

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1887, 2361, 1913, 2862 & 2321, Page 1,
2 Section A, Line 2, by inserting after all of said section and line the following:

3
4 "407.3007. 1. As used in this section, the following terms mean:

5 (1) "Artificial intelligence" or "AI":

6 (a) Any artificial system that performs tasks under varying and unpredictable circumstances
7 without significant human oversight or that can learn from experience and improve performance when
8 exposed to data sets;

9 (b) An artificial system developed in computer software, physical hardware, or other computer
10 systems that solves tasks requiring human-like perception, cognition, planning, learning, communication,
11 or physical action;

12 (c) An artificial system designed to think or act like a human, including cognitive architectures
13 and neural networks;

14 (d) A set of techniques, including machine learning, that is designed to approximate a cognitive
15 task; or

16 (e) An artificial system designed to act rationally, including an intelligent software agent or
17 embodied robot that achieves goals using perception, planning, reasoning, learning, communicating,
18 decision-making, and acting;

19 (2) "Mental health professional", the same as defined in section 632.005. The term "mental
20 health professional" shall also include any person licensed in a profession regulated under chapter 337.

21 2. Any person or entity that develops or deploys artificial intelligence in the state shall not
22 advertise or represent to the public that the AI is or is able to act as a mental health professional or is
23 capable of providing therapy services, psychotherapy services, or a mental health diagnosis.

24 3. Any violation of this section shall be considered an unlawful practice under the Missouri
25 merchandising practices act under this chapter.

26 4. The attorney general shall enforce the provisions of this section. Any individual may report
27 violations of this section to the attorney general. If the attorney general finds that a violation occurred,
28 the attorney general shall commence a civil action in a court of competent jurisdiction. If the court finds
29 that a violation occurred, the court may grant damages, civil penalties, injunctive relief, attorney's fees,

Action Taken _____ Date _____

1 and any such other relief the court finds appropriate. Notwithstanding section 407.100 to the contrary,
2 civil penalties shall be as follows:

3 (1) Ten thousand dollars for the first violation; or

4 (2) Twenty thousand dollars for any subsequent violation.

5 537.039. 1. As used in this section, the following terms mean:

6 (1) "Artificial intelligence", an engineered or machine-based system that varies in its level of
7 autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate
8 outputs that can influence physical or virtual environments;

9 (2) "Explicit sexual material", any pictorial or three-dimensional material depicting human
10 masturbation, deviant sexual intercourse, sexual intercourse, direct physical stimulation or unclothed
11 genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals. The term
12 "explicit sexual material" shall not include works of art or of anthropological significance.

13 2. No person or entity shall:

14 (1) Replicate or alter through the use of artificial intelligence an image or voice of an individual
15 to generate explicit sexual material; or

16 (2) Use the likeness of an individual through the use of artificial intelligence for explicit sexual
17 material

18
19 unless the person or entity has the individual's express written consent.

20 3. Any individual injured by a person or entity for a violation of subsection 2 of this section may
21 bring a cause of action against the person or entity to recover actual damages as a result of the violation.
22 Such individual shall also be entitled to recover attorney's fees and costs."; and

23
24 Further amend said bill, Page 4, Section 537.043, Line 106, by inserting after all of said section and line
25 the following:

26
27 "573.010. As used in this chapter the following terms shall mean:

28 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial
29 establishment, regardless of whether alcoholic beverages are served, which regularly features persons
30 who appear semi-nude;

31 (2) "Artificially generated visual depiction", includes depictions that are obscene and
32 indistinguishable from a real minor, morphed from a real minor's image, or generated without any actual
33 minor involvement;

34 (3) "Characterized by", describing the essential character or dominant theme of an item;

35 ~~[(3)]~~ (4) "Child", any person under the age of fourteen;

36 ~~[(4)]~~ (5) "Child pornography":

1 (a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in
2 section 566.010, or a sexual performance and which has as one of its participants or portrays as an
3 observer of such conduct, contact, or performance a minor; or

4 (b) Any visual depiction or artificially generated visual depiction, including any photograph,
5 film, video, picture, or computer or computer-generated image or picture, whether made or produced by
6 electronic, mechanical, or other means, of sexually explicit conduct where:

7 a. The production of such visual depiction or artificially generated visual depiction involves the
8 use of a minor engaging in sexually explicit conduct;

9 b. Such visual depiction or artificially generated visual depiction is a digital image, computer
10 image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in
11 sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction
12 would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

13 c. Such visual depiction or artificially generated visual depiction has been created, adapted, or
14 modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor"
15 means a person who was a minor at the time the visual depiction or artificially generated visual depiction
16 was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or
17 modifying the visual depiction or artificially generated visual depiction; and who is recognizable as an
18 actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique
19 birthmark or other recognizable feature. The term identifiable minor shall not be construed to require
20 proof of the actual identity of the identifiable minor;

21 [(5)] (6) "Employ", "employee", or "employment", any person who performs any service on the
22 premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the
23 person is denominated an employee, independent contractor, agent, or otherwise. Employee does not
24 include a person exclusively on the premises for repair or maintenance of the premises or for the delivery
25 of goods to the premises;

26 [(6)] (7) "Explicit sexual material", any pictorial or three-dimensional material depicting human
27 masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed
28 genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided,
29 however, that works of art or of anthropological significance shall not be deemed to be within the
30 foregoing definition;

31 [(7)] (8) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,
32 disseminate, present, exhibit or otherwise provide;

33 [(8)] (9) "Material", anything printed or written, or any picture, drawing, photograph, motion
34 picture film, videotape or videotape production, or pictorial representation, or any artificially generated
35 visual depiction, or any recording or transcription, or any mechanical, chemical, or electrical
36 reproduction, or stored computer data, or anything which is or may be used as a means of communication.
37 Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent
38 representational objects;

1 ~~[(9)]~~ (10) "Minor", any person less than eighteen years of age;

2 ~~[(10)]~~ (11) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva,
3 anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or
4 areola;

5 ~~[(11)]~~ (12) "Obscene", any material or performance if, taken as a whole:

6 (a) Applying contemporary community standards, its predominant appeal is to prurient interest in
7 sex; and

8 (b) The average person, applying contemporary community standards, would find the material
9 depicts or describes sexual conduct in a patently offensive way; and

10 (c) A reasonable person would find the material lacks serious literary, artistic, political or
11 scientific value;

12 ~~[(12)]~~ (13) "Operator", any person on the premises of a sexually oriented business who causes
13 the business to function, puts or keeps the business in operation, or is authorized to manage the business
14 or exercise overall operational control of the business premises. A person may be found to be operating
15 or causing to be operated a sexually oriented business whether or not such person is an owner, part owner,
16 or licensee of the business;

17 ~~[(13)]~~ (14) "Performance", any play, motion picture film, videotape, dance or exhibition
18 performed before an audience of one or more;

19 ~~[(14)]~~ (15) "Pornographic for minors", any material or performance if the following apply:

20 (a) The average person, applying contemporary community standards, would find that the
21 material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of
22 minors; and

23 (b) The material or performance depicts or describes nudity, sexual conduct, the condition of
24 human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which
25 is patently offensive to the average person applying contemporary adult community standards with
26 respect to what is suitable for minors; and

27 (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or
28 scientific value for minors;

29 ~~[(15)]~~ (16) "Premises", the real property upon which a sexually oriented business is located, and
30 all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented
31 business, the grounds, private walkways, and parking lots or parking garages or both;

32 ~~[(16)]~~ (17) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
33 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the
34 same, by any means including a computer;

35 ~~[(17)]~~ (18) "Regularly", the consistent and repeated doing of the act so described;

36 ~~[(18)]~~ (19) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of
37 sexual stimulation or gratification;

1 ~~[(19)]~~ (20) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a
2 horizontal line across the top of the areola and extending across the width of the breast at such point, or
3 the showing of the male or female buttocks. Such definition includes the lower portion of the human
4 female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini,
5 dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in
6 part;

7 ~~[(20)]~~ (21) "Sexual conduct", actual or simulated, normal or perverted acts of human
8 masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or
9 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation
10 or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of
11 apparent sexual stimulation or gratification;

12 ~~[(21)]~~ (22) "Sexually explicit conduct", actual or simulated:

13 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether
14 between persons of the same or opposite sex;

15 (b) Bestiality;

16 (c) Masturbation;

17 (d) Sadistic or masochistic abuse; or

18 (e) Lascivious exhibition of the genitals or pubic area of any person;

19 ~~[(22)]~~ (23) "Sexually oriented business" includes:

20 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a
21 commercial establishment which, as one of its principal business activities, offers for sale or rental for
22 any form of consideration any one or more of the following: books, magazines, periodicals, or other
23 printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs,
24 slides, or other visual representations which are characterized by their emphasis upon the display of
25 specified sexual activities or specified anatomical areas. A principal business activity exists where the
26 commercial establishment:

27 a. Has a substantial portion of its displayed merchandise which consists of such items; or

28 b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of
29 such items; or

30 c. Has a substantial portion of the retail value of its displayed merchandise which consists of
31 such items; or

32 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
33 consideration, of such items; or

34 e. Maintains a substantial section of its interior business space for the sale or rental of such items;
35 or

36 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or
37 invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled
38 still or motion picture machines, projectors, or other image-producing devices are regularly maintained to

1 show images to five or fewer persons per machine at any one time, and where the images so displayed are
 2 characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical
 3 areas;

4 (b) An adult cabaret;

5 (c) An adult motion picture theater. "Adult motion picture theater" means a commercial
 6 establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions,
 7 which are characterized by their emphasis upon the display of specified sexual activities or specified
 8 anatomical areas are regularly shown to more than five persons for any form of consideration;

9 (d) A semi-nude model studio. "Semi-nude model studio" means a place where persons
 10 regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed,
 11 sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such
 12 definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a
 13 modeling class operated:

14 a. By a college, junior college, or university supported entirely or partly by taxation;

15 b. By a private college or university which maintains and operates educational programs in
 16 which credits are transferable to a college, junior college, or university supported entirely or partly by
 17 taxation; or

18 c. In a structure:

19 (i) Which has no sign visible from the exterior of the structure and no other advertising that
 20 indicates a semi-nude person is available for viewing; and

21 (ii) Where, in order to participate in a class, a student must enroll at least three days in advance
 22 of the class;

23 (e) A sexual encounter center. "Sexual encounter center" means a business or commercial
 24 enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical
 25 contact in the form of wrestling or tumbling between two or more persons when one or more of the
 26 persons is semi-nude;

27 ~~[(23)]~~ (24) "Sexual performance", any performance, or part thereof, which includes sexual
 28 conduct by a child who is less than eighteen years of age;

29 ~~[(24)]~~ (25) "Specified anatomical areas" include:

30 (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and
 31 female breast below a point immediately above the top of the areola; and

32 (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

33 ~~[(25)]~~ (26) "Specified sexual activity", includes any of the following:

34 (a) Intercourse, oral copulation, masturbation, or sodomy; or

35 (b) Excretory functions as a part of or in connection with any of the activities described in
 36 paragraph (a) of this subdivision;

37 ~~[(26)]~~ (27) "Substantial", at least thirty percent of the item or items so modified;

1 ~~[(27)]~~ (28) "Visual depiction", includes undeveloped film and videotape, and data stored on
2 computer disk or by electronic means which is capable of conversion into a visual image.

3 573.550. 1. A person commits the offense of providing explicit sexual material to a student if
4 such person is affiliated with a public or private elementary or secondary school in an official capacity
5 and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or
6 coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses
7 with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the
8 approval of the providing of explicit sexual material to a student.

9 2. The offense of providing explicit sexual material to a student is a class A misdemeanor.

10 3. As used in this section, the following terms shall mean:

11 (1) "Explicit sexual material", any pictorial, three-dimensional, or visual depiction or artificially
12 generated visual depiction, including any photography, film, video, picture, or computer-generated image,
13 showing human masturbation, deviate sexual intercourse as defined in section 566.010, sexual
14 intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction
15 of postpubertal human genitals; provided, however, that works of art, when taken as a whole, that have
16 serious artistic significance, or works of anthropological significance, or materials used in science
17 courses, including but not limited to materials used in biology, anatomy, physiology, and sexual education
18 classes shall not be deemed to be within the foregoing definition;

19 (2) "Person affiliated with a public or private elementary or secondary school in an official
20 capacity", an administrator, teacher, librarian, media center personnel, substitute teacher, teacher's
21 assistant, student teacher, law enforcement officer, school board member, school bus driver, guidance
22 counselor, coach, guest lecturer, guest speaker, or other nonschool employee who is invited to present
23 information to students by a teacher, administrator, or other school employee. Such term shall not include
24 a student enrolled in the elementary or secondary school."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.