which
18 is approved pursuant to ~~subsection 6 of~~ NRS 392.130 must not be
19 counted as an absence for the purposes of this section.

20 **Sec. 5.** NRS 392.122 is hereby amended to read as follows:

21 392.122 1. Except as otherwise provided in NRS 389.320,
22 the board of trustees of each school district shall prescribe a
23 minimum number of days that a pupil who is subject to compulsory
24 enrollment and attendance and enrolled in a school in the district
25 must be in attendance for the pupil to obtain credit or to be
26 promoted to the next higher grade. The board of trustees of a school
27 district may adopt a policy prescribing:

28 (a) A minimum number of days that a pupil who is enrolled in
29 kindergarten or first grade in the school district must be in
30 attendance for the pupil to obtain credit or to be promoted to the
31 next higher grade.

32 (b) The circumstances under which a pupil will be considered
33 chronically absent by the Department.

34 2. Before a pupil is denied credit or promotion to the next
35 higher grade for failure to comply with the attendance requirements
36 prescribed pursuant to subsection 1, the principal of the school in
37 which the pupil is enrolled or the principal's designee shall provide
38 written notice of the intended denial to the parent or legal guardian
39 of the pupil. The notice must include a statement indicating that the
40 pupil and the pupil's parent or legal guardian may request a review
41 of the absences of the pupil and a statement of the procedure for
42 requesting such a review. Upon the request for a review by the pupil
43 and the pupil's parent or legal guardian, the parent or legal guardian
44 may present the principal or the principal's designee with
45 documentation that the pupil has complied with the attendance



1 requirements prescribed pursuant to subsection 1 by attending
2 school, either in person or through an alternative program of
3 education or a program of distance education approved by the
4 Department. If the documentation is accurate and the principal or
5 principal's designee finds that any absence of the pupil was entered in
6 error, the error must be corrected and the absences of the pupil
7 must be recalculated for the purposes of determining whether the
8 pupil may obtain credit or be promoted to the next higher grade.

9 3. A pupil and the pupil's parent or legal guardian may appeal
10 a decision of a principal or the principal's designee pursuant to
11 subsection 2 to the board of trustees of the school district in which
12 the pupil is enrolled.

13 4. *A pupil must not be denied credit or promotion to the next
14 higher grade for the failure to comply with the attendance
15 requirements prescribed pursuant to subsection 1 if:*

16 (a) *The pupil has earned at least a weighted 3.0 grade point
17 average, on a 4.0 grading scale, or the equivalent of a weighted 3.0
18 grade point average on a grading scale approved by the
19 Superintendent of Public Instruction if a different grading scale is
20 used, for the school year during which the pupil failed to comply
21 with the attendance requirements prescribed pursuant to
22 subsection 1;*

23 (b) *The pupil or the legal guardian or other person having
24 control or charge of the pupil represents that one or more of the
25 absences of the pupil were caused by or related to:*

26 (1) *Distress caused by bullying at school;*

27 (2) *The mental or behavioral health of the pupil; or*

28 (3) *A physical or mental condition of the pupil; and*

29 (c) *The number of days that the pupil was absent from school,
30 excluding the number of absences described in paragraph (b), are
31 insufficient to deny the pupil credit or promotion to the next
32 higher grade for the failure to comply with the attendance
33 requirements prescribed pursuant to subsection 1.*

34 5. For the purposes of this section, the days on which a pupil is
35 not in attendance because the pupil is absent for ~~the observance of a~~
36 ~~religious holiday~~ *a reason described in subsections 6 to 9,*
37 *inclusive, of NRS 392.130 must be credited towards the required*
38 *days of attendance if the absence was approved pursuant to*
39 ~~subsection 6 of~~ *NRS 392.130 and the pupil has completed course-*
40 *work requirements.*

41 ~~5.~~ 6. A school shall inform the parents or legal guardian of
42 each pupil who is enrolled in the school that the parents or legal
43 guardian and the pupil are required to comply with the provisions
44 governing the enrollment, attendance and truancy of pupils set forth
45 in NRS 392.040 to 392.160, inclusive, and any other rules



1 concerning attendance and truancy adopted by the board of trustees
2 of the school district.

3 **Sec. 6.** NRS 392.130 is hereby amended to read as follows:

4 392.130 1. Within the meaning of this chapter, a pupil shall
5 be deemed a truant who is absent from school without the written
6 approval of the pupil's teacher or the principal of the school, unless
7 the pupil is ~~[physically or mentally unable to attend school or is~~
8 ~~absent from school for the observance of a religious holiday.]~~ *absent*
9 *for the reasons described in subsections 5 to 9, inclusive, and the*
10 *absence is deemed an excused or approved absence.*

11 2. Upon the request of a parent or legal guardian of a pupil,
12 made during the absence or within the 3 days immediately
13 preceding or the 3 days immediately following the requested
14 absence, a teacher or principal may give his or her written approval
15 for the pupil to be absent if an emergency exists, including, without
16 limitation, a medical emergency concerning a member of his or her
17 family, compliance with a court order, a funeral or similar event of
18 grieving, a family emergency, temporary homelessness and a
19 religious observance. A teacher or principal may not approve
20 absences pursuant to this subsection ~~[in]~~:

21 (a) *In* excess of 10 percent of the number of school days in the
22 school year ~~[in]~~; *or*

23 (b) *If the absences are for reasons set forth in subsections 6 to*
24 *9, inclusive, and would exceed the number of approved absences*
25 *authorized by those subsections.*

26 3. Before a pupil may attend or otherwise participate in school
27 activities outside the classroom during regular classroom hours, the
28 pupil must receive the approval of the teacher or principal.

29 4. An unapproved absence for at least one period, or the
30 equivalent of one period for the school, of a school day may be
31 deemed a truancy for the purposes of this section.

32 5. If a pupil is physically or mentally unable to attend school,
33 the parent or legal guardian or other person having control or charge
34 of the pupil shall notify the teacher or principal of the school orally
35 or in writing, in accordance with the policy established by the board
36 of trustees of the school district, within 3 days after the pupil returns
37 to school.

38 6. If a pupil will be absent from school for the observance of a
39 religious holiday, the parent or legal guardian or other person having
40 control or charge of the pupil shall notify the teacher or principal of
41 the school in writing, in accordance with the policy established by
42 the board of trustees of the school district, at least 3 days before the
43 pupil will be absent from school. An absence for which notice is
44 provided in accordance with this subsection shall be deemed an



1 approved absence, except that not more than 5 absences within 1
2 school year may be approved pursuant to this subsection.

3 7. *If a pupil is absent from school for the bereavement of a*
4 *death of a family member who is within the first degree of*
5 *consanguinity or affinity of the pupil, the parent, legal guardian*
6 *or other person having control or charge of the pupil shall notify*
7 *the teacher or principal of the school in writing, in accordance*
8 *with the policy established by the board of trustees of the school*
9 *district, within 3 days after the pupil returns to school. An absence*
10 *for which notice is provided in accordance with this subsection*
11 *shall be deemed an approved absence, except that not more than 5*
12 *absences within 1 school year may be approved pursuant to this*
13 *subsection. The teacher or principal of the school may require the*
14 *parent, legal guardian or other person having control or charge of*
15 *the pupil to provide with the notice described in this subsection*
16 *documentation which evidences the death of the family member.*
17 *Such documentation may include, without limitation, an obituary,*
18 *funeral program or death certificate.*

19 8. *If a pupil is unable to attend school because the pupil is*
20 *experiencing distress due to bullying at school that has occurred*
21 *within the 30 days immediately preceding the absence and the*
22 *pupil has reported the bullying to the teacher or principal of the*
23 *school, the parent or legal guardian or other person having*
24 *control or charge of the pupil shall notify the teacher or principal*
25 *of the school in writing, in accordance with the policy established*
26 *by the board of trustees of the school district, within 3 days after*
27 *the pupil returns to school. An absence for which notice is*
28 *provided in accordance with this subsection shall be deemed an*
29 *approved absence, except that not more than 5 absences within 1*
30 *school year may be approved pursuant to this subsection.*

31 9. *If a pupil is absent from school because the pupil is*
32 *obtaining treatment or otherwise requires relief for a reason*
33 *related to his or her mental or behavioral health, the parent or*
34 *legal guardian or other person having control or charge of the*
35 *pupil shall notify the teacher or principal of the school in writing,*
36 *in accordance with the policy established by the board of trustees*
37 *of the school district, within 3 days after the pupil returns to*
38 *school. An absence for which notice is provided in accordance*
39 *with this subsection shall be deemed an approved absence, except*
40 *that not more than 3 absences within 1 school year may be*
41 *approved pursuant to this subsection.*

42 10. An absence which has not been approved pursuant to this
43 section shall be deemed an unapproved absence. In the event of an
44 unapproved absence, the teacher, attendance officer or other school
45 official shall deliver or cause to be delivered a written or electronic



1 notice of truancy to the parent, legal guardian or other person having
2 control or charge of the child. The written or electronic notice must
3 be delivered to the parent, legal guardian or other person who has
4 control of the child. The written or electronic notice must inform the
5 parents or legal guardian of such absences in a form specified by the
6 Department.

7 ~~18.1~~ 11. All approved and unapproved absences must be
8 counted for the purpose of determining whether a pupil is
9 chronically absent.

10 ~~19.1~~ 12. The board of trustees of each school district and the
11 governing body of each charter school and university school for
12 profoundly gifted pupils shall:

13 (a) Communicate through various means, in a format and, to the
14 extent practicable, in a language that parents and legal guardians can
15 understand, the truancy policy and the definition of chronic
16 absenteeism adopted by the Department pursuant to NRS 392.150;
17 and

18 (b) Provide a parent or legal guardian of a pupil notice when the
19 pupil is approaching the limit of 10 percent in the number of
20 absences that may be approved pursuant to subsection 2.

21 ~~110.1~~ 13. The provisions of this section apply to all pupils who
22 are required to enroll in and attend school pursuant to NRS 392.040.

23 ~~111.1~~ 14. For the purposes of collecting the information
24 required pursuant to NRS 385A.240 on the attendance, truancy and
25 transiency of pupils for the annual report of accountability prepared
26 pursuant to NRS 385A.070, an absence that is approved pursuant to
27 subsection 6 shall not be deemed an absence.

28 ~~112.1~~ 15. As used in this section, “physically or mentally
29 unable to attend” does not include a physical or mental condition for
30 which a pupil is excused pursuant to NRS 392.050.

31 **Sec. 7.** Chapter 433 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *1. An artificial intelligence provider shall not make any*
34 *representation or statement or knowingly cause or program an*
35 *artificial intelligence system made available for use by a person in*
36 *this State to make any representation or statement that explicitly*
37 *or implicitly indicates that:*

38 *(a) The artificial intelligence system is capable of providing*
39 *professional mental or behavioral health care;*

40 *(b) A user of the artificial intelligence system may interact with*
41 *any feature of the artificial intelligence system which simulates*
42 *human conversation in order to obtain professional mental or*
43 *behavioral health care; or*

44 *(c) The artificial intelligence system, or any component,*
45 *feature, avatar or embodiment of the artificial intelligence system*



1 *is a provider of mental or behavioral health care, a therapist, a*
2 *clinical therapist, a counselor, a psychiatrist, a doctor or any other*
3 *term commonly used to refer to a provider of professional mental*
4 *health or behavioral health care.*

5 *2. An artificial intelligence provider shall not make available*
6 *for use by a person in this State an artificial intelligence system*
7 *that is specifically programmed to provide a service or experience*
8 *to a user that would constitute the practice of professional mental*
9 *or behavioral health care if provided by a natural person.*

10 *3. A natural person shall not represent himself or herself as*
11 *being qualified to provide professional mental or behavioral*
12 *health care, including, without limitation, by using the title of*
13 *“therapist,” “psychotherapist” or “counselor,” or any similar title,*
14 *if the person does not possess a valid credential issued by a*
15 *governmental entity that authorizes the person to practice*
16 *professional mental or behavioral health care in this State.*

17 *4. The Division:*

18 *(a) May investigate potential violations of this section.*

19 *(b) May bring an action to recover a civil penalty pursuant to*
20 *subsection 5.*

21 *(c) Shall deposit any money received from a civil penalty into*
22 *the State General Fund.*

23 *(d) Shall develop and disseminate to the public educational*
24 *materials which contain:*

25 *(1) Information describing how a person may obtain*
26 *professional mental or behavioral health care from a licensed or*
27 *certified provider of professional mental or behavioral health care.*

28 *(2) Information about free or low-cost services or options*
29 *that are available to persons in this State who are experiencing a*
30 *mental or behavioral health crisis.*

31 *(3) Recommended best practices relating to the use or*
32 *potential use of artificial intelligence by a person who is seeking*
33 *care or relief from a mental or behavioral health condition, or*
34 *who is experiencing a mental or behavioral health event, which*
35 *may include, without limitation, recommendations concerning the*
36 *circumstances under which such a person should seek the*
37 *assistance or care of a provider of professional mental or*
38 *behavioral health care.*

39 *5. A person who violates any provision of subsection 1, 2 or 3*
40 *is subject to a civil penalty not to exceed \$15,000 per violation.*

41 *6. This section shall not be construed to prohibit:*

42 *(a) The provision of faith-based counseling services,*
43 *specifically designated as such, by a member of the clergy who*
44 *does not hold a valid credential to practice professional mental or*
45 *behavioral health care.*



1 (b) Any advertisement, statement or representation for or
2 relating to materials, literature and other products which are
3 meant to provide advice and guidance for self-help relating to
4 mental or behavioral health, if the material, literature or product
5 does not purport to offer or provide professional mental or
6 behavioral health care.

7 (c) Offering or operating an artificial intelligence system that
8 is designed to be used by a provider of professional mental or
9 behavioral health care to perform tasks for administrative support
10 in conformity with subsection 2 of section 8 of this act.

11 7. As used in this section:

12 (a) "Artificial intelligence provider" means a person who
13 owns, operates or controls an artificial intelligence system.

14 (b) "Artificial intelligence system" means a system of
15 machine-based technology that can simulate human intelligence
16 through one or more technological means, including, without
17 limitation, by utilizing or deploying:

18 (1) Systems for machine learning;

19 (2) Large language models; or

20 (3) Systems for natural language processing.

21 (c) "Professional mental or behavioral health care":

22 (1) Means mental or behavioral health care or services
23 relating to the diagnosis, treatment or prevention of mental
24 illnesses or emotional or behavioral disorders which are typically
25 provided by a provider of mental or behavioral health care within
26 his or her authorized scope of practice.

27 (2) Includes, without limitation, the practice of:

28 (I) Psychology, as defined in NRS 641.025.

29 (II) Clinical professional counseling, as defined in
30 NRS 641A.065.

31 (III) Marriage and family therapy, as defined in
32 NRS 641A.080.

33 (IV) Social work and clinical social work, as defined in
34 NRS 641B.030.

35 (V) Counseling persons with alcohol and other
36 substance use disorders and counseling persons with an addictive
37 disorder related to gambling, as defined in NRS 641C.100 and
38 641C.105, respectively.

39 (VI) Psychiatry.

40 **Sec. 8.** Chapter 629 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 1. Except as otherwise provided by subsection 2, a provider of
43 mental and behavioral health care shall not use an artificial
44 intelligence system in connection with providing professional
45 mental and behavioral health care directly to a patient.



1 2. A provider of mental and behavioral health care may use
2 an artificial intelligence system to assist the provider with
3 performing tasks for administrative support, which may include,
4 without limitation:

- 5 (a) Scheduling appointments;
- 6 (b) Managing records;
- 7 (c) Billing patients and managing records relating to billing;
- 8 (d) Analyzing data for operational purposes; and
- 9 (e) Organizing, tracking and managing files or notes relating
10 to an individual session with a patient.

11 3. If a provider of mental and behavioral health care uses an
12 artificial intelligence system for any purpose authorized in
13 subsection 2, the provider shall ensure that such use complies with
14 all applicable federal and state laws governing patient privacy and
15 the security of electronic health records, health-related
16 information and other related data, including, without limitation:

- 17 (a) The Health Information Technology for Economic and
18 Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq.;
- 19 (b) The Health Insurance Portability and Accountability Act of
20 1996, Public Law 104-191, as amended; and
- 21 (c) The provisions of NRS 439.581 to 439.597, inclusive.

22 4. A provider of mental and behavioral health care shall
23 independently review the accuracy of any report, data or other
24 information compiled, summarized, analyzed or generated by
25 an artificial intelligence system for a purpose described in
26 subsection 2.

27 5. A provider of mental and behavioral health care who
28 violates any provision of this section is guilty of unprofessional
29 conduct and is subject to disciplinary action by the board, agency
30 or other entity in this State by which he or she is licensed or
31 certified.

32 6. As used in this section:

33 (a) "Artificial intelligence system" means a system of
34 machine-based technology that can simulate human intelligence
35 through one or more technological means, including, without
36 limitation, by utilizing or deploying:

- 37 (1) Systems for machine learning;
- 38 (2) Large language models; or
- 39 (3) Systems for natural language processing.

40 (b) "Professional mental and behavioral health care" means
41 psychotherapy, psychiatry, counseling, therapy or other care or
42 services relating to the diagnosis, treatment or prevention of
43 mental illnesses or emotional or behavioral disorders which are
44 provided by a provider of mental and behavioral health care
45 within his or her authorized scope of practice.



1 (c) *“Provider of mental and behavioral health care” means:*

2 (1) *A psychiatrist licensed to practice medicine in this State*
3 *pursuant to chapter 630 or 633 of NRS;*

4 (2) *A psychologist licensed to practice in this State pursuant*
5 *to chapter 641;*

6 (3) *A social worker licensed in this State as an independent*
7 *social worker or a clinical social worker pursuant to chapter 641B*
8 *of NRS;*

9 (4) *A registered nurse holding a master’s degree in the field*
10 *of psychiatric nursing and licensed to practice professional*
11 *nursing in this State pursuant to chapter 632 of NRS;*

12 (5) *A marriage and family therapist or clinical professional*
13 *counselor licensed in this State pursuant to chapter 641A of NRS;*

14 (6) *An alcohol and drug counselor or problem gambling*
15 *counselor who is licensed or certified pursuant to chapter 641C of*
16 *NRS; and*

17 (7) *A person who provides counseling services as part of his*
18 *or her training for any of the professions listed in subparagraphs*
19 *(1) to (6), inclusive.*

20 **Sec. 9.** The provisions of NRS 354.599 do not apply to any
21 additional expenses of a local government that are related to the
22 provisions of this act.

23 **Sec. 10.** 1. This section becomes effective upon passage and
24 approval.

25 2. Sections 1 to 9, inclusive, of this act become effective:

26 (a) Upon passage and approval for the purpose of adopting any
27 regulations and performing any other preparatory administrative
28 tasks that are necessary to carry out the provisions of this act; and

29 (b) On July 1, 2025, for all other purposes.



