Z-0579.1

HOUSE BILL 1934

State of Washington   **68th Legislature**   **2024 Regular Session**

By Representatives Couture and Slatter; by request of Attorney General

Prefiled 12/13/23.

1   AN ACT Relating to establishing an artificial intelligence task
2 force; creating new sections; and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4   NEW SECTION. **Sec. 1.** The legislature finds that artificial
5 intelligence is a fast-evolving technology that holds extraordinary
6 potential and has a myriad of uses for both the public and private
7 sectors. Advances in artificial intelligence technology have led to
8 programs that are capable of creating text, audio, and media that are
9 difficult to distinguish from media created by a human. This
10 technology has the potential to provide great benefits to people if
11 used well and to cause great harm if used irresponsibly.
12   The legislature further finds that generative artificial
13 intelligence has become widely available to consumers and has great
14 potential to become a versatile tool for a wide audience. It can
15 streamline tasks, save time and money for users, and facilitate
16 further innovation. Artificial intelligence has the potential to help
17 solve urgent challenges, while making our world more prosperous,
18 productive, innovative, and secure when used responsibly.
19   However, when used irresponsibly, artificial intelligence has the
20 potential to further perpetuate bias and harm to historically
21 excluded groups, as demonstrated by previous innovations like facial

recognition technology. It is vital that the fundamental rights to
privacy and freedom from discrimination are properly safeguarded as
society explores this emerging technology.

The federal government has not yet enacted meaningful regulations
or oversight into generative artificial intelligence and to date the
industry has self-regulated. In July 2023, the federal government
announced voluntary commitments by seven leading artificial
intelligence companies, including three companies headquartered in
Washington, to move toward safe, secure, and transparent development
of artificial intelligence technology. The October 2023 executive
order on the safe, secure, and trustworthy development and use of
artificial intelligence builds on this work by directing developers
of artificial intelligence systems to share their safety test results
with the United States government.

Numerous businesses and agencies have developed principles for
artificial intelligence. In Washington, Washington technology
solutions (WaTech) developed guiding principles for artificial
intelligence use by state agencies. These principles share common
themes: Accountability, transparency, human control, privacy and
security, advancing equity, and promoting innovation.

The legislature finds that the possible impacts of advancements
of generative artificial intelligences on Washingtonians require
careful consideration in order to promote transparency,
accountability, equity, and innovation, and to mitigate risks and
potential harms.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts
appropriated for this specific purpose, a task force to assess
current uses and trends and make recommendations to the legislature
regarding standards for the use and regulation of generative
artificial intelligence systems is established.

(2) The task force is composed of members as provided in this
subsection.

(a) The president of the senate shall appoint one member from
each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one
member from each of the two largest caucuses of the house of
representatives.

(c) The following members shall be appointed by the attorney
general:

1   (i) One member representing the office of the governor;

2   (ii) One member representing the office of the attorney general;

3   (iii) One member representing Washington technology solutions;

4   (iv) One member representing the office of the superintendent of

5 public instruction;

6   (v) One member representing the department of commerce;

7   (vi) One member representing the state auditor;

8   (vii) One member representing the Washington association of

9 sheriffs and police chiefs;

10   (viii) Two members representing federally recognized tribes;

11   (ix) At least five representatives from advocacy organizations

12 that represent communities that are disproportionately vulnerable to

13 being harmed by algorithmic bias including, but not limited to,

14 African American, Hispanic American, Native American, Asian American,

15 Native Hawaiian and Pacific Islander communities, religious

16 minorities, people with disabilities, and other vulnerable

17 communities;

18   (x) Four members representing private technology industry groups

19 or technology companies;

20   (xi) One member representing TechNet;

21   (xii) One member representing the Washington technology industry

22 association;

23   (xiii) One member representing a statewide civil liberties

24 organization;

25   (xiv) One member representing a qualified legal services

26 provider;

27   (xv) Three members representing state or national organizations

28 with data and privacy expertise, one of whom must have additional

29 expertise in ethics and human rights;

30   (xvi) One member representing a consumer advocacy organization;

31   (xvii) Two members representing members of statewide labor

32 organizations;

33   (xviii) One member representing a statewide disability rights

34 organization;

35   (xix) One cybersecurity expert;

36   (xx) One member representing a statewide teachers association;

37   (xxi) One expert on law enforcement usage of artificial

38 intelligence systems;

39   (xxii) One member representing a statewide retail association;

1 (xxiii) One member representing the association of Washington
2 business;
3 (xxiv) One member representing the independent business
4 association of Washington;
5 (xxv) One member representing the Washington student association;
6 and
7 (xxvi) At least two representatives from universities or research
8 institutions who are experts in the design and effect of an
9 algorithmic system.
10 (d) The task force may meet in person or by telephone conference
11 call, video conference, or other similar telecommunications method,
12 or a combination of such methods.
13 (e) The task force may engage nonmembers to serve on
14 subcommittees as necessary.
15 (3) The office of the attorney general must administer and
16 provide staff support for the task force. The office of the attorney
17 general may, when deemed necessary by the task force, retain
18 consultants to provide data analysis, research, recommendations,
19 training, and other services to the task force for the purposes
20 provided in subsection (4) of this section. The office of the
21 attorney general may work with the task force to determine
22 appropriate subcommittees as needed.
23 (4) The task force shall examine the development and use of
24 generative artificial intelligence by private and public sector
25 entities and make recommendations to the legislature regarding
26 standards for the use and regulation of generative artificial
27 intelligence systems to protect Washingtonians' safety, privacy, and
28 civil and intellectual property rights. The task force findings and
29 recommendations must include:
30 (a) A literature review of public policy issues with generative
31 artificial intelligence, including benefits and risks to the public
32 broadly, historically excluded communities, and other identifiable
33 groups, racial equity considerations, workforce impacts, and ethical
34 concerns;
35 (b) A review of existing protections under state and federal law
36 for individual data and privacy rights, safety, civil rights, and
37 intellectual property rights, and how federal, state, and local laws
38 relating to generative artificial intelligence align, differ,
39 conflict, and interact across levels of government;

(c) A recommended set of guiding principles for generative artificial intelligence use;

(d) Identification of high-risk uses of artificial intelligence, including those that may negatively affect safety or fundamental rights;

(e) Opportunities to support and protect the innovation of generative artificial intelligence technologies;

(f) Recommendations on appropriate uses of and limitations on the use of generative artificial intelligence by state and local governments and the private sector;

(g) Racial equity issues posed by generative artificial intelligence systems and ways to mitigate the concerns to build equity into the systems;

(h) Civil liberties issues posed by artificial intelligence systems and civil rights and civil liberties protections to be incorporated into generative artificial intelligence systems;

(i) Recommendations as to how the state should educate the public on the development and use of generative artificial intelligence, including information about data privacy and security, data collection and retention practices, use of individual data in machine learning, and intellectual property considerations regarding generative artificial intelligence; and

(j) Proposed state regulatory structures for the use of generative artificial intelligence to require the development, deployment, and use of artificial intelligence systems to:

(i) Retain appropriate human agency and oversight;

(ii) Be subject to internal and external security testing of systems before public release;

(iii) Protect data privacy and security;

(iv) Ensure transparency so that consumers are informed when they interact with generative artificial intelligence systems or products created by generative artificial intelligence; and

(v) Ensure accountability, including oversight, impact assessment, auditability, and due diligence mechanisms.

(5) The task force must hold its first meeting by December 31, 2024, and must meet at least twice each year thereafter. The task force must submit an interim report to the governor and the appropriate committees of the legislature detailing its findings and recommendations by December 1, 2025, and a final report by June 1, 2027.

(6) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship and may be compensated as provided in RCW 43.03.220.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Artificial intelligence" means technologies that enable machines, particularly computer software, to simulate human intelligence.

(b) "Generative artificial intelligence" means technology that can mimic human ability to learn patterns from substantial amounts of data and create content based on the underlying training data, guided by a user or prompt.

(c) "Machine learning" means a process by which an artificial intelligence is fed significant volumes of data allowing the artificial intelligence to learn and adapt without following explicit instructions from a developer.

(8) This section expires June 30, 2027.

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