

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1012  
AN ACT

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

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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  
2 adding thereto four new sections, to be known as sections  
3 1.2045, 1.2058, 130.165, and 573.120, to read as follows:

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

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

6 (1) "Artificial intelligence" or "AI system", a  
7 machine-based system that can, for a given set of human-  
8 defined objectives, make predictions, recommendations or  
9 decisions influencing real or virtual environments.

10 Artificial intelligence systems use machine and human-based  
11 inputs to:

12 (a) Perceive real and virtual environments;

13 (b) Abstract such perceptions into models through  
14 analysis in an automated manner; and

15 (c) Use model inference to formulate options for  
16 information or action;

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

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

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

27 (4) "End user", an individual who uses an artificial  
28 intelligence system without creating, controlling,  
29 deploying, or exercising authority over the system. The  
30 term does not include a licensed professional rendering or  
31 assisting in the rendering of a regulated service, as  
32 defined in subdivision (4) of subsection 8 of this section,  
33 who shall remain subject to the provisions of subdivision  
34 (2) of subsection 8 of this section;

35 (5) "Government entity", a court, the general  
36 assembly, the governing body of a political subdivision, or  
37 another entity of the state or a political subdivision that  
38 has adjudicatory or rulemaking authority;

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

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

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

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

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

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

55 4. A government entity shall not grant to an AI system  
56 the legal status of a personhood or any form of legal  
57 personhood, nor consider an AI system to possess  
58 consciousness, self-awareness, or similar traits of living  
59 beings.

60 5. An AI system shall not be recognized as a spouse,  
61 domestic partner, or hold any personal legal status  
62 analogous to marriage or union with a human or another AI  
63 system. Any purported attempt to marry or create a personal  
64 union with an AI system is void and shall have no legal  
65 effect.

66 6. An AI system shall not be designated or appointed  
67 or serve as the chief executive officer, director, owner, or  
68 other similar position for which final authority resides for  
69 any state department, division, or agency, or any  
70 corporation, partnership, or other legal entity.

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

80 8. An owner or operator that uses an AI system to  
81 interact with a consumer, client, or patient, shall provide  
82 clear and conspicuous notice that the person is or may be  
83 interacting with an AI system or a person who is

84 concomitantly using an AI system during the course of the  
85 interaction. Notice may be provided in writing or orally.

86 9. (1) (a) A licensed professional rendering a  
87 regulated service shall exercise independent professional  
88 judgment and retain final authority over any determination,  
89 diagnosis, recommendation, or decision within the scope of  
90 the licensed professional's practice, including for the  
91 purpose of dispensing, prescribing, renewing any  
92 prescription of, administering, or otherwise distributing  
93 medications or controlled substances, regardless of whether  
94 an AI system was used to assist in its preparation. The  
95 requirement to exercise independent professional judgment  
96 does not prohibit the use of an AI system in the course of  
97 performing a regulated service.

98 (b) Failure by a licensed professional to exercise  
99 independent professional judgment as required by paragraph  
100 (a) of this subdivision shall constitute grounds for  
101 disciplinary action by the relevant licensing authority in  
102 addition to any other remedy available under this section or  
103 under applicable law.

104 (c) A licensed professional who uses an AI system in  
105 the performance of a regulated service bears the  
106 responsibility of any mistakes resulting from the use of the  
107 AI system in the rendering of such service in the same  
108 manner in which the licensed professional would have been  
109 held liable in a scenario in which an AI system was not used  
110 or relied upon.

111 (d) A licensed professional providing a regulated  
112 service who unreasonably relies upon any content produced by  
113 an AI system in rendering such a regulated service and such  
114 service thereafter causes any harm, whether direct or  
115 indirect, to the person for whom the service was rendered,  
116 shall be liable for such harm in the same manner in which

117 the licensed professional would have been held liable in a  
118 scenario in which an AI system was not used or relied upon.  
119 An AI system shall not be held liable in any respect for any  
120 harm caused in such a circumstance. Any attempt to shift  
121 fault, in whole or in part, onto the AI system shall be of  
122 no effect.

123 (e) A developer, manufacturer, owner, or operator  
124 shall not advertise or represent to the public that an AI  
125 system is or is capable of acting as a licensed professional  
126 or is capable of providing any regulated service.

127 (f) Nothing in this subdivision shall be construed to  
128 prohibit or restrict the use of artificial intelligence as a  
129 tool in professional practice, provided such use is  
130 consistent with this subsection and with applicable  
131 standards of professional care.

132 (2) The provisions of this subsection shall only apply  
133 to a licensed professional providing a regulated service.

134 (3) For purposes of this subsection, the following  
135 terms mean:

136 (a) "Independent professional judgment", the practice  
137 of applying the specialized knowledge, skill, education,  
138 training, and experience of the licensed professional to the  
139 facts, data, reports, history, and other relevant  
140 information to make informed decisions and recommendations;

141 (b) "Licensing authority", a board, agency, or other  
142 authority in this state that has the power under applicable  
143 law to issue a license, certificate, registration, or other  
144 legal authorization to render a regulated service and  
145 otherwise regulate such services within its scope of  
146 authority;

147 (c) "Licensed professional", any person required to be  
148 licensed, certified, or registered by a licensing authority  
149 to work in a specific occupation, profession, or activity in

150 the state or political subdivision of this state. "Licensed  
151 professional" does not include any attorney;  
152 (d) "Regulated service", any service practiced by one  
153 of the following professionals:  
154 a. An accountant;  
155 b. An architect or engineer;  
156 c. A podiatrist;  
157 d. A chiropractor;  
158 e. A dentist;  
159 f. An optometrist;  
160 g. A physician, surgeon, doctor of medicine or doctor  
161 of osteopathy;  
162 h. A psychologist;  
163 i. A veterinarian;  
164 j. A registered nurse;  
165 k. Any natural person licensed as a real estate  
166 salesperson;  
167 l. A physical therapist;  
168 m. A teacher of any educational institution in this  
169 state, whether public, private, charter, elementary,  
170 secondary, or higher education;  
171 n. Any individual operating a vehicle that requires a  
172 commercial drivers license;  
173 o. A law enforcement officer;  
174 p. A first responder, as that term is defined in  
175 section 190.1010;  
176 q. An appraiser;  
177 r. A counselor;  
178 s. A pharmacist;  
179 t. A professional counselor.  
180 10. (1) Any contractual term purporting to assign  
181 responsibility for any action exclusively to an AI system is  
182 void as against public policy.

183           (2) An end user shall not be liable under this section  
184 as an owner or operator. An end user shall be liable for  
185 any harm done in connection with the use of an AI system in  
186 the same manner in which the end user would have been held  
187 liable in a scenario in which an AI system was not used.

188           11. The act of labeling an AI system in a way that  
189 indicates that it is aligned, ethically trained, or value  
190 locked, even if the label does not use one of those terms,  
191 shall not excuse or diminish the owner's or developer's  
192 liability for harms.

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

197           13. Except as specifically provided in subsection 9 of  
198 this section, the provisions of this section shall apply to  
199 all AI systems, including AI systems deployed or operated  
200 within this state by state agencies, political subdivisions,  
201 or contractors acting on behalf of a public entity, to the  
202 extent not otherwise limited by sovereign immunity on or  
203 after August 28, 2026.

204           14. Nothing in this section shall be construed to  
205 create or expand civil liability as established in any other  
206 provision of law or available under common law.

207           15. An AI system is a product for the purposes of  
208 product liability and consumer protection actions under the  
209 laws of this state, provided that nothing in this subsection  
210 shall be construed to create or expand civil liability as  
211 established in any other provision of law or available under  
212 common law.

213           16. Nothing in this section shall be construed to  
214 extend to any AI system, or to the outputs of any AI system,  
215 the constitutional rights, privileges, or immunities of any

216 person that designs, develops, manufactures, owns, or  
217 operates such system. The classification of an AI system as  
218 a non-person under this section does not create any  
219 presumption that the outputs of such system constitute the  
220 protected speech, expression, or other constitutionally  
221 protected activity of any person.

222 17. Nothing in this section shall be construed to  
223 alter, diminish, or revoke the legal status of any  
224 partnership, association, corporation, body politic, or  
225 other legal entity recognized under the laws of this state.

226 18. The provisions of this section shall only apply to  
227 a person, operator, or owner who:

228 (1) Promotes, advertises, or conducts business in this  
229 state;

230 (2) Produces a product or service used by residents of  
231 this state; or

232 (3) Develops or deploys an artificial intelligence  
233 system in this state.

234 19. To the extent that this section conflicts with any  
235 provision of federal law, the relevant provision of federal  
236 law shall prevail over the conflicting provision of this  
237 section.

238 20. No settlement agreement, consent decree, or other  
239 resolution of any action filed or maintained pursuant to the  
240 provisions of this section shall include any term or  
241 condition that prohibits or restricts a party from  
242 disclosing facts, allegations, evidence, or settlement terms  
243 relating to such action.

244 21. Any nondisclosure, confidentiality, or similar  
245 provision included in violation of this section shall be  
246 void and unenforceable as contrary to public policy.

247 22. A court of competent jurisdiction shall not  
248 approve, enforce, or incorporate into any judgment any  
249 settlement containing a provision prohibited by this section.

250 23. Nothing in this section shall prohibit a court  
251 from issuing protective orders necessary to safeguard  
252 personal identifying information, trade secrets, or other  
253 confidential information unrelated to the facts of the  
254 underlying claim.

255 24. Each subsection of this section, and each portion  
256 of each subsection, is severable. If any provision of this  
257 section or its application to any person or circumstance is  
258 held invalid by a court of competent jurisdiction, the  
259 invalidity does not affect other provisions or applications  
260 of this section that can be given effect without the invalid  
261 provision or application, and to this end the provisions of  
262 this section are severable.

1.2058. 1. For purposes of this section, the  
2 following terms mean:

3 (1) "Artificial intelligence", a machine-based system  
4 that can, for a given set of human-defined objectives, make  
5 predictions, recommendations or decisions influencing real  
6 or virtual environments. Artificial intelligence systems  
7 use machine and human-based inputs to:

8 (a) Perceive real and virtual environments;

9 (b) Abstract such perceptions into models through  
10 analysis in an automated manner; and

11 (c) Use model inference to formulate options for  
12 information or action;

13 (2) (a) "Companion chatbot", an artificial  
14 intelligence system with a natural language interface that  
15 provides adaptive, human-like responses to user inputs and  
16 is capable of meeting a user's social needs, including by

17 exhibiting anthropomorphic features and being able to  
18 sustain a relationship across multiple interactions;  
19 (b) "Companion chatbot", does not include any of the  
20 following:  
21 a. A chatbot that is used only for customer service, a  
22 business' operational purposes, productivity and analysis  
23 related to source information, internal research, or  
24 technical assistance;  
25 b. A chatbot that is a feature of a video game and is  
26 limited to replies related to the video game that cannot  
27 discuss topics related to mental health, self-harm, sexually  
28 explicit conduct, or maintain a dialogue on other topics  
29 unrelated to the video game; or  
30 c. A stand-alone consumer electronic device that  
31 functions as a speaker and voice command interface, acts as  
32 a voice-activated virtual assistant, and does not sustain a  
33 relationship across multiple interactions or generate  
34 outputs that are likely to elicit emotional responses in the  
35 user;  
36 (3) "Companion chatbot platform", a platform that  
37 allows a user to engage with companion chatbots;  
38 (4) "Minor", any person seventeen years of age or  
39 younger;  
40 (5) "Operator", a person who makes a companion chatbot  
41 platform available to a user in the state;  
42 (6) "Sexually explicit conduct", actual or simulated:  
43 (a) Sexual intercourse, including genital-genital,  
44 oral-genital, anal-genital, or oral-anal, whether between  
45 persons of the same or opposite sex;  
46 (b) Bestiality;  
47 (c) Masturbation;  
48 (d) Sadistic or masochistic abuse; or

49 (e) Lascivious exhibition of the anus, genitals, or  
50 pubic area of any person;

51 (7) "Video game", a game played on an electronic  
52 amusement device that utilizes a computer, microprocessor,  
53 or similar electronic circuitry and its own monitor, or is  
54 designed to be used with a television set or a computer  
55 monitor, that interacts with the user of the device.

56 2. (1) An operator shall issue a clear and  
57 conspicuous notification indicating that the companion  
58 chatbot is artificially generated and not human.

59 (2) (a) An operator shall prevent a companion chatbot  
60 on its companion chatbot platform from engaging with users  
61 unless the operator maintains a protocol for preventing the  
62 production of suicidal ideation, suicide, self-harm, or harm  
63 to others content to the user, including, but not limited  
64 to, by providing a notification to the user that refers the  
65 user to crisis service providers, including a suicide  
66 hotline or crisis text line, if the user expresses suicidal  
67 ideation, suicide, self-harm, or harm to others.

68 (b) The operator shall publish details on the protocol  
69 required by this subdivision on the operator's internet  
70 website.

71 (3) An operator shall:

72 (a) Disclose to the user that the user is interacting  
73 with artificial intelligence;

74 (b) Provide by default a clear and conspicuous  
75 notification to the user at least every two hours for  
76 continuing companion chatbot interactions that reminds the  
77 user to take a break and that the companion chatbot is  
78 artificially generated and not human;

79 (c) With respect to any user who is a minor, institute  
80 reasonable measures to prevent its companion chatbot from  
81 producing visual material of sexually explicit conduct or

82 directly stating that the minor should engage in sexually  
83 explicit conduct.

84 3. (1) Beginning July 1, 2027, an operator shall  
85 annually report to the department of mental health all of  
86 the following:

87 (a) The number of times the operator has issued a  
88 crisis service provider referral notification pursuant to  
89 subsection 2 of this section in the preceding calendar year;

90 (b) Protocols put in place to detect, remove, and  
91 respond to instances of suicidal ideation by users;

92 (c) Protocols put in place to prohibit a companion  
93 chatbot response about suicidal ideation or actions with the  
94 user; and

95 (d) Protocols put in place to detect, remove, and  
96 respond to instances of harm to self and others.

97 (2) The report required by this section shall include  
98 only the information listed in subdivision (1) of this  
99 subsection and shall not include any identifiers or personal  
100 information about users.

101 (3) The department of mental health shall post data  
102 from a report required by this subsection on its internet  
103 website. The director of the department of mental health  
104 shall prepare an annual report that compiles and analyzes  
105 all information reported to the department pursuant to this  
106 subsection. Such report shall be delivered to the speaker of  
107 the house of representatives and the president pro tempore  
108 of the senate not later than January thirty-first of the  
109 calendar year following the receipt of the data by the  
110 department of mental health.

111 (4) An operator shall use evidence-based methods for  
112 measuring suicidal ideation.

113 4. An operator shall disclose to a user of its  
114 companion chatbot platform, on the application, the browser,

115 or any other format that a user can use to access the  
116 companion chatbot platform, that companion chatbots may not  
117 be suitable for minors.

118 5. A person who suffers injury in fact as a result of  
119 a violation of this section may bring a civil action to  
120 recover all of the following relief:

121 (1) Injunctive relief;

122 (2) Damages in an amount equal to the greater of  
123 actual damages or one thousand dollars per violation; and

124 (3) Reasonable attorney's fees and costs.

125 6. The duties, remedies, and obligations imposed by  
126 this section are cumulative to the duties, remedies, or  
127 obligations imposed under other law and shall not be  
128 construed to relieve an operator from any duties, remedies,  
129 or obligations imposed under any other law.

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

3 (1) "Generative artificial intelligence" or  
4 "generative AI", a machine-based system that can, for a  
5 given set of human-defined objectives, make predictions,  
6 recommendations or decisions influencing real or virtual  
7 environments. Artificial intelligence systems use machine  
8 and human-based inputs to:

9 (a) Perceive real and virtual environments;

10 (b) Abstract such perceptions into models through  
11 analysis in an automated manner; and

12 (c) Use model inference to formulate options for  
13 information or action;

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

19           2. (1) A political advertisement, electioneering  
20 communication, or other miscellaneous advertisement of a  
21 political nature shall, in addition to any other disclaimer  
22 required by this chapter, contain the disclaimer described  
23 in subdivision (2) of this subsection if it contains images,  
24 video, audio, graphics, or other digital content created, in  
25 whole or in part, with the use of generative artificial  
26 intelligence and:

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

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

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

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

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

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

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

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

50           (c) For an internet public communication that includes  
51 text or graphic components, the disclaimer shall be viewable

52 without the user taking any action and be large enough to be  
53 clearly readable;

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

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

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

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

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

2 573.120. 1. For purposes of this section, "deepfake"  
3 means an artificially generated or manipulated media created  
4 using deep learning models to produce highly realistic but  
5 synthetic representations of people, objects, or events.

6 2. A person commits the offense of producing a  
7 deepfake if the person discloses, or threatens to disclose a  
8 deepfake of a depicted individual.

8           3. A violation of this section is a class E felony.

          Section B. In the event that any section, provision,  
2 clause, phrase, or word of this act or the application  
3 thereof is declared invalid under the Constitution of the  
4 United States or the Constitution of the State of Missouri,  
5 it is the intent of the general assembly that the remaining  
6 sections of this act remain in force and effect as far as  
7 they are capable of being carried into execution as intended  
8 by the general assembly. The general assembly hereby  
9 declares that it would have passed each section, provision,  
10 clause, phrase, or word thereof, irrespective of the fact  
11 that any one or more sections, provisions, clauses, phrases,  
12 or words of this act or the application of this act would be  
13 declared unenforceable, unconstitutional, or invalid.