

SENATE BILL 936

I3, S1

5lr0853
CF 5lr3153

By: **Senators Hester, Gile, and Love**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – High-Risk Artificial Intelligence – Developer and**
3 **Deployer Requirements**

4 FOR the purpose of requiring a certain developer of and a certain deployer who uses a
5 certain high-risk artificial intelligence system to use reasonable care to protect
6 consumers from known and reasonably foreseeable risks of certain algorithmic
7 discrimination; prohibiting a developer from providing to a certain deployer or other
8 developer a high-risk artificial intelligence system unless certain disclosures are
9 provided to the deployer or developer; requiring a developer to make certain
10 documentation and information available to complete an impact assessment in a
11 certain manner; requiring a deployer to design, implement, and maintain a risk
12 management policy and program for the high-risk artificial intelligence system in
13 use by the deployer; requiring a deployer to complete an impact assessment of its
14 high-risk artificial intelligence system; requiring a deployer to provide certain
15 information to a consumer regarding the deployment of and decisions made by a
16 high-risk artificial intelligence system; requiring a deployer to provide consumers
17 with an opportunity to correct certain information and appeal a certain
18 consequential decision; authorizing the Attorney General to enforce this Act;
19 authorizing a consumer to bring a civil action against a deployer under certain
20 circumstances; and generally relating to the use of high-risk artificial intelligence
21 systems in the State.

22 BY adding to
23 Article – Commercial Law
24 Section 14-47A-01 through 14-47A-08 to be under the new subtitle “Subtitle 47A.
25 High-Risk Artificial Intelligence Developer Act”
26 Annotated Code of Maryland
27 (2013 Replacement Volume and 2024 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
29 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Commercial Law

SUBTITLE 47A. HIGH-RISK ARTIFICIAL INTELLIGENCE DEVELOPER ACT.

14-47A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “ALGORITHMIC DISCRIMINATION” MEANS THE USE OF AN ARTIFICIAL INTELLIGENCE SYSTEM THAT RESULTS IN AN UNLAWFUL DIFFERENTIAL TREATMENT OR IMPACT THAT DISFAVORS AN INDIVIDUAL OR GROUP OF INDIVIDUALS ON THE BASIS OF THE INDIVIDUAL’S OR GROUP’S ACTUAL OR PERCEIVED:

(I) AGE;

(II) COLOR;

(III) DISABILITY;

(IV) ETHNICITY;

(V) GENETIC INFORMATION;

(VI) LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE;

(VII) NATIONAL ORIGIN;

(VIII) RACE;

(IX) RELIGION;

(X) REPRODUCTIVE HEALTH;

(XI) SEX;

(XII) SEXUAL ORIENTATION;

(XIII) VETERAN STATUS; OR

(XIV) CLASSIFICATION OTHERWISE PROTECTED UNDER STATE OR FEDERAL LAW.

(2) “ALGORITHMIC DISCRIMINATION” DOES NOT INCLUDE:

(I) THE OFFER, LICENSE, OR USE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM BY A DEVELOPER OR DEPLOYER FOR THE SOLE PURPOSE OF THE DEVELOPER’S OR DEPLOYER’S SELF-TESTING TO IDENTIFY, MITIGATE, OR PREVENT DISCRIMINATION OR OTHERWISE ENSURE COMPLIANCE WITH STATE AND FEDERAL LAW;

(II) THE EXPANSION OF AN APPLICANT, A CUSTOMER, OR A PARTICIPANT POOL TO INCREASE DIVERSITY OR REDRESS HISTORICAL DISCRIMINATION; OR

(III) AN ACT OR OMISSION BY OR ON BEHALF OF A PRIVATE CLUB OR OTHER ESTABLISHMENT NOT IN FACT OPEN TO THE PUBLIC, AS PROVIDED BY TITLE II OF THE CIVIL RIGHTS ACT OF 1964 UNDER 42 U.S.C. § 2000A(E).

(C) (1) “ARTIFICIAL INTELLIGENCE SYSTEM” MEANS A MACHINE LEARNING-BASED SYSTEM THAT FOR ANY EXPLICIT OR IMPLICIT OBJECTIVE, INFERS FROM THE INPUTS THE SYSTEM RECEIVES HOW TO GENERATE OUTPUTS, INCLUDING CONTENT, DECISIONS, PREDICTIONS, OR RECOMMENDATIONS THAT CAN INFLUENCE PHYSICAL OR VIRTUAL ENVIRONMENTS.

(2) “ARTIFICIAL INTELLIGENCE SYSTEM” DOES NOT INCLUDE AN ARTIFICIAL INTELLIGENCE SYSTEM OR A MODEL THAT IS USED FOR DEVELOPMENT, PROTOTYPING, AND RESEARCH ACTIVITIES BEFORE THE ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL IS RELEASED ON THE MARKET.

(D) “CONSEQUENTIAL DECISION” MEANS A DECISION THAT HAS A MATERIALLY LEGAL OR SIMILARLY SIGNIFICANT EFFECT ON THE PROVISION OR DENIAL TO A CONSUMER OF:

(1) PAROLE, PROBATION, A PARDON, OR ANY OTHER RELEASE FROM INCARCERATION OR COURT SUPERVISION;

(2) EDUCATION ENROLLMENT OR EDUCATION OPPORTUNITY;

(3) ACCESS TO OR PROVISION OF EMPLOYMENT;

(4) FINANCIAL OR LENDING SERVICES;

(5) ACCESS TO OR THE PROVISION OF HEALTH CARE SERVICES;

(6) HOUSING;

(7) INSURANCE;

(8) MARITAL STATUS; OR

(9) LEGAL SERVICE.

(E) (1) “CONSUMER” MEANS AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE AND IS ACTING ONLY IN A PERSONAL OR HOUSEHOLD CONTEXT.

(2) “CONSUMER” DOES NOT INCLUDE AN INDIVIDUAL ACTING IN A COMMERCIAL OR EMPLOYMENT CONTEXT.

(F) “DEPLOYER” MEANS A PERSON DOING BUSINESS IN THE STATE THAT DEPLOYS OR USES A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE A CONSEQUENTIAL DECISION IN THE STATE.

(G) “DEVELOPER” MEANS A PERSON DOING BUSINESS IN THE STATE THAT DEVELOPS OR INTENTIONALLY AND SUBSTANTIALLY MODIFIES A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT IS OFFERED, SOLD, LEASED, GIVEN, OR OTHERWISE PROVIDED TO CONSUMERS IN THE STATE.

(H) (1) “GENERAL-PURPOSE ARTIFICIAL INTELLIGENCE MODEL” MEANS A MODEL USED BY AN ARTIFICIAL INTELLIGENCE SYSTEM THAT:

(I) DISPLAYS SIGNIFICANT GENERALITY;

(II) IS CAPABLE OF COMPETENTLY PERFORMING A WIDE RANGE OF DISTINCT TASKS; AND

(III) CAN BE INTEGRATED INTO A VARIETY OF DOWNSTREAM APPLICATIONS OR SYSTEMS.

(2) “GENERAL-PURPOSE ARTIFICIAL INTELLIGENCE MODEL” DOES NOT INCLUDE AN ARTIFICIAL INTELLIGENCE MODEL THAT IS USED FOR DEVELOPMENT, PROTOTYPING, AND RESEARCH ACTIVITIES BEFORE THE ARTIFICIAL INTELLIGENCE MODEL IS RELEASED ON THE MARKET.

(I) “GENERATIVE ARTIFICIAL INTELLIGENCE” MEANS ARTIFICIAL INTELLIGENCE THAT IS CAPABLE OF AND USED TO PRODUCE SYNTHETIC CONTENT, INCLUDING AUDIO, IMAGES, TEXT, AND VIDEOS.

(J) “GENERATIVE ARTIFICIAL INTELLIGENCE SYSTEM” MEANS ANY ARTIFICIAL INTELLIGENCE SYSTEM OR SERVICE THAT INCORPORATES GENERATIVE ARTIFICIAL INTELLIGENCE.

(K) (1) “HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM” MEANS AN ARTIFICIAL INTELLIGENCE SYSTEM THAT IS SPECIFICALLY INTENDED TO AUTONOMOUSLY MAKE, OR BE A SUBSTANTIAL FACTOR IN MAKING, A CONSEQUENTIAL DECISION.

(2) “HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM” DOES NOT INCLUDE:

(I) AN ARTIFICIAL INTELLIGENCE SYSTEM THAT IS INTENDED TO:

1. PERFORM A NARROW PROCEDURAL TASK;
2. IMPROVE THE RESULT OF A PREVIOUSLY COMPLETED HUMAN ACTIVITY;
3. DETECT ANY DECISION-MAKING PATTERNS OR ANY DEVIATIONS FROM PREEXISTING DECISION-MAKING PATTERNS; OR
4. PERFORM A PREPARATORY TASK TO AN ASSESSMENT RELEVANT TO A CONSEQUENTIAL DECISION; OR

(II) THE FOLLOWING TECHNOLOGIES:

1. ANTIFRAUD TECHNOLOGY THAT DOES NOT USE FACIAL RECOGNITION TECHNOLOGY;
2. ARTIFICIAL INTELLIGENCE-ENABLED VIDEO GAME TECHNOLOGY;
3. ANTIMALWARE AND ANTIVIRUS TECHNOLOGY;
4. AUTONOMOUS VEHICLE TECHNOLOGY;
5. CALCULATORS;
6. CYBERSECURITY TECHNOLOGY;
7. DATABASES AND DATA STORAGE;

1 8. FIREWALL TECHNOLOGY;

2 9. INTERNET DOMAIN REGISTRATION;

3 10. INTERNET WEBSITE LOADING;

4 11. NETWORKING;

5 12. SPAM AND ROBOCALL FILTERING;

6 13. SPELLCHECKING TECHNOLOGY;

7 14. SPREADSHEETS;

8 15. WEB CACHING;

9 16. WEB HOSTING OR SIMILAR TECHNOLOGY; OR

10 17. TECHNOLOGY THAT COMMUNICATES WITH
11 CONSUMERS IN NATURAL LANGUAGE FOR THE PURPOSE OF PROVIDING USERS WITH
12 INFORMATION, MAKING REFERRALS OR RECOMMENDATIONS, AND ANSWERING
13 QUESTIONS AND IS SUBJECT TO AN ACCEPTABLE USE POLICY THAT PROHIBITS
14 GENERATING CONTENT THAT IS DISCRIMINATORY OR UNLAWFUL.

15 (L) (1) “INTENTIONAL AND SUBSTANTIAL MODIFICATION” MEANS A
16 DELIBERATE CHANGE MADE TO:

17 (I) AN ARTIFICIAL INTELLIGENCE SYSTEM THAT RESULTS IN A
18 NEW MATERIAL RISK OF ALGORITHMIC DISCRIMINATION; OR

19 (II) A GENERAL-PURPOSE ARTIFICIAL INTELLIGENCE MODEL
20 THAT:

21 1. AFFECTS COMPLIANCE OF THE GENERAL-PURPOSE
22 ARTIFICIAL INTELLIGENCE MODEL;

23 2. MATERIALLY CHANGES THE PURPOSE OF THE
24 GENERAL-PURPOSE ARTIFICIAL INTELLIGENCE MODEL; OR

25 3. RESULTS IN ANY NEW REASONABLY FORESEEABLE
26 RISK OF ALGORITHMIC DISCRIMINATION.

(2) “INTENTIONAL AND SUBSTANTIAL MODIFICATION” DOES NOT INCLUDE A CHANGE MADE TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, OR THE PERFORMANCE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, IF:

(I) THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTINUES TO LEARN AFTER THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS DEPLOYED OR OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR OTHERWISE MADE AVAILABLE TO A DEPLOYER; AND

(II) THE CHANGE:

1. IS MADE TO THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AS A RESULT OF ANY LEARNING DESCRIBED IN ITEM (I) OF THIS PARAGRAPH;

2. WAS PREDETERMINED BY THE DEPLOYER OR THE THIRD PARTY CONTRACTED BY THE DEPLOYER; AND

3. INCLUDED AND CONCLUDED WITHIN THE INITIAL IMPACT ASSESSMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM UNDER § 14-47A-04(C) OF THIS SUBTITLE.

(M) (1) “PERSON” MEANS AN INDIVIDUAL, AN ASSOCIATION, A COOPERATIVE, A CORPORATION, A LIMITED LIABILITY COMPANY, A PARTNERSHIP, A TRUST, A JOINT VENTURE, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY AND ANY SUCCESSOR, REPRESENTATIVE, AGENCY, OR INSTRUMENTALITY THEREOF.

(2) “PERSON” DOES NOT INCLUDE A GOVERNMENTAL UNIT.

(N) “PRINCIPAL BASIS” MEANS THE USE OF AN OUTPUT OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE A DECISION WITHOUT:

(1) HUMAN REVIEW, OVERSIGHT, INVOLVEMENT, OR INTERVENTION;
OR

(2) MEANINGFUL CONSIDERATION BY A HUMAN.

(O) (1) “SUBSTANTIAL FACTOR” MEANS A FACTOR GENERATED BY AN ARTIFICIAL INTELLIGENCE SYSTEM THAT IS:

(I) THE PRINCIPAL BASIS FOR MAKING A CONSEQUENTIAL DECISION; OR

(II) CAPABLE OF ALTERING THE OUTCOME OF A
CONSEQUENTIAL DECISION.

(2) “SUBSTANTIAL FACTOR” INCLUDES ANY USE OF AN ARTIFICIAL
INTELLIGENCE SYSTEM TO GENERATE ANY CONTENT, DECISION, PREDICTION, OR
RECOMMENDATION CONCERNING A CONSUMER THAT IS USED AS THE PRINCIPAL
BASIS TO MAKE A CONSEQUENTIAL DECISION CONCERNING THE CONSUMER.

(P) “SYNTHETIC CONTENT” MEANS INFORMATION, SUCH AS AUDIO CLIPS,
IMAGES, TEXT, AND VIDEO, THAT IS PRODUCED OR SIGNIFICANTLY MODIFIED OR
GENERATED BY ALGORITHMS, INCLUDING BY AN ARTIFICIAL INTELLIGENCE
SYSTEM.

14-47A-02.

THIS SUBTITLE DOES NOT APPLY TO:

(1) EXCEPT IN A SITUATION WHERE A HIGH-RISK ARTIFICIAL
INTELLIGENCE SYSTEM IS USED TO MAKE, OR IS A SUBSTANTIAL FACTOR IN MAKING,
A DECISION CONCERNING EMPLOYMENT OR HOUSING, A DEVELOPER OR DEPLOYER
THAT USES AN ARTIFICIAL INTELLIGENCE SYSTEM ACQUIRED BY OR FOR THE
FEDERAL GOVERNMENT OR ANY FEDERAL AGENCY OR DEPARTMENT, INCLUDING:

(I) THE U.S. DEPARTMENT OF COMMERCE;

(II) THE U.S. DEPARTMENT OF DEFENSE; AND

(III) THE NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION;

(2) AN INSURER, OR A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM
DEVELOPED OR DEPLOYED BY AN INSURER FOR USE IN THE BUSINESS OF
INSURANCE, IF THE INSURER IS REGULATED AND SUPERVISED BY THE INSURANCE
ADMINISTRATION AND SUBJECT TO THE PROVISIONS UNDER TITLE 13 OF THIS
ARTICLE; OR

(3) A DEVELOPER, A DEPLOYER, OR ANY OTHER PERSON WHO:

(I) IS A COVERED ENTITY UNDER THE FEDERAL HEALTH
INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 UNDER 42 U.S.C. §
1320D THROUGH 1320D-9, AND THE CORRESPONDING FEDERAL REGULATIONS;
AND

(II) PROVIDES:

1. HEALTH CARE RECOMMENDATIONS GENERATED BY AN ARTIFICIAL INTELLIGENCE SYSTEM IN WHICH A HEALTH CARE PROVIDER IS REQUIRED TO TAKE ACTION TO IMPLEMENT THE HEALTH CARE RECOMMENDATIONS; OR

2. SERVICES USING AN ARTIFICIAL INTELLIGENCE SYSTEM FOR AN ADMINISTRATIVE, FINANCIAL, QUALITY MEASUREMENT, SECURITY, OR PERFORMANCE IMPROVEMENT FUNCTION.

14-47A-03.

(A) (1) BEGINNING FEBRUARY 1, 2026, A DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL USE REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION.

(2) IN AN ENFORCEMENT ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER THIS SUBTITLE, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT A DEVELOPER USED REASONABLE CARE AS REQUIRED UNDER THIS SUBSECTION IF THE DEVELOPER COMPLIED WITH THE PROVISIONS OF THIS SECTION.

(B) BEGINNING FEBRUARY 1, 2026, AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, A DEVELOPER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM MAY NOT OFFER, SELL, LEASE, GIVE, OR OTHERWISE PROVIDE TO A DEPLOYER, OR OTHER DEVELOPER, A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, UNLESS THE DEVELOPER MAKES AVAILABLE TO THE DEPLOYER OR OTHER DEVELOPER:

(1) A STATEMENT DISCLOSING THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(2) DOCUMENTATION DISCLOSING:

(I) THE KNOWN OR REASONABLY FORESEEABLE LIMITATIONS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING THE KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION ARISING FROM THE INTENDED USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(II) THE PURPOSE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND THE INTENDED BENEFITS AND USES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

1 (III) A SUMMARY DESCRIBING THE MANNER IN WHICH THE
2 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS EVALUATED FOR
3 PERFORMANCE BEFORE THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM WAS
4 LICENSED, SOLD, LEASED, GIVEN, OR OTHERWISE MADE AVAILABLE TO A DEPLOYER;

5 (IV) THE MEASURES THE DEVELOPER HAS TAKEN TO MITIGATE
6 REASONABLY FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION THAT THE
7 DEVELOPER KNOWS ARISES FROM DEPLOYMENT OR USE OF THE HIGH-RISK
8 ARTIFICIAL INTELLIGENCE SYSTEM; AND

9 (V) THE MANNER IN WHICH AN INDIVIDUAL CAN USE THE
10 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND MONITOR THE PERFORMANCE
11 OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM FOR RISK OF ALGORITHMIC
12 DISCRIMINATION;

13 (3) DOCUMENTATION DESCRIBING:

14 (I) THE MANNER IN WHICH THE HIGH-RISK ARTIFICIAL
15 INTELLIGENCE SYSTEM WAS EVALUATED FOR PERFORMANCE, AND MITIGATION OF
16 ALGORITHMIC DISCRIMINATION BEFORE THE HIGH-RISK ARTIFICIAL
17 INTELLIGENCE SYSTEM WAS OFFERED, SOLD, LEASED, LICENSED, GIVEN, OR
18 OTHERWISE MADE AVAILABLE TO THE DEPLOYER OR OTHER DEVELOPER;

19 (II) A HIGH-LEVEL SUMMARY OF THE MANNER IN WHICH DATA
20 SOURCES WERE EVALUATED FOR POTENTIAL BIAS AND APPROPRIATE MITIGATIONS
21 WERE APPLIED;

22 (III) THE INTENDED OUTPUTS OF THE HIGH-RISK ARTIFICIAL
23 INTELLIGENCE SYSTEM;

24 (IV) THE MEASURES THE DEVELOPER HAS TAKEN TO MITIGATE
25 ANY KNOWN OR REASONABLY FORESEEABLE RISKS OF ALGORITHMIC
26 DISCRIMINATION THAT MAY ARISE FROM REASONABLY FORESEEABLE DEPLOYMENT
27 OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

28 (V) THE MANNER IN WHICH THE HIGH-RISK ARTIFICIAL
29 INTELLIGENCE SYSTEM SHOULD BE USED, NOT USED, AND MONITORED BY AN
30 INDIVIDUAL WHEN BEING USED; AND

31 (4) ANY ADDITIONAL DOCUMENTATION THAT IS REASONABLY
32 NECESSARY TO ASSIST A DEPLOYER TO:

1 (I) UNDERSTAND THE OUTPUTS OF THE HIGH-RISK
2 ARTIFICIAL INTELLIGENCE SYSTEM; AND

3 (II) MONITOR THE PERFORMANCE OF THE HIGH-RISK
4 ARTIFICIAL INTELLIGENCE SYSTEM FOR RISKS OF ALGORITHMIC DISCRIMINATION.

5 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A DEVELOPER
6 THAT, ON OR AFTER FEBRUARY 1, 2026, OFFERS, SELLS, LEASES, LICENSES, GIVES,
7 OR OTHERWISE MAKES AVAILABLE TO A DEPLOYER OR OTHER DEVELOPER A
8 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, TO THE EXTENT PRACTICABLE,
9 SHALL MAKE AVAILABLE TO DEPLOYERS AND OTHER DEVELOPERS THE
10 DOCUMENTATION AND INFORMATION NECESSARY FOR A DEPLOYER OR THIRD
11 PARTY CONTRACTED BY A DEPLOYER TO COMPLETE AN IMPACT ASSESSMENT
12 UNDER § 14-47A-04(C) OF THIS SUBTITLE.

13 (2) THE DEVELOPER SHALL MAKE DOCUMENTATION AND
14 INFORMATION AVAILABLE AS REQUIRED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION THROUGH:

16 (I) ARTIFACTS, INCLUDING MODEL CARD FILES THAT
17 ACCOMPANY THE MODEL AND PROVIDE INFORMATION ABOUT DISCOVERABILITY,
18 REPRODUCIBILITY, AND SHARING;

19 (II) DATASET CARD FILES THAT:

20 1. ARE USED TO INFORM USERS ABOUT HOW TO
21 RESPONSIBLY USE THE DATA IN A DATASET; AND

22 2. CONTAIN INFORMATION ABOUT POTENTIAL BIASES
23 OF THE DATA; OR

24 (III) OTHER IMPACT ASSESSMENTS.

25 (D) (1) FOR ANY DISCLOSURE REQUIRED UNDER THIS SECTION, A
26 DEVELOPER, NOT LATER THAN 90 DAYS AFTER THE DEVELOPER PERFORMS AN
27 INTENTIONAL AND SUBSTANTIAL MODIFICATION TO A HIGH-RISK ARTIFICIAL
28 INTELLIGENCE SYSTEM, SHALL UPDATE THE DISCLOSURE TO ENSURE ACCURACY.

29 (2) A DEVELOPER THAT ALSO SERVES AS A DEPLOYER FOR ANY
30 HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS NOT REQUIRED TO GENERATE
31 THE DOCUMENTATION REQUIRED UNDER THIS SECTION UNLESS THE HIGH-RISK
32 ARTIFICIAL INTELLIGENCE SYSTEM IS PROVIDED TO AN UNAFFILIATED ENTITY
33 ACTING AS A DEPLOYER OR AS OTHERWISE REQUIRED BY LAW.

(E) A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL BE PRESUMED TO SATISFY THE APPLICABLE REQUIREMENTS UNDER THIS SECTION AND ANY REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE IF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS IN CONFORMITY WITH THE LATEST VERSION OF:

(1) THE ARTIFICIAL INTELLIGENCE RISK MANAGEMENT FRAMEWORK PUBLISHED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY;

(2) STANDARD ISO/IEC 42001 OF THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION; OR

(3) ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS THAT IS SUBSTANTIALLY EQUIVALENT TO, AND AT LEAST AS STRINGENT AS, THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

(F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A DEVELOPER TO DISCLOSE ANY INFORMATION:

(1) THAT IS A TRADE SECRET, AS DEFINED IN § 11-1201 OF THIS ARTICLE, OR OTHERWISE PROTECTED FROM DISCLOSURE UNDER STATE OR FEDERAL LAW; OR

(2) THE DISCLOSURE OF WHICH WOULD:

(I) PRESENT A SECURITY RISK TO THE DEVELOPER; OR

(II) REQUIRE THE DEVELOPER TO DISCLOSE CONFIDENTIAL OR PROPRIETARY INFORMATION.

(G) (1) EACH DEVELOPER OF A GENERATIVE ARTIFICIAL INTELLIGENCE SYSTEM THAT GENERATES OR MODIFIES SYNTHETIC CONTENT SHALL ENSURE THAT THE OUTPUTS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM:

(I) ARE MARKED AT THE TIME THE OUTPUT IS GENERATED AND IN A MANNER THAT IS DETECTABLE BY CONSUMERS; AND

(II) COMPLY WITH ANY ACCESSIBILITY REQUIREMENTS.

1 **(2) FOR SYNTHETIC CONTENT THAT IS AN AUDIO, IMAGE, OR VIDEO**
2 **FORMED AS PART OF AN ARTISTIC, CREATIVE, SATIRICAL, FICTIONAL ANALOGOUS**
3 **WORK OR PROGRAM, A MARKING OF HIGH-RISK ARTIFICIAL INTELLIGENCE**
4 **SYSTEMS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED IN A**
5 **MANNER NOT TO HINDER THE DISPLAY OR ENJOYMENT OF THE WORK OR PROGRAM.**

6 **(3) THE MARKING OF OUTPUTS REQUIRED UNDER PARAGRAPH (1) OF**
7 **THIS SUBSECTION DOES NOT APPLY TO:**

8 **(I) SYNTHETIC CONTENT THAT:**

- 9 1. **CONSISTS EXCLUSIVELY OF TEXT;**
- 10 2. **IS PUBLISHED TO INFORM THE PUBLIC ON ANY**
11 **MATTER OF PUBLIC INTEREST; OR**
- 12 3. **IS UNLIKELY TO MISLEAD A REASONABLE PERSON**
13 **CONSUMING THE SYNTHETIC CONTENT; OR**

14 **(II) THE OUTPUTS OF A HIGH-RISK ARTIFICIAL INTELLIGENCE**
15 **SYSTEM THAT:**

- 16 1. **PERFORMS AN ASSISTIVE FUNCTION FOR STANDARD**
17 **EDITING;**
- 18 2. **DOES NOT SUBSTANTIALLY ALTER THE INPUT DATA**
19 **PROVIDED BY THE DEVELOPER, OR IS USED TO DETECT, PREVENT, OR INVESTIGATE;**
20 **OR**
- 21 3. **PROSECUTES A CRIME AS AUTHORIZED BY LAW.**

22 **14-47A-04.**

23 **(A) (1) BEGINNING FEBRUARY 1, 2026, EACH DEPLOYER SHALL USE**
24 **REASONABLE CARE TO PROTECT CONSUMERS FROM ANY KNOWN OR REASONABLY**
25 **FORESEEABLE RISKS OF ALGORITHMIC DISCRIMINATION.**

26 **(2) IN AN ENFORCEMENT ACTION BROUGHT BY THE ATTORNEY**
27 **GENERAL UNDER THIS SUBTITLE, THERE SHALL BE A REBUTTABLE PRESUMPTION**
28 **THAT A DEPLOYER USED REASONABLE CARE AS REQUIRED UNDER THIS**
29 **SUBSECTION IF THE DEPLOYER COMPLIED WITH THE REQUIREMENTS OF THIS**
30 **SECTION.**

(B) (1) BEGINNING FEBRUARY 1, 2026, AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A DEPLOYER OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL DESIGN, IMPLEMENT, AND MAINTAIN A RISK MANAGEMENT POLICY AND PROGRAM FOR THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM.

(2) EACH RISK MANAGEMENT POLICY DESIGNED, IMPLEMENTED, AND MAINTAINED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) SPECIFY THE PRINCIPLES, PROCESSES, AND PERSONNEL THAT THE DEPLOYER USES TO IDENTIFY, MITIGATE, AND DOCUMENT ANY RISK OF ALGORITHMIC DISCRIMINATION THAT IS A REASONABLY FORESEEABLE CONSEQUENCE OF DEPLOYING OR USING THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

(II) BE REGULARLY REVIEWED AND UPDATED OVER THE LIFE CYCLE OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

(III) BE REASONABLE AND IN CONSIDERATION OF THE GUIDANCE AND STANDARDS PROVIDED IN THE LATEST VERSION OF:

1. THE ARTIFICIAL INTELLIGENCE RISK MANAGEMENT FRAMEWORK PUBLISHED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY;

2. STANDARD ISO/IEC 42001 OF THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION;

3. ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS WITH REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO, AND AT LEAST AS STRINGENT AS, THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION; OR

4. ANY RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS THAT THE ATTORNEY GENERAL MAY DESIGNATE AND IS SUBSTANTIALLY EQUIVALENT TO, AND AT LEAST AS STRINGENT AS, THE GUIDANCE AND STANDARDS OF THE FRAMEWORK DESCRIBED IN ITEM 1 OF THIS ITEM.

(3) A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM SHALL BE PRESUMED TO SATISFY THE REQUIREMENTS UNDER THIS SECTION AND ANY REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE IF THE HIGH-RISK

ARTIFICIAL INTELLIGENCE SYSTEM IS IN CONFORMITY WITH THE LATEST VERSION OF:

(I) THE ARTIFICIAL INTELLIGENCE RISK MANAGEMENT FRAMEWORK PUBLISHED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY;

(II) STANDARD ISO/IEC 42001 OF THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION; OR

(III) ANOTHER NATIONALLY OR INTERNATIONALLY RECOGNIZED RISK MANAGEMENT FRAMEWORK FOR ARTIFICIAL INTELLIGENCE SYSTEMS THAT ARE SUBSTANTIALLY EQUIVALENT TO, AND AT LEAST AS STRINGENT AS, THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION:

(I) ON OR AFTER FEBRUARY 1, 2026, BEFORE INITIAL DEPLOYMENT OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM OR USE OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, A DEPLOYER SHALL COMPLETE AN IMPACT ASSESSMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

(II) AT LEAST 90 DAYS BEFORE A SIGNIFICANT UPDATE TO A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IS MADE AVAILABLE, A DEPLOYER SHALL COMPLETE AN IMPACT ASSESSMENT OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IF THE UPDATE PRODUCES A NEW VERSION OR RELEASE OR SIMILAR CHANGE TO THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM THAT:

1. INTRODUCES SIGNIFICANT CHANGES TO THE USE CASE OR KEY FUNCTIONALITY OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM; AND

2. RESULTS IN A NEW OR REASONABLY FORESEEABLE RISK OF ALGORITHMIC DISCRIMINATION.

(2) EACH IMPACT ASSESSMENT COMPLETED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A STATEMENT BY THE DEPLOYER DISCLOSING THE PURPOSE AND INTENDED USE CASES AND DEPLOYMENT CONTEXT OF, AND BENEFITS AFFORDED BY, THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;

1 **(II) AN ANALYSIS OF WHETHER THE DEPLOYMENT OF THE**
2 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM:**

3 **1. POSES ANY KNOWN OR REASONABLY FORESEEABLE**
4 **RISKS OF ALGORITHMIC DISCRIMINATION;**

5 **2. THE NATURE OF ANY ALGORITHMIC**
6 **DISCRIMINATION; AND**

7 **3. THE STEPS THAT HAVE BEEN TAKEN TO MITIGATE**
8 **RISKS;**

9 **(III) FOR A POSTDEPLOYMENT IMPACT ASSESSMENT**
10 **COMPLETED UNDER THIS SUBSECTION, AN ANALYSIS OF WHETHER THE INTENDED**
11 **USE CASES OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, AS UPDATED,**
12 **WERE CONSISTENT WITH, OR VARIED FROM, THE DEVELOPER'S INTENDED USES OF**
13 **THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;**

14 **(IV) A DESCRIPTION OF THE CATEGORIES OF DATA THE**
15 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PROCESSES AS INPUTS AND THE**
16 **OUTPUTS THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PRODUCES;**

17 **(V) IF THE DEPLOYER USED DATA TO CUSTOMIZE THE**
18 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, AN OVERVIEW OF THE CATEGORIES**
19 **OF DATA THE DEPLOYER USED TO CUSTOMIZE THE HIGH-RISK ARTIFICIAL**
20 **INTELLIGENCE SYSTEM;**

21 **(VI) A LIST OF METRICS USED TO EVALUATE THE PERFORMANCE**
22 **AND KNOWN LIMITATIONS OF THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM;**

23 **(VII) A DESCRIPTION OF TRANSPARENCY MEASURES TAKEN**
24 **CONCERNING THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING ANY**
25 **MEASURES TAKEN TO DISCLOSE TO A CONSUMER THAT A HIGH-RISK ARTIFICIAL**
26 **INTELLIGENCE SYSTEM IS IN USE WHEN THE CONSUMER IS ENGAGING OR**
27 **INTERACTING WITH A SYSTEM OR PRODUCT IN WHICH A HIGH-RISK ARTIFICIAL**
28 **INTELLIGENCE SYSTEM IS IN USE;**

29 **(VIII) A DESCRIPTION OF POSTDEPLOYMENT MONITORING AND**
30 **USER SAFEGUARDS RELATED TO THE HIGH-RISK ARTIFICIAL INTELLIGENCE**
31 **SYSTEM, INCLUDING THE OVERSIGHT PROCESS ESTABLISHED BY THE DEPLOYER TO**
32 **ADDRESS ISSUES ARISING FROM DEPLOYMENT OR USE OF A HIGH-RISK ARTIFICIAL**
33 **INTELLIGENCE SYSTEM; AND**

1 **(IX) AN ANALYSIS OF THE VALIDITY AND RELIABILITY OF THE**
2 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, IN ACCORDANCE WITH**
3 **CONTEMPORARY SOCIAL SCIENCE STANDARDS AND A DESCRIPTION OF METRICS TO**
4 **EVALUATE PERFORMANCE AND KNOWN LIMITATIONS OF THE HIGH-RISK**
5 **ARTIFICIAL INTELLIGENCE SYSTEM.**

6 **(3) A DEPLOYER SHALL MAINTAIN A COMPLETED IMPACT**
7 **ASSESSMENT OF A HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM REQUIRED**
8 **UNDER THIS SECTION AND ALL RECORDS CONCERNING THE IMPACT ASSESSMENT**
9 **FOR AT LEAST 3 YEARS.**

10 **(4) A SINGLE IMPACT ASSESSMENT MAY ADDRESS A COMPARABLE**
11 **SET OF HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEMS DEPLOYED BY A DEPLOYER.**

12 **(D) BEGINNING FEBRUARY 1, 2026, BEFORE A DEPLOYER DEPLOYS A**
13 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM, THE DEPLOYER SHALL:**

14 **(1) NOTIFY THE CONSUMER THAT THE DEPLOYER HAS DEPLOYED A**
15 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM TO MAKE, OR BE A SUBSTANTIAL**
16 **FACTOR IN MAKING, A CONSEQUENTIAL DECISION ABOUT THE CONSUMER; AND**

17 **(2) PROVIDE TO THE CONSUMER:**

18 **(I) A STATEMENT DISCLOSING THE PURPOSE OF THE**
19 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM AND THE NATURE OF THE**
20 **CONSEQUENTIAL DECISION;**

21 **(II) IF APPLICABLE, INFORMATION CONCERNING THE**
22 **CONSUMER'S RIGHT TO OPT OUT OF THE PROCESSING OF THE CONSUMER'S**
23 **PERSONAL DATA IN ACCORDANCE WITH STATE OR FEDERAL LAW;**

24 **(III) CONTACT INFORMATION FOR THE DEPLOYER; AND**

25 **(IV) A DESCRIPTION, IN PLAIN LANGUAGE, OF THE HIGH-RISK**
26 **ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING:**

27 **1. THE PERSONAL CHARACTERISTICS OR ATTRIBUTES**
28 **THE ARTIFICIAL INTELLIGENCE SYSTEM WILL MEASURE OR ASSESS AND THE**
29 **METHOD BY WHICH THE SYSTEM MEASURES OR ASSESSES PERSONAL**
30 **CHARACTERISTICS OR ATTRIBUTES;**

1 **2. THE RELEVANCE OF PERSONAL CHARACTERISTICS**
2 **OR ATTRIBUTES TO CONSEQUENTIAL DECISIONS RELATED TO THE ARTIFICIAL**
3 **INTELLIGENCE SYSTEM;**

4 **3. ANY HUMAN COMPONENTS OF THE ARTIFICIAL**
5 **INTELLIGENCE SYSTEM;**

6 **4. THE MANNER IN WHICH AUTOMATED COMPONENTS**
7 **OF THE ARTIFICIAL INTELLIGENCE SYSTEM ARE USED TO INFORM CONSEQUENTIAL**
8 **DECISIONS RELATED TO THE SYSTEM; AND**

9 **5. A DIRECT LINK TO A PUBLICLY ACCESSIBLE WEBPAGE**
10 **ON THE DEPLOYER’S WEBSITE THAT CONTAINS A DESCRIPTION IN PLAIN LANGUAGE**
11 **OF THE LOGIC USED IN THE ARTIFICIAL INTELLIGENCE SYSTEM, INCLUDING:**

12 **A. KEY PARAMETERS THAT AFFECT THE OUTPUT OF THE**
13 **SYSTEM;**

14 **B. THE TYPE AND SOURCE OF DATA COLLECTED FROM**
15 **INDIVIDUALS AND PROCESSED BY THE SYSTEM IN MAKING OR ASSISTING IN MAKING**
16 **A CONSEQUENTIAL DECISION; AND**

17 **C. THE RESULTS OF THE MOST RECENT IMPACT**
18 **ASSESSMENT REQUIRED UNDER THIS SECTION.**

19 **(E) BEGINNING FEBRUARY 1, 2026, AND SUBJECT TO SUBSECTION (F) OF**
20 **THIS SECTION, A DEPLOYER THAT HAS DEPLOYED A HIGH-RISK ARTIFICIAL**
21 **INTELLIGENCE SYSTEM SHALL, IF A CONSEQUENTIAL DECISION IS ADVERSE TO THE**
22 **CONSUMER, PROVIDE TO THE CONSUMER:**

23 **(1) A STATEMENT DISCLOSING THE PRINCIPAL REASON OR REASONS**
24 **FOR THE ADVERSE CONSEQUENTIAL DECISION, INCLUDING:**

25 **(i) THE DEGREE TO WHICH, AND MANNER IN WHICH, THE**
26 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM CONTRIBUTED TO THE ADVERSE**
27 **CONSEQUENTIAL DECISION;**

28 **(ii) THE TYPE OF DATA THAT WERE PROCESSED BY THE**
29 **HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM IN MAKING THE ADVERSE**
30 **CONSEQUENTIAL DECISION; AND**

31 **(iii) THE SOURCE OF THE DATA DESCRIBED IN ITEM (ii) OF THIS**
32 **ITEM; AND**

(2) AN OPPORTUNITY TO:

(I) CORRECT ANY INCORRECT PERSONAL DATA THAT THE HIGH-RISK ARTIFICIAL INTELLIGENCE SYSTEM PROCESSED IN MAKING, OR USED AS A SUBSTANTIAL FACTOR IN MAKING, THE ADVERSE CONSEQUENTIAL DECISION; AND

(II) APPEAL THE ADVERSE CONSEQUENTIAL DECISION, ALLOWING FOR HUMAN REVIEW UNLESS PROVIDING THIS OPPORTUNITY:

1. IS NOT IN THE BEST INTEREST OF THE CONSUMER; OR

2. MAY CAUSE A DELAY THAT POSES A RISK TO THE LIFE OR SAFETY OF THE CONSUMER.

(F) THE DEPLOYER SHALL PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (E) OF THIS SUBSECTION:

(1) DIRECTLY TO THE CONSUMER;

(2) IN PLAIN LANGUAGE THAT IS TRANSLATED TO ANY LANGUAGES IN WHICH THE DEPLOYER, IN THE ORDINARY COURSE OF SUCH DEPLOYER'S BUSINESS, PROVIDES CONTRACTS, DISCLAIMERS, SALE ANNOUNCEMENTS, AND ANY OTHER INFORMATION TO CONSUMERS; AND

(3) IN A FORMAT THAT IS ACCESSIBLE TO CONSUMERS WITH DISABILITIES.

14-47A-05.

(A) THE REQUIREMENTS OF THIS SUBTITLE MAY NOT BE CONSTRUED TO RESTRICT A DEVELOPER'S, A DEPLOYER'S, OR ANOTHER PERSON'S ABILITY TO:

(1) COMPLY WITH FEDERAL, STATE, OR LOCAL LAW;

(2) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY, AN INVESTIGATION, OR A SUBPOENA OR SUMMONS BY A FEDERAL, STATE, LOCAL, OR OTHER GOVERNMENTAL AUTHORITY;

(3) COOPERATE WITH A LAW ENFORCEMENT AGENCY CONCERNING CONDUCT OR ACTIVITY THAT THE DEVELOPER, DEPLOYER, OR OTHER PERSON REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE FEDERAL, STATE, OR LOCAL LAW;

1 (4) INVESTIGATE, ESTABLISH, EXERCISE, PREPARE FOR, OR DEFEND
2 A LEGAL CLAIM;

3 (5) TAKE IMMEDIATE STEPS TO PROTECT AN INTEREST THAT IS
4 ESSENTIAL FOR THE LIFE OR PHYSICAL SAFETY OF A CONSUMER OR ANOTHER
5 INDIVIDUAL;

6 (6) (I) BY ANY MEANS OTHER THAN FACIAL RECOGNITION
7 TECHNOLOGY, PREVENT, DETECT, PROTECT AGAINST, OR RESPOND TO:

8 1. A SECURITY INCIDENT;

9 2. A MALICIOUS OR DECEPTIVE ACTIVITY; OR

10 3. IDENTITY THEFT, FRAUD, HARASSMENT, OR ANY
11 OTHER ILLEGAL ACTIVITY;

12 (II) INVESTIGATE, REPORT, OR PROSECUTE THE PERSONS
13 RESPONSIBLE FOR ANY ACTION DESCRIBED IN ITEM (I) OF THIS ITEM; OR

14 (III) PRESERVE THE INTEGRITY OR SECURITY OF SYSTEMS;

15 (7) ENGAGE IN PUBLIC OR PEER-REVIEWED SCIENTIFIC OR
16 STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT:

17 (I) ADHERES TO ALL OTHER APPLICABLE ETHICS AND PRIVACY
18 LAWS; AND

19 (II) IS APPROVED, MONITORED, AND GOVERNED BY AN
20 INSTITUTIONAL REVIEW BOARD OR SIMILAR INDEPENDENT OVERSIGHT ENTITY
21 THAT DETERMINES:

22 1. WHETHER THE EXPECTED BENEFITS OF THE
23 RESEARCH OUTWEIGH THE RISKS ASSOCIATED WITH THE RESEARCH; AND

24 2. WHETHER THE DEVELOPER OR DEPLOYER HAS
25 IMPLEMENTED REASONABLE SAFEGUARDS TO MITIGATE THE RISKS ASSOCIATED
26 WITH THE RESEARCH;

27 (8) CONDUCT RESEARCH, TESTING, AND DEVELOPMENT ACTIVITIES
28 REGARDING AN ARTIFICIAL INTELLIGENCE SYSTEM OR MODEL, OTHER THAN
29 TESTING CONDUCTED UNDER REAL-WORLD CONDITIONS, BEFORE AN ARTIFICIAL

1 INTELLIGENCE SYSTEM OR MODEL IS PLACED ON THE MARKET, DEPLOYED OR PUT
2 INTO SERVICE, AS APPLICABLE;

3 (9) EFFECTUATE A PRODUCT RECALL;

4 (10) IDENTIFY AND REPAIR TECHNICAL ERRORS THAT IMPAIR
5 EXISTING OR INTENDED FUNCTIONALITY; OR

6 (11) ASSIST ANOTHER DEVELOPER, DEPLOYER, OR PERSON WITH ANY
7 OF THE OBLIGATIONS IMPOSED UNDER THIS SUBTITLE.

8 (B) THE OBLIGATIONS IMPOSED ON DEVELOPERS, DEPLOYERS, OR OTHER
9 PERSONS UNDER THIS SUBTITLE MAY NOT APPLY WHEN COMPLIANCE BY THE
10 DEVELOPER, DEPLOYER, OR OTHER PERSON WOULD VIOLATE AN EVIDENTIARY
11 PRIVILEGE UNDER THE LAWS OF THE STATE.

12 14-47A-06.

13 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A FINE NOT
14 EXCEEDING \$1,000 AND, AS APPLICABLE, REASONABLE ATTORNEY'S FEES,
15 EXPENSES, AND COSTS, AS DETERMINED BY THE COURT.

16 (B) A PERSON WHO WILLFULLY VIOLATES THIS SUBTITLE IS SUBJECT TO A
17 FINE OF AT LEAST \$1,000 AND NOT EXCEEDING \$10,000 AND, AS APPLICABLE,
18 REASONABLE ATTORNEY'S FEES, EXPENSES, AND COSTS, AS DETERMINED BY THE
19 COURT.

20 (C) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE VIOLATION
21 SUBJECT TO THE CIVIL PENALTIES IMPOSED UNDER THIS SECTION.

22 14-47A-07.

23 (A) THE ATTORNEY GENERAL MAY ENFORCE THIS SUBTITLE.

24 (B) TO CARRY OUT THE REQUIREMENTS OF THIS SUBTITLE, THE ATTORNEY
25 GENERAL MAY:

26 (1) REQUIRE THAT A DEVELOPER DISCLOSE TO THE ATTORNEY
27 GENERAL:

28 (I) A STATEMENT OR DOCUMENTATION DESCRIBED IN THIS
29 SUBTITLE RELEVANT TO AN INVESTIGATION CONDUCTED BY THE ATTORNEY
30 GENERAL; AND

(II) A RISK MANAGEMENT POLICY DESIGNED AND IMPLEMENTED, AN IMPACT ASSESSMENT COMPLETED, OR A RECORD MAINTAINED UNDER THIS SUBTITLE RELEVANT TO AN INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL;

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, INITIATE A CIVIL ACTION AGAINST A PERSON THAT VIOLATES THIS SUBTITLE; AND

(3) ADOPT REGULATIONS.

(C) (1) BEFORE BRINGING AN ACTION AGAINST A DEVELOPER OR DEPLOYER FOR A VIOLATION OF THIS SUBTITLE, THE ATTORNEY GENERAL, IN CONSULTATION WITH THE DEVELOPER OR DEPLOYER, SHALL DETERMINE IF IT IS POSSIBLE TO CURE THE VIOLATION.

(2) IF IT IS POSSIBLE TO CURE THE VIOLATION, THE ATTORNEY GENERAL MAY ISSUE A NOTICE OF VIOLATION TO THE DEVELOPER OR DEPLOYER AND AFFORD THE DEVELOPER OR DEPLOYER THE OPPORTUNITY TO CURE THE VIOLATION WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF VIOLATION.

(3) IN DETERMINING WHETHER TO GRANT A DEVELOPER OR DEPLOYER AN OPPORTUNITY TO CURE A VIOLATION, THE ATTORNEY GENERAL SHALL CONSIDER:

(I) THE NUMBER OF VIOLATIONS;

(II) THE SIZE AND COMPLEXITY OF THE DEVELOPER OR DEPLOYER;

(III) THE NATURE AND EXTENT OF THE DEVELOPER'S OR DEPLOYER'S BUSINESS;

(IV) WHETHER THERE IS A SUBSTANTIAL LIKELIHOOD OF INJURY TO THE PUBLIC;

(V) THE SAFETY OF PERSONS OR PROPERTY; AND

(VI) WHETHER A VIOLATION WAS LIKELY CAUSED BY A HUMAN OR TECHNICAL ERROR.

(4) IF A DEVELOPER OR DEPLOYER FAILS TO CURE A VIOLATION WITHIN 45 DAYS AFTER THE RECEIPT OF A NOTICE OF VIOLATION UNDER

1 PARAGRAPH (3) OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY PROCEED
2 WITH THE ACTION.

3 (D) IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER THIS
4 SECTION, IT IS AN AFFIRMATIVE DEFENSE IF:

5 (1) A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS
6 DISCOVERED THROUGH RED-TEAMING, WHICH IS ADVERSARIAL TESTING
7 CONDUCTED FOR THE PURPOSE OF:

8 (I) IDENTIFYING THE POTENTIAL ADVERSE BEHAVIORS OR
9 OUTCOMES OF AN ARTIFICIAL INTELLIGENCE SYSTEM;

10 (II) IDENTIFYING HOW THE BEHAVIORS OR OUTCOMES OCCUR;
11 AND

12 (III) STRESS TESTING THE SAFEGUARDS AGAINST THE
13 BEHAVIORS OR OUTCOMES; AND

14 (2) NOT LATER THAN 45 DAYS AFTER DISCOVERING A VIOLATION
15 UNDER ITEM (1) OF THIS SUBSECTION, THE DEVELOPER OR DEPLOYER:

16 (I) CURES THE VIOLATION;

17 (II) PROVIDES NOTICE TO THE ATTORNEY GENERAL IN A FORM
18 AND MANNER PRESCRIBED BY THE ATTORNEY GENERAL THAT THE VIOLATION HAS
19 BEEN CURED AND EVIDENCE THAT ANY HARM CAUSED BY SUCH VIOLATION HAS
20 BEEN MITIGATED; AND

21 (III) IS OTHERWISE IN COMPLIANCE WITH THE REQUIREMENTS
22 OF THIS SUBTITLE.

23 14-47A-08.

24 A CONSUMER MAY BRING A CIVIL ACTION AGAINST A DEPLOYER IF:

25 (1) THE CONSUMER INITIALLY FILED A TIMELY ADMINISTRATIVE
26 CHARGE OR COMPLAINT UNDER FEDERAL, STATE, OR LOCAL LAW ALLEGING A
27 DISCRIMINATORY ACT BY THE DEPLOYER AS A RESULT OF A CONSEQUENTIAL
28 DECISION ABOUT THE CONSUMER THAT IS MADE BY A HIGH-RISK ARTIFICIAL
29 INTELLIGENCE SYSTEM OF THE DEPLOYER;

1 **(2) AT LEAST 180 DAYS HAVE ELAPSED SINCE THE DATE OF FILING OF**
2 **THE ADMINISTRATIVE COMPLAINT; AND**

3 **(3) THE CIVIL ACTION IS FILED NOT MORE THAN 2 YEARS AFTER THE**
4 **OCCURRENCE OF THE ALLEGED DISCRIMINATORY ACT.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
6 the application of any provision of this Act to any person or circumstance is held invalid for
7 any reason in a court of competent jurisdiction, the invalidity does not affect other
8 provisions or any other application of this Act that can be given effect without the invalid
9 provision or application, and for this purpose the provisions of this Act are declared
10 severable.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2025.