

HB668 • Virginia

Mental health service providers; use of artificial intelligence system, civil penalty.

Introduced

Risk: Medium

Sector-Specific

Last Action (Feb 18, 2026): Left in Committee Communications, Technology and Innovation

Summary

HB668 regulates AI use by mental health providers in Virginia, allowing AI for defined administrative support but prohibiting therapy without a provider present. It establishes a civil penalty not to exceed \$10,000 for violations of the statute, and exempts religious counseling, peer support, or self-help materials and educational resources.

Business Impact

If you provide mental health services in Virginia, you must ensure a licensed provider is present during AI-assisted therapy by July 1, 2024, or face civil penalties.

Key Provisions

- Permits AI for defined administrative and supplementary support tasks (a7 54.1-2400.1:1 A).
- Prohibits AI from making independent therapeutic decisions without a mental health service provider present (a7 54.1-2400.1:1 D).
- Establishes a civil penalty not to exceed \$10,000 for violations of the statute (a7 54.1-2400.1:1 G).
- Exempts religious counseling, peer support, and educational resources from AI regulations (a7 54.1-2400.1:1 F).
- Mandates confidentiality of records in compliance with health privacy requirements (a7 54.1-2400.1:1 E).

Compliance Checklist

- Disclose AI use and obtain consent from patients for recorded sessions. | Who: Mental health service providers | Penalty: Up to \$10,000 for non-compliance
- Ensure AI is not used for therapeutic communication without oversight. | Who: Mental health service providers | Penalty: Up to \$10,000 for violations

Industries Affected

Technology

Education

Healthcare
Technology

Mental Health
Services

Healthcare

Consumer
Protection

Topics

AI Healthcare

AI Privacy

AI in Education

Bill Sponsors

Name	Party	Role
Terry G. Kilgore	Republican	Primary
Daniel W. Marshall, III		Primary
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Mark L. Keam		Cosponsor
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Rozia A. Henson, Jr.		Cosponsor
Sam Rasoul	Democratic	Cosponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2026-02-04	Subcommittee recommends laying on the table	6	4	Passed

Related Bills

- SB 269 (VA)
- SB269 (VA)

Official Source

<https://lis.virginia.gov/bill-details/20261/HB668>

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