
SUBSTITUTE SENATE BILL 5838

State of Washington

68th Legislature

2024 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Nguyen, Conway, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Muzzall, Nobles, Saldaña, Salomon, Stanford, Torres, Valdez, and Wellman; by request of Attorney General)

READ FIRST TIME 01/22/24.

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 artificial
31 intelligence systems is established.

32 (2) The task force is composed of an executive committee
33 consisting of members as provided in this 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.

1 (c) The following members must be appointed by the attorney
2 general:

- 3 (i) One member representing the office of the governor;
- 4 (ii) One member representing the office of the attorney general;
- 5 (iii) One member representing Washington technology solutions;
- 6 (iv) One member representing the Washington state auditor; and
- 7 (v) One member representing universities or research institutions
8 that are experts in the design and effect of an algorithmic system.

9 (d) The task force may meet in person or by telephone conference
10 call, videoconference, or other similar telecommunications method, or
11 a combination of such methods.

12 (e) The office of the attorney general may convene subcommittees
13 to advise the task force on designated topics of concern including,
14 but not limited to: Commerce; labor; education; law enforcement; and
15 health care.

16 (i) Subcommittees and their members may be invited to participate
17 on an ongoing, recurring, or one-time basis.

18 (ii) Subcommittees may be comprised of nonmember industry
19 participants, subject matter experts, representatives of federally
20 recognized tribes, or other relevant stakeholders.

21 (iii) Each subcommittee must contain at least one member from an
22 advocacy organization that represents communities that are
23 disproportionately vulnerable to being harmed by algorithmic bias
24 including, but not limited to: African American; Hispanic American;
25 Native American; Asian American; Native Hawaiian and Pacific Islander
26 communities; religious minorities; individuals with disabilities; and
27 other vulnerable communities.

28 (3) The office of the attorney general must administer and
29 provide staff support for the task force. The office of the attorney
30 general may, when deemed necessary by the task force, retain
31 consultants to provide data analysis, research, recommendations,
32 training, and other services to the task force for the purposes
33 provided in subsection (4) of this section. The office of the
34 attorney general may work with the task force to determine
35 appropriate subcommittees as needed.

36 (4) The executive committee of the task force shall examine the
37 development and use of artificial intelligence by private and public
38 sector entities and make recommendations to the legislature regarding
39 standards for the use and regulation of artificial intelligence
40 systems to protect Washingtonians' safety, privacy, and civil and

1 intellectual property rights. The task force findings and
2 recommendations must include:

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

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

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

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

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

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

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

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

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

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

37 (i) Retain appropriate human agency and oversight;

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

40 (iii) Protect data privacy and security;

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

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

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

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

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

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

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

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

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

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

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

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