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**SECOND SUBSTITUTE HOUSE BILL 1934**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Couture, Slatter, Volz, Waters, Rude, Hutchins, Walen, Sandlin, Schmidt, Duerr, Ramos, Ramel, Callan, Kloba, Street, Donaghy, Cheney, Goodman, Ortiz-Self, Reeves, Riccelli, and Pollet; by request of Attorney General)

READ FIRST TIME 02/05/24.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that artificial  
6 intelligence is a fast-evolving technology that holds extraordinary  
7 potential and has a myriad of uses for both the public and private  
8 sectors. Advances in artificial intelligence technology have led to  
9 programs that are capable of creating text, audio, and media that are  
10 difficult to distinguish from media created by a human. This  
11 technology has the potential to provide great benefits to people if  
12 used well and to cause great harm if used irresponsibly.

13 The legislature further finds that generative artificial  
14 intelligence has become widely available to consumers and has great  
15 potential to become a versatile tool for a wide audience. It can  
16 streamline tasks, save time and money for users, and facilitate  
17 further innovation. Artificial intelligence has the potential to help  
18 solve urgent challenges, while making our world more prosperous,  
19 productive, innovative, and secure when used responsibly.

20 However, when used irresponsibly, artificial intelligence has the  
21 potential to further perpetuate bias and harm to historically

1 excluded groups, as demonstrated by previous innovations like facial  
2 recognition technology. It is vital that the fundamental rights to  
3 privacy and freedom from discrimination are properly safeguarded as  
4 society explores this emerging technology.

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

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

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

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

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

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

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

39 (c) One member representing the office of the attorney general.

1 (d) One member representing the office of the state auditor.

2 (e) The following members must be appointed by the office of the  
3 attorney general:

4 (i) Eight members representing private technology industry groups  
5 or business associations, and subject matter experts with artificial  
6 intelligence expertise;

7 (ii) Four members representing community advocate organizations  
8 that represent communities that are disproportionately vulnerable to  
9 being harmed by algorithmic bias including, but not limited to,  
10 African American, Hispanic American, Native American, Asian American,  
11 Native Hawaiian, and Pacific Islander communities, LGBTQ+  
12 communities, religious minorities, people with disabilities, and  
13 other vulnerable communities;

14 (iii) Two members representing statewide labor organizations;

15 (iv) Two members representing the public sector and government;

16 (v) Two members representing universities or research  
17 institutions who are experts in the design and effect of an  
18 algorithmic system;

19 (vi) One member representing law enforcement; and

20 (vii) One member representing Washington technology solutions.

21 (f) The task force may meet in person or by telephone conference  
22 call, videoconference, or other similar telecommunications method, or  
23 a combination of such methods.

24 (g) The task force may engage nonmembers to serve on  
25 subcommittees as necessary.

26 (3) The office of the attorney general must administer and  
27 provide staff support for the task force. The office of the attorney  
28 general may, when deemed necessary by the task force, retain  
29 consultants to provide data analysis, research, recommendations,  
30 training, and other services to the task force for the purposes  
31 provided in subsection (4) of this section. The office of the  
32 attorney general may convene subcommittees to advise the task force  
33 on designated topics of concern including, but not limited to:  
34 Commerce; labor; education; law enforcement; and health care. Each  
35 subcommittee must contain members with relevant qualifications and  
36 background for the subject matter of the subcommittee.

37 (4) The task force shall examine the development and use of  
38 generative artificial intelligence by private and public sector  
39 entities and make recommendations to the legislature regarding  
40 standards for the use and regulation of generative artificial

1 intelligence systems to protect Washingtonians' safety, privacy, and  
2 civil and intellectual property rights. The task force findings and  
3 recommendations must include:

4 (a) A literature review of public policy issues with generative  
5 artificial intelligence, including benefits and risks to the public  
6 broadly, historically excluded communities, and other identifiable  
7 groups, racial equity considerations, workforce impacts, and ethical  
8 concerns;

9 (b) A review of existing protections under state and federal law  
10 for individual data and privacy rights, safety, civil rights, and  
11 intellectual property rights, and how federal, state, and local laws  
12 relating to generative artificial intelligence align, differ,  
13 conflict, and interact across levels of government;

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

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

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

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

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

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

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

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

39 (i) Retain appropriate human agency and oversight;

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

3 (iii) Protect data privacy and security;

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

7 (v) Ensure accountability, including oversight, impact  
8 assessment, auditability, and due diligence mechanisms; and

9 (k) Recommendations for establishing an ongoing committee that  
10 must study emerging technologies not limited to artificial  
11 technology.

12 (5) The task force must hold its first meeting within 45 days of  
13 final appointments to the task force and must meet at least twice  
14 each year thereafter. The task force must submit reports to the  
15 governor and the appropriate committees of the legislature detailing  
16 its findings and recommendations. A preliminary report must be  
17 delivered by December 31, 2024, an interim report by July 1, 2025,  
18 and a final report by November 1, 2025. Meeting summaries must be  
19 posted to the website of the attorney general's office within 30 days  
20 of any meeting by the task force.

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

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

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

33 (a) "Artificial intelligence" means a machine-based system that  
34 can, for a given set of human defined objectives, make predictions,  
35 recommendations, or decisions influencing real or virtual  
36 environments.

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

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

5 (9) This section expires June 30, 2027.

6 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of  
8 the state government and its existing public institutions, and takes  
9 effect immediately.

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