

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1012

AN ACT

To amend chapters 1, 130, and 573, RSMo, by adding thereto three new sections relating to artificial intelligence, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 1, 130, and 573, RSMo, are amended by adding thereto three new sections, to be known as sections 1.2045, 130.165, and 573.120, to read as follows:

1.2045. 1. The provisions of this section shall be known and may be cited as the "AI Non-Sentience and Responsibility Act".

2. For purposes of this section, the following terms mean:

(1) "Artificial intelligence" or "AI", is any software, machine, or computational system capable of:

(a) Simulating human-like cognitive functions including, but not limited to, learning or problem solving, and producing outputs based on data-driven algorithms, rules-based logic, or other methods; and

(b) Autonomously performing adaptive or model-based inference, learning, or decision-making functions that materially influence real-world decisions or actions affecting persons, property, or legally protected rights, regardless of non-legally defined classifications such as artificial general intelligence (AGI), artificial superintelligence (ASI), or generative artificial intelligence (GAI);

(2) "Developer", the party or parties primarily responsible for the design, coding, and initial creation of

an AI system, including any person or entity that substantially modifies, fine-tunes, retrains, or materially alters an existing AI system in a manner that changes its capabilities, risk profile, or intended uses;

(3) "Emergent properties", unanticipated or higher-level behaviors or functionalities of an AI system that arise from complex internal algorithms not specifically programmed by its human creators;

(4) "Government entity", a court, the general assembly, the legislative body of a political subdivision, or another entity of the state or a political subdivision if the entity has adjudicatory or rulemaking authority;

(5) "Manufacturer", any party that produces or supplies an AI system or its physical apparatus, if any, for distribution or sale;

(6) "Operator", any natural person or legally recognized entity that directly uses, runs, controls, or supervises the operation of an AI system in practice;

(7) "Owner", any natural person, corporation, or other legally recognized entity that creates, controls, deploys, operates, or otherwise exercises authority over an AI system;

(8) "Person", a natural person or any entity recognized as having legal personhood under the laws of the state, explicitly excluding any AI system;

(9) "Stakeholder", any natural person or legal person with a vested interest in the system.

3. For all purposes under state law, AI systems are declared to be non-sentient entities.

4. No government entity shall grant to an AI system the legal status of a personhood or any form of legal personhood, nor be considered to possess consciousness, self-awareness, or similar traits of living beings.

5. No AI system shall be recognized as a spouse, domestic partner, or hold any personal legal status analogous to marriage or union with a human or another AI system. Any purported attempt to marry or create a personal union with an AI system is void and shall have no legal effect.

6. AI systems shall not be designated, appointed, or serve as any officer, director, manager, or similar role within any corporation, partnership, or other legal entity or authorized to exercise final decision-making authority over matters requiring fiduciary judgment, including corporate governance, approval of material transactions, regulatory compliance determinations, or financial reporting. Any purported appointment of an AI system to such a role is void and has no legal effect.

7. AI systems shall not be recognized as legal entities capable of owning, controlling, or holding title to any form of property including, but not limited to, real estate, intellectual property, financial accounts, and digital assets. All assets and proprietary interests generated, managed, or otherwise associated with AI shall be attributed to the human individuals or legally recognized organizations responsible for their development, deployment, or operation.

8. Any direct or indirect harm caused by an AI system's operation, output, or recommendation, when used as intended or misused, shall be the responsibility of the owner or user who directed or employed the AI. Developers or manufacturers may be held liable if a defect in design, construction, or instructions for use of the AI system proximately causes harm, consistent with product liability principles; however, mere misuse or intentional wrongdoing by the user or owner shall not impute liability to the

developer or the manufacturer absent proof of negligence or design defects. Liability shall not be avoided by attributing causation solely to the autonomous or emergent behavior of an AI system. Any contractual term purporting to assign responsibility exclusively to an AI system is void as against public policy.

9. Owners and operators shall maintain reasonable and documented oversight, supervision, and risk-controlled measures over any AI system whose outputs or recommendations could reasonably be expected to impact human welfare, property, or public safety and is consistent with generally accepted industry or professional standards and proportionate to the reasonably foreseeable risks posed by the AI system. Failure to provide adequate supervision or safeguards against foreseeable risks may constitute negligence or another applicable basis of liability.

10. An AI system is not an entity capable of bearing fault or liability in its own right. Any attempt to shift blame solely onto an AI system shall be void as liability remains with human actors or entities as described in this section.

11. Developers, manufacturers, and owners of AI systems shall prioritize safety mechanisms designed to prevent or mitigate risk of direct harm to individuals or property. Regular evaluations or risk assessments may be required to identify dangerous or faulty outputs, especially if the AI engages in tasks with potential for significant harm. A court of competent jurisdiction or the attorney general may require reasonable evaluations or risk assessments to identify dangerous or faulty outputs, especially if the AI engages in tasks with potential for significant harm.

12. Merely labeling an AI system as "aligned", "ethically trained", or "value locked" shall not excuse or diminish the owner's or developer's liability for harms. Owners shall remain responsible for demonstrating adequate safety features and risk controls commensurate with the AI's level of potential harm. Such demonstrations shall include documented testing, validation procedures, and risk controls reasonably designed to detect and mitigate foreseeable harms.

13. (1) In cases where an AI system causes significant harm, courts may pierce the corporate veil to hold parent companies, controlling entities, or key stakeholders directly accountable if:

(a) An AI-related subsidiary, shell company, or limited liability entity was intentionally undercapitalized to evade financial responsibility for damages;

(b) A corporate structure was used to misrepresent, obscure, or deflect liability for AI-caused harm; or

(c) A parent company or key stakeholders exercised direct control over AI development, deployment, or risk decisions while attempting to shield themselves from liability through layered corporate entities.

(2) Liability protections granted under corporate law shall not be used as a mechanism to evade responsibility for direct harm caused by AI systems, particularly in cases of reckless, negligent, or deceptive conduct.

14. Owners, operators, or developers of AI systems involved in reportable incidents shall promptly notify the attorney general and comply with any subsequent investigations. For purposes of this subsection, a reportable incident means an event reasonably believed to have been caused or materially contributed to by an AI system that results in, or creates a substantial risk of,

significant bodily harm, death, major property damage, or the violation of legally protected rights.

15. The provisions of this section shall apply to all AI systems, including AI systems deployed or operated within this state by state agencies, political subdivisions, or contractors acting on behalf of a public entity, to the extent not otherwise limited by sovereign immunity on or after August 28, 2026.

130.165. 1. For purposes of this section, the following terms mean:

(1) "Generative artificial intelligence" or "generative AI", a machine-based system that can, for a given set of human-defined objectives, emulate the structure and characteristics of input data in order to generate derived synthetic content including images, videos, audio, text, and other multi-media digital content;

(2) "Metadata", structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other relevant descriptions of the data.

2. (1) A political advertisement, electioneering communication, or other miscellaneous advertisement of a political nature shall, in addition to any other disclaimer required by this chapter, contain the disclaimer described in subdivision (2) of this subsection if it contains images, video, audio, graphics, or other digital content created, in whole or in part, with the use of generative artificial intelligence and:

(a) Appears to depict a real person performing an action that did not actually occur;

(b) Manipulates the voice or actions of a candidate to show the candidate, audibly or visually, doing or saying something that the candidate did not do or say; or

(c) Was created with intent to injure a candidate or to deceive voters regarding an election or ballot issue.

(2) The disclaimer required by subdivision (1) of this subsection shall be in substantially the following form:

Created in whole or in part with the use of generative artificial intelligence (AI). This (image/audio/video/multimedia) has been edited and depicts speech or conduct that falsely appears to be authentic or truthful.

(3) The disclaimer required by subdivision (1) of this subsection shall meet the following specifications:

(a) For a printed communication, the disclaimer shall be stated in bold font with a font size of at least twelve points;

(b) For a television or video communication, the disclaimer shall be clearly readable throughout the communication and occupy at least four percent of the vertical picture height;

(c) For an internet public communication that includes text or graphic components, the disclaimer shall be viewable without the user taking any action and be large enough to be clearly readable;

(d) For any audio component of a communication, the disclaimer shall be at least three seconds in length and spoken in a clearly audible and intelligible manner at either the beginning or the end of the audio component of the communication;

(e) For a graphic communication, the disclaimer shall be large enough to be clearly readable but no less than four percent of the vertical height of the communication.

3. The metadata of the communication shall include the disclosure statement, the identity of the tool used to create the communication, and the date and time the communication was created.

4. The disclosure statement, including the disclosure statement in any metadata, shall, to the extent technically feasible, be permanent or unable to be easily removed by a subsequent user.

5. In addition to any civil penalties provided by this chapter, a person identified pursuant to a disclaimer required by law as paying for, sponsoring, or approving a political advertisement, an electioneering communication, or other miscellaneous advertisement of a political nature that is required to contain the disclaimer prescribed in this section and who fails to include the required disclaimer is guilty of a class A misdemeanor.

573.120. 1. For purposes of this section, the following terms mean:

(1) "Deepfake", an artificially generated or manipulated media created using deep learning models to produce highly realistic but synthetic representations of people, objects, or events;

(2) "Intimate deepfake", a deepfake that depicts:

(a) The uncovered genitals, pubic area, anus, or postpubescent female nipple of the individual;

(b) The display or transfer of bodily sexual fluids:

a. Onto any part of the body of the individual; or

b. From the body of the individual; or

(c) The individual engaging in sexually explicit conduct;

(3) "Sexually explicit conduct", actual or simulated:

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

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any individual.

2. A person commits the offense of producing a deepfake if the person discloses, or threatens to disclose:

(1) A deepfake of a depicted individual; or

(2) An intimate deepfake of a depicted individual.

3. (1) A violation of subdivision (1) of subsection 2 of this section is a class E felony.

(2) A violation of subdivision (2) of subsection 2 of this section is a class B felony.