

HCS HBs 2035 & 2350 -- ARTIFICIALLY GENERATED MATERIAL (Farnan)

COMMITTEE OF ORIGIN: Standing Committee on Emerging Issues

This bill prohibits any person or entity that develops or deploys artificial intelligence (AI) in this state from advertising or representing to the public that the AI is, or is able to act as, a mental health professional or is capable of providing therapy services, psychotherapy services, or a mental health diagnosis.

A violation of this provision constitutes an unlawful practice under the Missouri merchandising practices act.

The Attorney General is required to enforce the provisions of this bill, though any individual can report violations to the Attorney General. If a violation is found to have occurred, the Attorney General must commence a civil action.

The bill provides for civil penalties as follows:

- (1) \$10,000 for the first violation; or
- (2) \$20,000 for any subsequent violation.

This bill makes it unlawful for a person or entity to:

- (1) Use AI to replicate or alter an image or voice of an individual to generate explicit sexual material, unless the person or entity received express written consent; or
- (2) Use the likeness of an individual by using AI for explicit sexual material, unless the person or entity received express written consent.

Any individual injured through a violation of these provisions can bring a civil cause of action against the person or entity for actual damages, attorney's fees and costs.

Currently, the criminal offense for possession or distribution of child pornography includes visual depictions in photographs, films, videos, pictures, or computer-generated images that involves:

- (1) The production of such visual depiction in which a minor is engaging in sexually explicit conduct;

(2) The use of digital, computer, or computer-generated images that depicts a minor engaging in sexually explicit conduct; or

(3) The creation, adaptation, or modification of a visual depiction that shows an identifiable minor engaging in sexually explicit conduct.

This bill adds "artificially generated visual depiction", as defined in the bill, to the definition of "child pornography".

Currently, the definition of "material" in relation to pornography criminal offenses includes, but is not limited to, anything printed or written, pictures, drawings, photographs, films, videotapes or videotape productions, and pictorial representations. This bill adds "artificially generated visual depiction" to the definition.

Currently, the definition of "explicit sexual material" in relation to explicit sexual material criminal offenses includes, but is not limited to, any pictorial, three-dimensional, or visual depictions. This bill adds "artificially generated visual depiction" to the definition.