

SECOND REGULAR SESSION

HOUSE BILL NO. 2157

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

4365H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 160.261, RSMo, and to enact in lieu thereof fourteen new sections relating to safety of minors on the internet, with penalty provisions.

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

Section A. Section 160.261, RSMo, is repealed and fourteen new sections enacted in lieu thereof, to be known as sections 160.135, 160.145, 160.261, 407.3010, 407.3012, 407.3014, 407.3016, 407.3018, 407.3020, 407.3022, 407.3024, 407.3026, 407.3028, and 407.3030, to read as follows:

160.135. 1. Before June 30, 2025, the local board of education of each school district shall develop an internet safety policy for student access to district-provided internet that:

(1) Limits access by students to only age-appropriate subject matter and materials on the internet;

(2) Protects the safety and security of students when using email, chat rooms, and other forms of direct electronic communications;

(3) Prohibits unlawful online activities by students;

(4) Prevents access to websites, web applications, or software that does not protect against the disclosure, use, or dissemination of students' personal information;

(5) Authorizes teachers to designate an area for wireless communications devices during instructional time;

(6) Prevents students from accessing social media platforms through the use of internet access provided by the school district, except when expressly directed by a teacher solely for educational purposes; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(7) Prohibits the use of the social media video application TikTok or any similar**
17 **platform on district-owned devices, through internet access provided by the school**
18 **district, or as a platform to communicate or promote any district school, school-**
19 **sponsored club, extracurricular organization, or athletic team.**

20 **2. The state board of education shall adopt rules and regulations for the**
21 **administration of this section. Any rule or portion of a rule, as that term is defined in**
22 **section 536.010, that is created under the authority delegated in this section shall**
23 **become effective only if it complies with and is subject to all of the provisions of chapter**
24 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
25 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
26 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
27 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
28 **adopted after August 28, 2024, shall be invalid and void.**

160.145. 1. The state board of education shall adopt and promulgate rules and
2 **regulations deemed necessary to require certain curricula for students in grades six**
3 **through twelve on the social, emotional, and physical effects of social media. The**
4 **curricula shall include, but not be limited to, instruction on the following:**

- 5 **(1) The negative effects of social media on mental health, including addiction;**
- 6 **(2) The distribution and prevalence of misinformation on social media;**
- 7 **(3) How social media manipulates behavior;**
- 8 **(4) The permanency of sharing materials online;**
- 9 **(5) How to maintain personal security and how to identify cyberbullying,**
10 **predatory behavior, and human trafficking on social media and the internet; and**
- 11 **(6) How to report suspicious behavior encountered on social media and the**
12 **internet.**

13 **2. The department of elementary and secondary education shall make available**
14 **online the instructional material being used pursuant to this section, and each district**
15 **school board shall notify parents of its availability.**

16 **3. The director of the department of elementary and secondary education may**
17 **promulgate all necessary rules and regulations for the administration of this section.**
18 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**
19 **under the authority delegated in this section shall become effective only if it complies**
20 **with and is subject to all of the provisions of chapter 536 and, if applicable, section**
21 **536.028. This section and chapter 536 are nonseverable and if any of the powers vested**
22 **with the general assembly pursuant to chapter 536 to review, to delay the effective date,**
23 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**

24 **of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall**
25 **be invalid and void.**

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal
3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be
5 provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the
6 beginning of each school year and also made available in the office of the superintendent of
7 such district, during normal business hours, for public inspection. No pupil shall be subject to
8 corporal punishment procedures outlined in the discipline and corporal punishment policy
9 without a parent or guardian being notified and providing written permission for the corporal
10 punishment. All employees of the district shall annually receive instruction related to the
11 specific contents of the policy of discipline and any interpretations necessary to implement
12 the provisions of the policy in the course of their duties, including but not limited to approved
13 methods of dealing with acts of school violence, disciplining students with disabilities and
14 instruction in the necessity and requirements for confidentiality.

15 2. The policy shall require school administrators to report acts of school violence to
16 all teachers at the attendance center and, in addition, to other school district employees with a
17 need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as
18 school personnel who are directly responsible for the student's education or who otherwise
19 interact with the student on a professional basis while acting within the scope of their
20 assigned duties. As used in this section, the phrase "act of school violence" or "violent
21 behavior" means the exertion of physical force by a student with the intent to do serious
22 physical injury as defined in section 556.061 to another person while on school property,
23 including a school bus in service on behalf of the district, or while involved in school
24 activities. The policy shall at a minimum require school administrators to report, as soon as
25 reasonably practical, to the appropriate law enforcement agency any of the following crimes,
26 or any act which if committed by an adult would be one of the following crimes:

- 27 (1) First degree murder under section 565.020;
- 28 (2) Second degree murder under section 565.021;
- 29 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
30 kidnapping in the first degree under section 565.110;
- 31 (4) First degree assault under section 565.050;
- 32 (5) Rape in the first degree under section 566.030;
- 33 (6) Sodomy in the first degree under section 566.060;
- 34 (7) Burglary in the first degree under section 569.160;
- 35 (8) Burglary in the second degree under section 569.170;

- 36 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
37 2017, or robbery in the first degree under section 570.023;
- 38 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
39 or manufacture of a controlled substance under section 579.055;
- 40 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to
41 January 1, 2017, or delivery of a controlled substance under section 579.020;
- 42 (12) Arson in the first degree under section 569.040;
- 43 (13) Voluntary manslaughter under section 565.023;
- 44 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
45 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
46 manslaughter in the second degree under section 565.027;
- 47 (15) Second degree assault under section 565.060 as it existed prior to January 1,
48 2017, or second degree assault under section 565.052;
- 49 (16) Rape in the second degree under section 566.031;
- 50 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017,
51 or kidnapping in the second degree under section 565.120;
- 52 (18) Property damage in the first degree under section 569.100;
- 53 (19) The possession of a weapon under chapter 571;
- 54 (20) Child molestation in the first degree pursuant to section 566.067 as it existed
55 prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to
56 section 566.067, 566.068, or 566.069;
- 57 (21) Sodomy in the second degree pursuant to section 566.061;
- 58 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 59 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 60 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
61 harassment in the first degree under section 565.090; or
- 62 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking
63 in the first degree under section 565.225;
- 64
- 65 committed on school property, including but not limited to actions on any school bus in
66 service on behalf of the district or while involved in school activities. The policy shall require
67 that any portion of a student's individualized education program that is related to
68 demonstrated or potentially violent behavior shall be provided to any teacher and other
69 school district employees who are directly responsible for the student's education or who
70 otherwise interact with the student on an educational basis while acting within the scope of
71 their assigned duties. The policy shall also contain the consequences of failure to obey

72 standards of conduct set by the local board of education, and the importance of the standards
73 to the maintenance of an atmosphere where orderly learning is possible and encouraged.

74 3. The policy shall provide that any student who is on suspension for any of the
75 offenses listed in subsection 2 of this section or any act of violence or drug-related activity
76 defined by school district policy as a serious violation of school discipline pursuant to
77 subsection 9 of this section shall have as a condition of his or her suspension the requirement
78 that such student is not allowed, while on such suspension, to be within one thousand feet of
79 any school property in the school district where such student attended school or any activity
80 of that district, regardless of whether or not the activity takes place on district property unless:

81 (1) Such student is under the direct supervision of the student's parent, legal guardian,
82 or custodian and the superintendent or the superintendent's designee has authorized the
83 student to be on school property;

84 (2) Such student is under the direct supervision of another adult designated by the
85 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the
86 school which suspended the student and the superintendent or the superintendent's designee
87 has authorized the student to be on school property;

88 (3) Such student is enrolled in and attending an alternative school that is located
89 within one thousand feet of a public school in the school district where such student attended
90 school; or

91 (4) Such student resides within one thousand feet of any public school in the school
92 district where such student attended school in which case such student may be on the property
93 of his or her residence without direct adult supervision.

94 4. Any student who violates the condition of suspension required pursuant to
95 subsection 3 of this section may be subject to expulsion or further suspension pursuant to the
96 provisions of sections 167.161, 167.164, and 167.171. In making this determination
97 consideration shall be given to whether the student poses a threat to the safety of any child or
98 school employee and whether such student's unsupervised presence within one thousand feet
99 of the school is disruptive to the educational process or undermines the effectiveness of the
100 school's disciplinary policy. Removal of any pupil who is a student with a disability is subject
101 to state and federal procedural rights. This section shall not limit a school district's ability to:

102 (1) Prohibit all students who are suspended from being on school property or
103 attending an activity while on suspension;

104 (2) Discipline students for off-campus conduct that negatively affects the educational
105 environment to the extent allowed by law.

106 5. The policy shall provide for a suspension for a period of not less than one year, or
107 expulsion, for a student who is determined to have brought a weapon to school, including but
108 not limited to the school playground or the school parking lot, brought a weapon on a school

109 bus or brought a weapon to a school activity whether on or off of the school property in
110 violation of district policy, except that:

111 (1) The superintendent or, in a school district with no high school, the principal of the
112 school which such child attends may modify such suspension on a case-by-case basis; and

113 (2) This section shall not prevent the school district from providing educational
114 services in an alternative setting to a student suspended under the provisions of this section.

115 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
116 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a
117 blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas
118 gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or
119 a switchblade knife; except that this section shall not be construed to prohibit a school board
120 from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on
121 school property for educational purposes so long as the firearm is unloaded. The local board
122 of education shall define weapon in the discipline policy. Such definition shall include the
123 weapons defined in this subsection but may also include other weapons.

124 7. All school district personnel responsible for the care and supervision of students
125 are authorized to hold every pupil strictly accountable for any disorderly conduct in school or
126 on any property of the school, on any school bus going to or returning from school, during
127 school-sponsored activities, or during intermission or recess periods.

128 8. Teachers and other authorized district personnel in public schools responsible for
129 the care, supervision, and discipline of schoolchildren, including volunteers selected with
130 reasonable care by the school district, shall not be civilly liable when acting in conformity
131 with the established policies developed by each board, including but not limited to policies of
132 student discipline or when reporting to his or her supervisor or other person as mandated by
133 state law acts of school violence or threatened acts of school violence, within the course and
134 scope of the duties of the teacher, authorized district personnel or volunteer, when such
135 individual is acting in conformity with the established policies developed by the board.
136 Nothing in this section shall be construed to create a new cause of action against such school
137 district, or to relieve the school district from liability for the negligent acts of such persons.

138 9. Each school board shall define in its discipline policy acts of violence and any
139 other acts that constitute a serious violation of that policy. "Acts of violence" as defined by
140 school boards shall include but not be limited to exertion of physical force by a student with
141 the intent to do serious bodily harm to another person while on school property, including a
142 school bus in service on behalf of the district, or while involved in school activities. School
143 districts shall for each student enrolled in the school district compile and maintain records of
144 any serious violation of the district's discipline policy. Such records shall be made available
145 to teachers and other school district employees with a need to know while acting within the

146 scope of their assigned duties, and shall be provided as required in section 167.020 to any
147 school district in which the student subsequently attempts to enroll.

148 10. Spanking, when administered by certificated personnel and in the presence of a
149 witness who is an employee of the school district, or the use of reasonable force to protect
150 persons or property, when administered by personnel of a school district in a reasonable
151 manner in accordance with the local board of education's written policy of discipline, is not
152 abuse within the meaning of chapter 210.

153 11. Upon receipt of any reports of child abuse by the children's division pursuant to
154 sections 210.110 to 210.165 which allegedly involve personnel of a school district, the
155 children's division shall notify the superintendent of schools of the district or, if the person
156 named in the alleged incident is the superintendent of schools, the president of the school
157 board of the school district where the alleged incident occurred.

158 12. In order to ensure the safety of all students, should a student be expelled for
159 bringing a weapon to school, violent behavior, or for an act of school violence, that student
160 shall not, for the purposes of the accreditation process of the Missouri school improvement
161 plan, be considered a dropout or be included in the calculation of that district's educational
162 persistence ratio.

163 **13. The policy shall require notice that use of a wireless communications device**
164 **includes the possibility of the imposition of disciplinary action by the school or criminal**
165 **penalties if the device is used in a criminal act. A student may possess a wireless**
166 **communications device while the student is on school property or in attendance at a**
167 **school function; however, a student shall not use a wireless communications device**
168 **during instructional time, except when expressly directed by a teacher solely for**
169 **educational purposes. A teacher shall designate an area for wireless communications**
170 **devices during instructional time. Each local board of education shall adopt rules**
171 **governing the use of a wireless communications device by a student while the student is**
172 **on school property or in attendance at a school function.**

2 **407.3010. 1. Sections 407.3010 to 407.3030 shall be known and may be cited as**
3 **the "Children's Internet Safety Act".**

4 **2. For purposes of sections 407.3010 to 407.3030, the following terms mean:**

5 **(1) "Account holder", a person who has, or opens, an account or profile to use a**
6 **social media company's platform;**

7 **(2) "Addiction", use of a social media platform that:**

8 **(a) Indicates the user's substantial preoccupation or obsession with, or the user's**
9 **substantial difficulty ceasing or reducing the use of, the social media platform; and**

10 **(b) Causes physical, mental, emotional, developmental, or material harms to the**
11 **user;**

11 (3) "Educational organization", a public school, a local educational agency, a
12 charter school, the state schools for the deaf and blind, a private school, a community
13 college, a state college, a state university, or a nonprofit private postsecondary
14 educational institution;

15 (4) "Interactive computer service", as defined in 47 U.S.C. Section 230(f)(2);

16 (5) "Minor", any person who is under eighteen years of age, or who is in foster
17 care regardless of the person's age, and has not been emancipated as defined in section
18 302.178;

19 (6) "Missouri account holder", a person who is a Missouri resident and an
20 account holder;

21 (7) "Missouri minor account holder", a Missouri account holder who is a minor;

22 (8) "Missouri resident", an individual who currently resides in Missouri;

23 (9) "Post", content that an account holder makes available on a social media
24 platform for other account holders or users to view;

25 (10) "Social media company", a person or entity that:

26 (a) Provides a social media platform that has at least five million account holders
27 worldwide; and

28 (b) Is an interactive computer service;

29 (11) "Social media platform", an online forum that a social media company
30 makes available for an account holder, subject to the exclusions under section 407.3012,
31 to:

32 (a) Create a profile;

33 (b) Upload posts;

34 (c) View the posts of other account holders; and

35 (d) Interact with other account holders or users;

36 (12) "User", a person who views posts on a social media platform but is not an
37 account holder.

407.3012. For purposes of sections 407.3010 to 407.3030, the term "social media
2 platform" does not include an online service, website, or application:

3 (1) Where the predominant or exclusive function is:

4 (a) Electronic mail;

5 (b) Direct messaging consisting of text, photos, or videos that are sent between
6 devices by electronic means if messages are:

7 a. Shared between the sender and the recipient;

8 b. Visible only to the sender and the recipient; and

9 c. Not posted publicly;

10 (c) A streaming service that:

- 11 **a. Provides only licensed media in a continuous flow from the service, website, or**
12 **application to the end user; and**
- 13 **b. Does not obtain a license to the media from a user or account holder by**
14 **agreement to its terms of service;**
- 15 **(d) News, sports, entertainment, or other content that is preselected by the**
16 **provider and not user generated, and any chat, comment, or interactive functionality**
17 **that is provided incidental to, directly related to, or dependent upon provision of the**
18 **content;**
- 19 **(e) Online shopping or e-commerce, if the interaction with other users or**
20 **account holders is generally limited to:**
- 21 **a. The ability to upload a post and comment on reviews;**
22 **b. The ability to display lists or collections of goods for sale or wish lists; and**
23 **c. Other functions that are focused on online shopping or e-commerce rather**
24 **than interaction between users or account holders;**
- 25 **(f) Interactive gaming, virtual gaming, or an online service that allows the**
26 **creating and uploading of content for the purpose of interactive gaming, edutainment,**
27 **or associated entertainment, and the communication related to that content;**
- 28 **(g) Photo editing that has an associated photo-hosting service, if the interaction**
29 **with other users or account holders is generally limited to liking or commenting;**
- 30 **(h) A professional creative network for showcasing and discovering artistic**
31 **content, if the content is required to be non pornographic;**
- 32 **(i) Single-purpose community groups for public safety if:**
33 **a. The interaction with other users or account holders is generally limited to that**
34 **single purpose; and**
- 35 **b. The community group has guidelines or policies against illegal content;**
- 36 **(j) Providing career development opportunities, including professional**
37 **networking, job skills, learning certifications, and job posting and application services;**
- 38 **(k) Business-to-business software;**
- 39 **(l) A teleconferencing or videoconferencing service that allows reception and**
40 **transmission of audio and video signals for real-time communication;**
- 41 **(m) Cloud storage;**
- 42 **(n) Shared document collaboration;**
- 43 **(o) Cloud computing services, which may include cloud storage and shared**
44 **document collaboration;**
- 45 **(p) Providing access to or interacting with data visualization platforms, libraries,**
46 **or hubs;**

47 **(q) Commenting on a digital news website, if the news content is posted only by**
48 **the provider of the digital news website;**

49 **(r) Providing or obtaining technical support for a platform, product, or service;**

50 **(s) Academic, scholarly, or genealogical research; or**

51 **(2) Where the majority of the content that is posted or created is posted or**
52 **created by the provider of the online service, website, or application, and the ability to**
53 **chat, comment, or interact with other users is directly related to the provider's content;**

54 **(3) That is a classified ad service that permits only the sale of goods and**
55 **prohibits the solicitation of personal services; or**

56 **(4) That is used by and under the direction of an educational organization,**
57 **including a learning management system, a student engagement program, and a**
58 **subject- or skill-specific program.**

407.3014. 1. Beginning July 1, 2025, a social media company shall not permit a
2 **Missouri resident who is a minor to be an account holder on the social media company's**
3 **social media platform unless the Missouri resident has the express consent of a parent or**
4 **guardian.**

5 **2. Notwithstanding any provision of sections 407.3010 to 407.3030, a social media**
6 **company shall not permit a Missouri resident who is a minor to hold or open an account**
7 **on a social media platform if the minor is ineligible to hold or open an account under**
8 **any other provision of state or federal law.**

9 **3. Beginning July 1, 2025, a social media company shall verify the age of an**
10 **existing or new Missouri account holder and, if the existing or new account holder is a**
11 **minor, confirm that the minor has consent as required under subsection 1 of this**
12 **section:**

13 **(1) For a new account, at the time the Missouri resident opens the account; or**

14 **(2) For a Missouri account holder who has not provided age verification as**
15 **required under this section, within fourteen calendar days of the Missouri account**
16 **holder's attempt to access the account.**

17

18 **If a Missouri account holder fails to meet the verification requirements of this**
19 **subsection within the required time period, the social media company shall deny access**
20 **to the account upon the expiration of the time period and until all verification**
21 **requirements are met.**

22 **4. The attorney general, with consideration of stakeholder input, shall**
23 **promulgate rules to:**

24 **(1) Establish processes or means by which a social media company shall meet the**
25 **age verification requirements of sections 407.3010 to 407.3030;**

26 (2) Establish acceptable forms or methods of identification, which shall not be
27 limited to a valid identification card issued by a government entity;

28 (3) Establish requirements for providing confirmation of the receipt of any
29 information provided by a person seeking to verify age under sections 407.3010 to
30 407.3030;

31 (4) Establish processes or means to confirm that a parent or guardian has
32 provided consent for the minor to open or use an account as required under this section;

33 (5) Establish requirements for retaining, protecting, and securely disposing of
34 any information obtained by a social media company or its agent as a result of
35 compliance with the requirements of sections 407.3010 to 407.3030;

36 (6) Require that information obtained by a social media company or its agent in
37 order to comply with the requirements of sections 407.3010 to 407.3030 is retained only
38 for the purpose of compliance and shall not be used for any other purpose;

39 (7) If the attorney general permits an agent to process verification requirements
40 required by this section, require that the agent have its principal place of business in the
41 United States;

42 (8) Require other applicable state agencies to comply with any rules
43 promulgated under the authority of this section; and

44 (9) Comply with state and federal law.

 407.3016. 1. Beginning July 1, 2025, a social media company shall prohibit
2 direct messaging between the Missouri minor's account and any user that is not linked
3 to the minor's account through the express consent of the account holder. The social
4 media company shall not:

5 (1) Show the minor's account in search results for any user that is not linked to
6 the account through the express consent of the account holder;

7 (2) Display any advertising to the account holder;

8 (3) Collect or use any personal information from the posts, content, messages,
9 text, or usage activities of the account other than information that is necessary to
10 comply with, and to verify compliance with, state or federal law, which information
11 includes a parent's or guardian's name, a birth date, and any other information
12 required to be submitted under this section; or

13 (4) Promote targeted or suggested groups, services, products, posts, accounts, or
14 users to the account holder.

15 2. Beginning July 1, 2025, a social media company shall provide a parent or
16 guardian who has given parental consent for a Missouri minor account holder under
17 section 407.3014 with a password or other means for the parent or guardian to access
18 the account, which shall allow the parent or guardian to view:

19 **(1) All posts the Missouri minor account holder makes under the account; and**

20 **(2) All communications sent to or by the Missouri minor account holder in the**
21 **account.**

22 **3. (1) Beginning July 1, 2025, a social media company shall prohibit a Missouri**
23 **minor account holder from accessing the Missouri minor account holder's account**
24 **during the hours of 10:30 p.m. to 6:30 a.m., unless the access is modified according to**
25 **another requirement of this subsection.**

26 **(2) Time of day under this subsection shall be calculated based on the internet**
27 **protocol address being used by the Missouri minor account holder at the time of**
28 **attempting access.**

29 **(3) A social media company shall provide options for a parent or guardian with**
30 **access to an account under this section to:**

31 **(a) Change or eliminate the time-of-day restriction described in subdivision (1)**
32 **of this subsection; and**

33 **(b) Set a limit on the number of hours per day that a Missouri minor account**
34 **holder may use the account.**

35 **(4) A social media company shall not permit a Missouri minor account holder to**
36 **change or bypass restrictions on access as required by this subsection.**

37 **(5) Notwithstanding any provision of this subsection, a social media company**
38 **shall permit a parent or guardian with access to an account under this section to access**
39 **the account without time restrictions.**

407.3018. 1. Consumer complaints alleging a violation of sections 407.3010 to
2 **407.3030 shall be filed with the attorney general. The attorney general shall investigate**
3 **any consumer complaints received under this section.**

4 **2. Except for a private right of action under section 407.3022, the attorney**
5 **general shall have the exclusive authority to administer and enforce the requirements of**
6 **sections 407.3010 to 407.3030.**

7 **3. Subject to the ability to cure an alleged violation under subsection 4 of this**
8 **subsection, the attorney general shall impose an administrative fine of up to two**
9 **thousand five hundred dollars for each violation of sections 407.3010 to 407.3030, and**
10 **the attorney general shall bring an action in a court of competent jurisdiction to enforce**
11 **a provision of sections 407.3010 to 407.3030.**

12 **4. In a court action by the attorney general to enforce a provision of sections**
13 **407.3010 to 407.3030, the court may:**

14 **(1) Declare that the act or practice violates a provision of sections 407.3010 to**
15 **407.3030;**

16 **(2) Issue an injunction for a violation of sections 407.3010 to 407.3030;**

17 **(3) Order disgorgement of any money received in violation of sections 407.3010**
18 **to 407.3030;**

19 **(4) Order payment of disgorged money to an injured purchaser or consumer;**

20 **(5) Impose a civil penalty of up to two thousand five hundred dollars for each**
21 **violation of sections 407.3010 to 407.3030;**

22 **(6) Award actual damages to an injured purchaser or consumer; or**

23 **(7) Award any other relief that the court deems reasonable and necessary.**

24 **5. At least thirty days before the day on which the attorney general initiates an**
25 **enforcement action against a person who is subject to the requirements of sections**
26 **407.3010 to 407.3030, the attorney general shall provide the person with:**

27 **(1) Written notice that identifies each alleged violation; and**

28 **(2) An explanation of the basis for each allegation.**

29 **6. Except as provided under subsection 7 of this section, the attorney general**
30 **shall not initiate an action if the person:**

31 **(1) Cures the noticed violation within thirty days after the day on which the**
32 **person receives the notice described in subsection 5 of this section; and**

33 **(2) Provides the attorney general with a written statement that the person has**
34 **cured the violation and no further violation will occur.**

35 **7. The attorney general shall initiate a civil action against any person who:**

36 **(1) Fails to cure a violation after receiving the notice described in subsection 5 of**
37 **this section; or**

38 **(2) After curing a noticed violation and providing a written statement in**
39 **accordance with subsection 6 of this section, commits another violation of the same**
40 **provision.**

41 **8. If a court of competent jurisdiction grants judgment or injunctive relief to the**
42 **attorney general, the court shall award the attorney general reasonable attorney's fees,**
43 **court costs, and investigative fees.**

44 **9. A person who violates an administrative or court order issued for a violation**
45 **of sections 407.3010 to 407.3030 is subject to a civil penalty of no more than five**
46 **thousand dollars for each violation.**

47 **10. A civil penalty authorized under this section shall be imposed in any civil**
48 **action brought by the attorney general.**

49 **11. All moneys received for the payment of a fine or civil penalty imposed under**
50 **this section shall be deposited into the mental health trust fund established in section**
51 **630.330.**

407.3020. 1. The attorney general shall compile an annual report to the general
2 **assembly that:**

3 **(1) Evaluates the liability and enforcement provisions of sections 407.3010 to**
4 **407.3030, including:**

5 **(a) The effectiveness of the attorney general's efforts to enforce sections 407.3010**
6 **to 407.3030; and**

7 **(b) Any recommendations for changes to sections 407.3010 to 407.3030;**

8 **(2) Summarizes the consumer interactions that are protected and are not**
9 **protected by sections 407.3010 to 407.3030, including a list of alleged violations the**
10 **attorney general has received; and**

11 **(3) Provides an accounting of:**

12 **(a) Administrative fines and civil penalties assessed during the year;**

13 **(b) Administrative fines and civil penalties collected during the year; and**

14 **(c) The use of funds from the mental health trust fund.**

15 **2. The attorney general shall update or correct the report as new information**
16 **becomes available.**

407.3022. 1. Beginning July 1, 2025, a person may bring an action against a
2 **person that does not comply with a requirement of section 407.3014 or 407.3016.**

3 **2. A suit filed under the authority of this section shall be filed in the district court**
4 **for the district in which the person bringing the action resides.**

5 **3. If a court finds that a person has violated a provision of section 407.3014 or**
6 **407.3016, the person who brings an action under this section is entitled to:**

7 **(1) An award of reasonable attorney's fees and court costs; and**

8 **(2) An amount equal to the greater of:**

9 **(a) Two thousand five hundred dollars per each incident of violation; or**

10 **(b) Actual damages for financial, physical, and emotional harm incurred by the**
11 **person bringing the action, if the court determines that the harm is a direct consequence**
12 **of the violation or violations.**

407.3024. 1. Beginning July 1, 2025, the attorney general shall administer and
2 **enforce the provisions of sections 407.3010 to 407.3030 and shall audit the records of a**
3 **social media company in order to determine compliance with the requirements of**
4 **sections 407.3010 to 407.3030 or to investigate a complaint, including a random sample**
5 **of a social media company's records and other audit methods.**

6 **2. Beginning July 1, 2025, a social media company shall not use a practice,**
7 **design, or feature on the company's social media platform that the social media**
8 **company knows, or which by the exercise of reasonable care should know, causes a**
9 **Missouri minor account holder to have an addiction to the social media platform.**

10 **3. Beginning July 1, 2025:**

11 **(1) Subject to subdivision (2) of this subsection, a social media company is**
12 **subject to:**

13 **(a) A civil penalty of two hundred fifty thousand dollars for each practice,**
14 **design, or feature shown to have caused addiction; and**

15 **(b) A civil penalty of up to two thousand five hundred dollars for each Missouri**
16 **minor account holder who is shown to have been exposed to the practice, design, or**
17 **feature found to have caused addiction under paragraph (a) of this subdivision;**

18 **(2) A social media company shall not be subject to a civil penalty for violating**
19 **this section if the social media company, as an affirmative defense, demonstrates that the**
20 **social media company:**

21 **(a) Instituted and maintained a program of at least quarterly audits of the social**
22 **media company's practices, designs, and features to detect practices, designs, or features**
23 **that have the potential to cause or contribute to the addiction of a Missouri minor**
24 **account holder; and**

25 **(b) Corrected, within thirty days of the completion of an audit described in**
26 **paragraph (a) of this subdivision, any practice, design, or feature discovered by the**
27 **audit to present more than a de minimus risk of violating this section; and**

28 **(3) In a court action by the attorney general to enforce this section, the court**
29 **may, in addition to a civil penalty:**

30 **(a) Declare that the act or practice violates a provision of this section;**

31 **(b) Issue an injunction for a violation of this section;**

32 **(c) Award actual damages to an injured purchaser or consumer; and**

33 **(d) Award any other relief that the court deems reasonable and necessary.**

34 **4. Nothing in this section shall be construed to impose liability for a social media**
35 **company for any of the following:**

36 **(1) Content that is generated by an account holder, or uploaded to or shared on**
37 **the platform by an account holder, that may be encountered by another account holder;**

38 **(2) Passively displaying content that is created entirely by a third party;**

39 **(3) Information or content for which the social media company was not, in whole**
40 **or in part, responsible for creating or developing; or**

41 **(4) Any conduct by a social media company involving a Missouri minor account**
42 **holder who would otherwise be protected by federal or Missouri law.**

43 **5. If a court of competent jurisdiction grants judgment or injunctive relief to the**
44 **attorney general, the court shall award the attorney general reasonable attorney's fees,**
45 **court costs, and investigative fees.**

46 **6. Nothing in this section shall be construed to negate or limit a cause of action**
47 **that may have existed or exists against a social media company under the law as it**
48 **existed before the effective date of this section.**

49 **7. All money received for the payment of a fine or civil penalty imposed under**
50 **this section shall be deposited into the mental health trust fund established in section**
51 **630.330.**

407.3026. 1. Beginning July 1, 2025, a person may bring an action under this
2 **section against a social media company to recover damages incurred after July 1, 2025,**
3 **by a Missouri minor account holder for any addiction, or financial, physical, or**
4 **emotional harm suffered as a consequence of using or having an account on the social**
5 **media company's social media platform.**

6 **2. A suit filed under the authority of this section shall be filed in the district court**
7 **for the district in which the Missouri minor account holder resides.**

8 **3. Notwithstanding subsection 4 of this section, if a court finds that a Missouri**
9 **minor account holder has been harmed as a consequence of using or having an account**
10 **on the social media company's social media platform, the minor seeking relief under this**
11 **section is entitled to:**

12 **(1) An award of reasonable attorney's fees and court costs; and**

13 **(2) An amount equal to the greater of:**

14 **(a) Two thousand five hundred dollars per each incident of harm; or**

15 **(b) Actual damages for addiction, and financial, physical, and emotional harm**
16 **incurred by the person bringing the action, if the court determines that the harm is a**
17 **direct consequence of the violation or violations.**

18 **4. If a Missouri minor account holder seeking recovery of damages under this**
19 **section is under sixteen years of age, there shall be a rebuttable presumption that the**
20 **harm actually occurred and that the harm was caused as a consequence of using or**
21 **having an account on the social media company's social media platform.**

407.3028. A waiver or limitation, or a purported waiver or limitation, of any of
2 **the following is void as unlawful, is against public policy, and a court or arbitrator shall**
3 **not enforce or give effect to the waiver, notwithstanding any contract or choice-of-law**
4 **provision in a contract:**

5 **(1) A protection or requirement provided under sections 407.3010 to 407.3030;**

6 **(2) The right to cooperate with the attorney general or to file a complaint with**
7 **the attorney general;**

8 **(3) The right to a private right of action as provided under sections 407.3010 to**
9 **407.3030; or**

10 **(4) The right to recover actual damages, statutory damages, civil penalties, costs,**
11 **or fees as allowed by sections 407.3010 to 407.3030.**

407.3030. 1. For the purposes of this section, the following terms mean:

2 **(1) "Interactive computer service", the same meaning as such term is defined in**
3 **47 U.S.C. Section 230(f)(2);**

4 **(2) "Material harmful to minors", any description or representation of nudity,**
5 **sexual activity, or sexual excitement, or sadomasochistic abuse when it:**

6 **(a) Appeals to the prurient, shameful, or morbid interest of minors;**

7 **(b) Is patently offensive to prevailing standards in the adult community as a**
8 **whole with respect to what is suitable material for minors; and**

9 **(c) Is, when taken as a whole, lacking in serious literary, artistic, political, or**
10 **scientific value for minors;**

11 **(3) "Sexual activity", the same meaning as such term is defined in section**
12 **573.110;**

13 **(4) "Substantial portion", more than thirty-three and one-third percent of total**
14 **material on a website that meets the definition of material harmful to minors.**

15 **2. Any commercial entity that knowingly or intentionally publishes or**
16 **distributes material harmful to minors on the internet from a website that contains a**
17 **substantial portion of such material shall verify that any person attempting to access**
18 **such material harmful to minors is eighteen years of age or older through the use of:**

19 **(1) A commercially available database that is regularly used by businesses or**
20 **governmental entities for the purpose of age and identity verification; or**

21 **(2) Another commercially reasonable method of age and identity verification.**

22 **3. Any commercial entity that violates the provisions of this section shall be**
23 **subject to civil liability for damages resulting from a minor's access to such material**
24 **harmful to a minor and reasonable attorney's fees and costs.**

25 **4. Nothing in this section shall be construed to impose an obligation or liability**
26 **on a provider or user of an interactive computer service on the internet.**

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