

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.

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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; prohibiting certain uses of artificial intelligence in public schools; 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 prescribes the authority and duties of a school counselor, school
- 2 psychologist and school social worker. (NRS 391.293, 391.294, 391.296) **Section 2**
- 3 of this bill prohibits a public school from using artificial intelligence to perform the
- 4 functions and duties of a school counselor, school psychologist or school social
- 5 worker which relate to the mental health of pupils.
- 6 Existing law: (1) regulates the practice and requires the licensure of certain
- 7 mental health professionals, including psychiatrists, psychologists, marriage and
- 8 family therapists, clinical professional counselors, registered nurses, social workers,
- 9 alcohol and drug counselors and problem gambling counselors; and (2) prohibits
- 10 unlicensed persons from engaging in the practices of those professions. (Chapters
- 11 630, 632, 633 and 641-641C of NRS) **Section 7** of this bill prohibits, with certain
- 12 exceptions, an artificial intelligence provider from offering to users in this State an
- 13 artificial intelligence system that is specifically programmed to provide a user with
- 14 a service or an experience that would constitute the practice of professional mental
- 15 or behavioral health care if provided by a natural person. **Section 7** also prohibits,
- 16 with certain exceptions, an artificial intelligence provider or a natural person who is
- 17 not licensed to practice professional mental or behavioral health care from making



18 certain representations that would lead a person to believe that the provider, the
19 artificial intelligence system operated by the provider or the natural person is
20 capable of or qualified to provide mental or behavioral health care. **Section 8** of this
21 bill imposes certain restrictions and prohibitions on the use of an artificial
22 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.** (Deleted by amendment.)

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

4 *1. A public school, including, without limitation, a charter*
5 *school or university school for profoundly gifted pupils, shall not*
6 *use artificial intelligence to perform the functions and duties of a*
7 *school counselor, school psychologist or school social worker as*
8 *prescribed in NRS 391.293, 391.294 and 391.296, respectively,*
9 *which relate to the mental health of pupils.*

10 *2. The provisions of subsection 1 do not prohibit a school*
11 *counselor, school psychologist, school social worker or other*
12 *educational personnel from using artificial intelligence to perform*
13 *tasks for administrative support, which may include, without*
14 *limitation:*

15 *(a) Scheduling;*

16 *(b) Managing records;*

17 *(c) Analyzing data for operational purposes; and*

18 *(d) Organizing, tracking and managing files or notes*
19 *pertaining to a pupil.*

20 *3. 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.** (Deleted by amendment.)

28 **Sec. 4.** (Deleted by amendment.)

29 **Sec. 5.** (Deleted by amendment.)

30 **Sec. 6.** (Deleted by amendment.)

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*



1 *this State to make any representation or statement that explicitly*
2 *or implicitly indicates that:*

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

5 *(b) A user of the artificial intelligence system may interact with*
6 *any feature of the artificial intelligence system which simulates*
7 *human conversation in order to obtain professional mental or*
8 *behavioral health care; or*

9 *(c) The artificial intelligence system, or any component,*
10 *feature, avatar or embodiment of the artificial intelligence system*
11 *is a provider of mental or behavioral health care, a therapist, a*
12 *clinical therapist, a counselor, a psychiatrist, a doctor or any other*
13 *term commonly used to refer to a provider of professional mental*
14 *health or behavioral health care.*

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

20 3. *A natural person shall not represent himself or herself as*
21 *being qualified to provide professional mental or behavioral*
22 *health care, including, without limitation, by using the title of*
23 *“therapist,” “psychotherapist” or “counselor,” or any similar title,*
24 *if the person does not possess a valid credential issued by a*
25 *governmental entity that authorizes the person to practice*
26 *professional mental or behavioral health care in this State.*

27 4. *The Division:*

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

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

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

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

35 *(1) Information describing how a person may obtain*
36 *professional mental or behavioral health care from a licensed or*
37 *certified provider of professional mental or behavioral health care.*

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

41 *(3) Recommended best practices relating to the use or*
42 *potential use of artificial intelligence by a person who is seeking*
43 *care or relief from a mental or behavioral health condition, or*
44 *who is experiencing a mental or behavioral health event, which*
45 *may include, without limitation, recommendations concerning the*



1 *circumstances under which such a person should seek the*
2 *assistance or care of a provider of professional mental or*
3 *behavioral health care.*

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

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

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

11 (b) *Any advertisement, statement or representation for or*
12 *relating to materials, literature and other products which are*
13 *meant to provide advice and guidance for self-help relating to*
14 *mental or behavioral health, if the material, literature or product*
15 *does not purport to offer or provide professional mental or*
16 *behavioral health care.*

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

21 7. *As used in this section:*

22 (a) *“Artificial intelligence provider” means a person who*
23 *owns, operates or controls an artificial intelligence system.*

24 (b) *“Artificial intelligence system” means a system of*
25 *machine-based technology that can simulate human intelligence*
26 *through one or more technological means, including, without*
27 *limitation, by utilizing or deploying:*

28 (1) *Systems for machine learning;*

29 (2) *Large language models; or*

30 (3) *Systems for natural language processing.*

31 (c) *“Professional mental or behavioral health care”:*

32 (1) *Means mental or behavioral health care or services*
33 *relating to the diagnosis, treatment or prevention of mental*
34 *illnesses or emotional or behavioral disorders which are typically*
35 *provided by a provider of mental or behavioral health care within*
36 *his or her authorized scope of practice.*

37 (2) *Includes, without limitation, the practice of:*

38 (I) *Psychology, as defined in NRS 641.025.*

39 (II) *Clinical professional counseling, as defined in*
40 *NRS 641A.065.*

41 (III) *Marriage and family therapy, as defined in*
42 *NRS 641A.080.*

43 (IV) *Social work and clinical social work, as defined in*
44 *NRS 641B.030.*



1 (V) *Counseling persons with alcohol and other*
2 *substance use disorders and counseling persons with an addictive*
3 *disorder related to gambling, as defined in NRS 641C.100 and*
4 *641C.105, respectively.*

5 (VI) *Psychiatry.*

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

8 *1. Except as otherwise provided by subsection 2, a provider of*
9 *mental and behavioral health care shall not use an artificial*
10 *intelligence system in connection with providing professional*
11 *mental and behavioral health care directly to a patient.*

12 *2. A provider of mental and behavioral health care may use*
13 *an artificial intelligence system to assist the provider with*
14 *performing tasks for administrative support, which may include,*
15 *without limitation:*

16 *(a) Scheduling appointments;*

17 *(b) Managing records;*

18 *(c) Billing patients and managing records relating to billing;*

19 *(d) Analyzing data for operational purposes; and*

20 *(e) Organizing, tracking and managing files or notes relating*
21 *to an individual session with a patient.*

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

28 *(a) The Health Information Technology for Economic and*
29 *Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq.;*

30 *(b) The Health Insurance Portability and Accountability Act of*
31 *1996, Public Law 104-191, as amended; and*

32 *(c) The provisions of NRS 439.581 to 439.597, inclusive.*

33 *4. A provider of mental and behavioral health care shall*
34 *independently review the accuracy of any report, data or other*
35 *information compiled, summarized, analyzed or generated by*
36 *an artificial intelligence system for a purpose described in*
37 *subsection 2.*

38 *5. A provider of mental and behavioral health care who*
39 *violates any provision of this section is guilty of unprofessional*
40 *conduct and is subject to disciplinary action by the board, agency*
41 *or other entity in this State by which he or she is licensed or*
42 *certified.*

43 *6. As used in this section:*

44 *(a) "Artificial intelligence system" means a system of*
45 *machine-based technology that can simulate human intelligence*



1 *through one or more technological means, including, without*
2 *limitation, by utilizing or deploying:*

3 (1) *Systems for machine learning;*

4 (2) *Large language models; or*

5 (3) *Systems for natural language processing.*

6 (b) *“Professional mental and behavioral health care” means*
7 *psychotherapy, psychiatry, counseling, therapy or other care or*
8 *services relating to the diagnosis, treatment or prevention of*
9 *mental illnesses or emotional or behavioral disorders which are*
10 *provided by a provider of mental and behavioral health care*
11 *within his or her authorized scope of practice.*

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

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

15 (2) *A psychologist licensed to practice in this State pursuant*
16 *to chapter 641 of NRS;*

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

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

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

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

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

31 **Sec. 9.** (Deleted by amendment.)

32 **Sec. 10.** 1. This section becomes effective upon passage and
33 approval.

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

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

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



