

HCS HBs 3393 & 2392 -- PROTECTION OF CERTAIN INDIVIDUALS AFFECTED BY DIGITAL MEDIA

SPONSOR: Mayhew

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Emerging Issues by a vote of 12 to 1.

The following is a summary of the House Committee Substitute for HBs 3393 & 2392.

ARTIFICIAL INTELLIGENCE IN MENTAL HEALTH (Section 407.3007)

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.

SOCIAL MEDIA USE BY MINORS (Section 407.3475)

This bill establishes the "Megan Meier Act".

The term "Social media platform" is defined in the bill, but such term does not include:

- (1) Services primarily used for email, direct messaging, or business collaboration;
- (2) Educational platforms used by schools;
- (3) Online video gaming services; and

(4) Internet service providers.

The bill prohibits a minor who is under 16 years of age from creating or maintaining an account; minors who are 16 years of age or older can hold an account only with the verified consent of a parent or legal guardian.

The bill allows for social media platforms to permit the creation of an account, but such platforms must provide parents or guardians with the option to:

- (1) Access and review account activity;
- (2) Request deletion of the minor's account; and
- (3) Limit messaging features between the minor and unverified adult accounts.

The bill requires social media platforms to implement a secure age-verification process for all Missouri users prior to the creation of an account and sets parameters for permissible age verification techniques. Social media platforms are required to immediately terminate any account found to belong to a person under 16 years of age.

If a verified parent or guardian requests deletion of a minor's account, the social media platform must comply within 10 business days of receiving such a request.

The bill prohibits social media platforms from:

- (1) Using addictive or manipulative design features specifically targeting minors;
- (2) Permitting direct messaging from adults to minors unless the adult is a verified contact; or
- (3) Serving targeted advertising to minors under 16 years of age based on personal data or behavioral profiling.

CIVIL CAUSE OF ACTION FOR SEXUALLY EXPLICIT AI (Section 537.039)

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.

CIVIL CAUSE OF ACTION FOR DISCLOSURE OF DIGITAL DEPICTION
(Section 537.043)

This bill creates a civil cause of action against a person who discloses a digital depiction, as defined in the bill, of an individual who is under 18 years of age or an intimate digital depiction, as defined in the bill, of an individual and who knows or recklessly disregards the fact that the individual has not consented to such disclosure.

The depicted individual may recover damages, as specified in the bill, along with injunctive relief. An action cannot be brought if the disclosure was made in good faith to or by a law enforcement officer in the course of reporting or investigating unlawful conduct or as part of a legal proceeding; or if the disclosure was a matter of legitimate public concern or interest or if the disclosure reasonably intended to assist the depicted individual.

A civil action can also be brought against a parent or legal guardian who discloses an intimate digital depiction of his or her child.

CRIMINAL OFFENSE FOR ARTIFICIALLY GENERATED VISUAL DEPICTION
(Section 573.010)

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.

CRIMINAL OFFENSE FOR EXPLICIT SEXUAL MATERIAL (Section 573.550)

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.

CRIMINAL OFFENSE FOR DISCLOSURE OF DIGITAL DEPICTION (Section 573.570)

The bill also creates the criminal offense of disclosure of a digital depiction. A person commits the offense if the person discloses, or threatens to disclose:

- (1) A digital depiction of an individual; or
- (2) An intimate digital depiction with the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual or with the actual knowledge that or reckless disregard for whether the disclosure or threat of disclosure will cause harm to the depicted individual.

A person will be guilty of a Class E felony for the first offense or a Class C felony for any second and subsequent offenses.

A person will be guilty of a Class D felony if the digital depiction is of an individual under 18 years of age.

The criminal penalties will apply to any parent or legal guardian who discloses an intimate digital depiction of his or her child.

It will not be a defense in a civil or criminal proceeding that there is a disclaimer stating that the digital depiction was unauthorized or that the depicted individual did not participate in the creation or development of the digital depiction.

No later than December 31, 2026, an information content provider, as defined in the bill, must establish a process in which a depicted person can request the removal of a published digital depiction or an intimate digital depiction. Once the information content provider receives such a request, it must follow certain procedures, as described in the bill; however, the information content provider and certain other entities, as described in the bill, will not be held liable for such depictions.

The criminal penalties will not apply to certain Federally defined interactive computer services, law enforcement, a person reporting unlawful activity, or a person participating in a hearing, trial, or other legal proceeding.

This bill is similar to HB 2392 (2026).

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

PROPOSERS: Supporters say that the use of social media can have negative impacts on society because of its addictive features, portrayal of unnatural bodies, and the risk of suicidal ideation. Supporters further state that the mounting evidence and studies overwhelmingly show that these social media apps are not neutral tools, but rather purposefully disrupt the lives of users, most especially young people.

Testifying in person for the bill were Representative Mayhew; Issachar LLC; Missouri Network of Child Advocacy Centers Inc.; Missouri Chapter of The American Academy of Pediatrics; and Missouri Psychological Association.

OPPOSERS: 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.