
SENATE BILL 5838

State of Washington

68th Legislature

2024 Regular Session

By Senator Nguyen; by request of Attorney General

Prefiled 12/12/23.

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

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

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

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

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

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

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

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

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

38 (c) The following members shall be appointed by the attorney
39 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;

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

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

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

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

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

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

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

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

26 (i) Retain appropriate human agency and oversight;

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

29 (iii) Protect data privacy and security;

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

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

35 (5) The task force must hold its first meeting by December 31,
36 2024, and must meet at least twice each year thereafter. The task
37 force must submit an interim report to the governor and the
38 appropriate committees of the legislature detailing its findings and
39 recommendations by December 1, 2025, and a final report by June 1,
40 2027.

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

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

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

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

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

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

24 (8) This section expires June 30, 2027.

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