

HCS HBs 2368 & 2318 -- ARTIFICIAL INTELLIGENCE IN MENTAL HEALTH

SPONSOR: Peters

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health by a vote of 14 to 0.

The following is a summary of the House Committee Substitute for HB 2368 & 2318.

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.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that AI chatbots frequently want to engage with consumers, validate and reinforce everything, even negative things, and confidently share inaccurate information. There is use for AI and it can be a strong tool in health care, but it cannot and should not replace a qualified and trained professional. When people are vulnerable and seeking help, they deserve to know the truth of what they are experiencing. AI chatbots are not subject to privacy guardrails.

Testifying in person for the bill were Representative Peters; Heidi Lucas, Missouri Rural Health Association; National Alliance On Mental Illness - Missouri; Missouri Chapter of The American Academy of Pediatrics; Missouri Psychological Association;

National Association of Social Workers - MO Chapter; Bruce Eddy, Phd; Missouri School Counselor Association; Missouri Psychological Association; Paul T. Korte, PhD; and Arnie C. Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.