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**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

SENATE BILL

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| No. | 1 | Session of2024 |

INTRODUCED BY

REFERRED TO EDUCATION

AN ACT

Providing for parental consent for virtual mental health services provided by a school entity.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Virtual Mental Health in Schools Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Artificial intelligence."

(1) A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.

"Qualified professional." A mental health professional with a graduate degree and licensed under any of the following:

(1) The Professional Nursing Law, as a certified registered nurse practitioner with a clinical specialty in mental health.

(2) the Professional Psychologists Practice Act.

(3) THE Osteopathic Medical Practice Act, as a physician or physician assistant with clinical experience in mental health.

(4) the Medical Practice Act of 1985, as a physician or physician assistant with clinical experience in mental health.

(5) The Social Workers, Marriage and Family Therapists and Professional Counselors Act.

"School entity." A public school, including a charter school or cyber charter school, private school, nonpublic school, intermediate unit or area career and technical school operating within this Commonwealth.

"Virtual mental health services." Web-based services that include any of the following:

(1) Access to an online peer support community.

(2) Counseling or mental health support provided by an individual who is not a qualified professional located in this Commonwealth.

(3) Behavioral health support provided by artificial intelligence.

Section 3. Parental consent to virtual mental health services provided by a school entity.

(a) Application.--This act applies to all virtual mental health services provided by or in coordination with a school entity.

(b) Form requirements.--The school entity shall create a form for obtaining virtual mental health services, which shall contain the following:

(1) A summary and scope of the virtual mental health services available.

(2) An area for parents or guardians to provide consent.

(3) Any other information the school entity deems necessary.

(c) Obtaining consent.--A school entity providing or coordinating virtual mental health services shall annually obtain a completed form with the consent of the parent or guardian of a student who is under 18 years of age prior to providing or coordinating virtual mental health services to the student.

(d) Consent required.--A school entity may not provide or coordinate any virtual mental health services for a student whose parent or guardian has not provided consent under this section.

Section 4. Effective date.

This act shall take effect on July 1, 2025, or immediately, whichever is later.