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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ARTIFICIAL INTELLIGENCE
ACCOUNTABILITY ACT

Introduced By: Representatives J. Lombardi, Hull, Felix, Stewart, and Cruz

Date Introduced: January 11, 2024

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 166

4 ARTIFICIAL INTELLIGENCE ACCOUNTABILITY ACT

5 **42-166-1. Short title.**

6 This chapter shall be known and may be cited as the "Artificial Intelligence Accountability
7 Act."

8 **42-166-2. Definitions.**

9 As used in this chapter:

10 (1) "Artificial intelligence" means:

11 (i) An artificial system that:

12 (A) Performs tasks under varying and unpredictable circumstances without significant
13 human oversight or can learn from experience and improve such performance when exposed to
14 data sets;

15 (B) Is developed in any context, including, but not limited to, software or physical
16 hardware, and solves tasks requiring human-like perception, cognition, planning, learning,
17 communication or physical action; or

18 (C) Is designed to:

1 (I) Think or act like a human, including, but not limited to, a cognitive architecture or
2 neural network; or

3 (II) Act rationally, including, but not limited to, an intelligent software agent or embodied
4 robot that achieves goals using perception, planning, reasoning, learning, communication, decision-
5 making or action; or

6 (ii) A set of techniques, including, but not limited to, machine learning, that is designed to
7 approximate a cognitive task.

8 (2) "State agency" means any office, department, board, commission, bureau, division,
9 authority, or public corporation, agency or instrumentality of the state, including all branches of
10 the judiciary.

11 **42-166-3. Artificial intelligence inventory.**

12 (a)(1) Not later than December 31, 2024, and annually thereafter, the department of
13 administration shall conduct an inventory of all systems that employ artificial intelligence and are
14 in use by any state agency. Each such inventory shall include at least the following information for
15 each such system:

16 (i) The name of such system and the vendor, if any, that provided such system;

17 (ii) A description of the general capabilities and uses of such system;

18 (iii) Whether such system was used to independently make, inform or materially support a
19 conclusion, decision or judgment; and

20 (iv) Whether such system underwent an impact assessment prior to implementation.

21 (2) The department of administration shall make each inventory conducted pursuant to this
22 section publicly available on the state's open data portal.

23 (b) Beginning on February 1, 2025, the department of administration shall perform ongoing
24 assessments of systems that employ artificial intelligence and are in use by state agencies to ensure
25 that no such system shall result in any unlawful discrimination or disparate impact described in §
26 42-166-4(a)(1)(ii). The department shall perform such assessment in accordance with the policies
27 and procedures established by § 42-166-4.

28 **42-166-4. Policies and procedures.**

29 (a)(1) Not later than February 1, 2025, the department of administration shall develop and
30 establish policies and procedures concerning the development, procurement, implementation,
31 utilization and ongoing assessment of systems that employ artificial intelligence and are in use by
32 state agencies. Such policies and procedures shall, at a minimum, include policies and procedures
33 that:

34 (i) Govern the procurement, implementation and ongoing assessment of such systems by

1 state agencies;

2 (ii) Are sufficient to ensure that no such system:

3 (A) Results in any unlawful discrimination against any individual or group of individuals;

4 or

5 (B) Has any unlawful disparate impact on any individual or group of individuals on the
6 basis of any actual or perceived differentiating characteristic, including, but not limited to, age,
7 genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender
8 identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status,
9 disability or lawful source of income;

10 (iii) Require a state agency to assess the likely impact of any such system before
11 implementing such system; and

12 (iv) Provide for the department of administration to perform ongoing assessments of such
13 systems to ensure that no such system results in any unlawful discrimination or disparate impact
14 described in subsection (a)(1)(ii) of this section.

15 (2) The department of administration may revise the policies and procedures established
16 pursuant to subsection (a)(1) of this section if the director of the department of administration
17 determines, in the director's discretion, that such revision is necessary.

18 (3) The department of administration shall post the policies and procedures established
19 pursuant to subsection (a)(1) of this section, and any revision(s) made to such policies and
20 procedures pursuant to subsection (a)(2) of this subsection, on the department's Internet website.

21 (b) Beginning on February 1, 2025, no state agency shall implement any system that
22 employs artificial intelligence:

23 (1) Unless the state agency has performed an impact assessment, in accordance with the
24 policies and procedures established pursuant to subsection (a) of this section, to ensure that such
25 system will not result in any unlawful discrimination or disparate impact described in subsection
26 (a)(1)(ii) of this section; or

27 (2) If the head of such state agency determines, in the agency head's discretion, that such
28 system will result in any unlawful discrimination or disparate impact described in subsection
29 (a)(1)(ii) of this section.

30 **42-166-5. Rhode Island artificial intelligence commission.**

31 (a) There is hereby established within the department of administration a permanent
32 artificial intelligence commission (the "commission") to monitor the use of artificial intelligence in
33 state government, for the purpose of continuously studying, monitoring, and making
34 recommendations relative to the use by the state of artificial intelligence systems that may affect

1 human welfare, including, but not limited to, the legal rights and privileges of individuals.

2 (b) In carrying out its work, the commission shall examine the following on an ongoing
3 basis:

4 (1) A complete and specific survey of all uses of artificial intelligence systems by the State
5 of Rhode Island and the purposes for which such systems are used;

6 (2) The principles, policies, and guidelines adopted by specific Rhode Island offices to
7 inform the procurement, evaluation, and use of artificial intelligence systems, the procedures by
8 which such principles, policies, and guidelines are adopted, and any gaps in such principles,
9 policies, and guidelines;

10 (3) The training specific Rhode Island offices provide to individuals using artificial
11 intelligence systems, the procedures for enforcing the principles, policies, and guidelines regarding
12 their use, and any gaps in training or enforcement;

13 (4) The manner by which Rhode Island offices validate and test the artificial intelligence
14 systems they use, and the manner by which they evaluate those systems on an ongoing basis,
15 specifying the training data, input data, systems analysis, studies, vendor or community
16 engagement, third parties, or other methods used in such validation, testing, and evaluation;

17 (5) Matters related to the transparency, explicability, auditability, and accountability of
18 artificial intelligence systems, including information about their structure; the processes guiding
19 their procurement, implementation and review; whether they can be audited externally and
20 independently; and the people who operate such systems and the training they receive;

21 (6) The manner and extent to which Rhode Island offices make the artificial intelligence
22 systems they use available to external review, and any existing policies, laws, procedures, or
23 guidelines that may limit external access to data or technical information that is necessary for audits,
24 evaluation, or validation of such systems;

25 (7) The due process rights of individuals directly affected by artificial intelligence systems,
26 and the public disclosure and transparency procedures necessary to ensure such individuals are
27 aware of the use of the systems and understand their related due process rights;

28 (8) Uses of artificial intelligence systems that directly or indirectly result in disparate
29 outcomes for individuals or communities based on age, race, creed, color, religion, national origin,
30 gender, disability, sexual orientation, marital status, veteran status, receipt of public assistance,
31 economic status, location of residence, or citizenship status;

32 (9) Technical, legal, or policy controls to improve the just and equitable use of artificial
33 intelligence systems and mitigate any disparate impacts deriving from their use, including best
34 practices and policies developed through research and academia or in other states and jurisdictions;

1 (10) Matters related to data sources, data sharing agreements, data security provisions,
2 compliance with data protection laws and regulations, and all other issues related to how data is
3 protected, used, and shared by agencies using artificial intelligence systems;

4 (11) Matters related to artificial intelligence systems and intellectual property, such as the
5 existence of non-disclosure agreements, trade secrets claims, and other proprietary interests, and
6 the impacts of intellectual property considerations on transparency, explicability, auditability,
7 accountability, and due process; and

8 (12) Any other opportunities and risks associated with the use of artificial intelligence
9 systems by Rhode Island offices.

10 **42-166-6. Composition of commission.**

11 (a) The commission shall consist of the secretary of commerce, or designee; the director of
12 the department of administration, or designee, who shall be the chairperson of the commission; the
13 director of the department of business regulation, or designee; the chief justice of the state supreme
14 court, or designee; the attorney general, or designee; the director of the department of children,
15 youth, and families, or designee; the secretary of the executive office of health and human services,
16 or designee; the Rhode Island public defender, or designee; the president of the Rhode Island Bar
17 Association, or designee; and four (4) representatives from academic institutions in the state who
18 shall be experts in:

19 (1) Artificial intelligence and machine learning;

20 (2) Data science and information policy;

21 (3) Social implications of artificial intelligence and technology; or

22 (4) Technology and the law, to be appointed by the governor. The governor shall make the
23 appointments after consulting with the commissioner of post-secondary education; the
24 commissioner of elementary and secondary education; and the board of education.

25 (b) Members of the commission shall be appointed within forty-five (45) days of the
26 effective date of this chapter. The commission shall meet at the call of the chair based on the
27 commission's workload, but not fewer than six (6) times per calendar year. Members who are
28 secretaries, directors, elected officials, commissioners, and members of the judiciary, as well as the
29 president of the Rhode Island Bar Association and the public defender, shall serve for so long as
30 they hold their position. All other members shall be appointed for a term of three (3) years, which
31 appointments may be renewed.

32 **42-166-7. Annual report.**

33 The commission shall submit an annual report by December 31 of each year to the
34 governor, the speaker of the house, and president of the senate. The report will be a public record

1 and it shall include, but not be limited to, a description of the commission's activities and any
2 community engagement undertaken by the commission, the commission's findings, and any
3 recommendations for regulatory or legislative action, including recommendations about areas
4 where Rhode Island offices ought to use and not to use artificial intelligence systems, with a
5 timeline for implementation, cost estimates and finance mechanisms. The report shall also detail
6 the extent of algorithmic decision-making used by the State of Rhode Island and the progress made
7 toward implementing any previous recommendations issued by the commission.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ARTIFICIAL INTELLIGENCE
ACCOUNTABILITY ACT

1 This act would require the department of administration to provide an inventory of all state
2 agencies using artificial intelligence and would establish a permanent commission to monitor the
3 use of artificial intelligence in state government and make recommendations for state government
4 policy and other decisions. The act would also direct the commission to make recommendations
5 regarding changes in the way state government uses artificial intelligence. The commission would
6 file an annual report each year to the governor and the general assembly.

7 This act would take effect upon passage.

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