

SB0818/253228/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 818  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Technology” insert “, in consultation with the Governor’s Artificial Intelligence Subcabinet of the Governor’s Executive Council,”; in line 16, after “exempting” insert “the Office of the Attorney General, the Comptroller, the Treasurer, and”; in lines 17 and 18, strike “Governor’s Artificial Intelligence”; in line 18, strike “of the Governor’s Executive Council”; and strike beginning with “exempting” in line 20 down through “Works;” in line 22.

On page 2, strike line 11 in its entirety and substitute “Section 3.5–301 and 3.5–303(a)”.

AMENDMENT NO. 2

On page 7, in line 23, strike “§ 3.5–318 OF THIS SUBTITLE” and substitute “§ 3.5–803 OF THIS TITLE”.

On page 9, strike in their entirety lines 3 through 5, inclusive, and substitute:

**“(D) (1) “HIGH-RISK ARTIFICIAL INTELLIGENCE” MEANS ARTIFICIAL INTELLIGENCE THAT IS A RISK TO INDIVIDUALS OR COMMUNITIES, AS DEFINED UNDER REGULATIONS ADOPTED BY THE DEPARTMENT IN CONSULTATION WITH THE GOVERNOR’S ARTIFICIAL INTELLIGENCE SUBCABINET.**

**“(2) “HIGH-RISK ARTIFICIAL INTELLIGENCE” INCLUDES RIGHTS-IMPACTING ARTIFICIAL INTELLIGENCE AND SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE.**

SB0818/253228/01 Health and Government Operations Committee  
Amendments to SB 818  
Page 2 of 6

**(E) “IMPACT ASSESSMENT” MEANS AN ASSESSMENT OF ARTIFICIAL INTELLIGENCE SYSTEMS MADE UNDER REGULATIONS ADOPTED BY THE DEPARTMENT IN CONSULTATION WITH THE GOVERNOR’S ARTIFICIAL INTELLIGENCE SUBCABINET AND REQUIRED UNDER § 3.5-803 OF THIS SUBTITLE.”;**

in lines 6, 12, and 26, strike “**(E)**”, “**(F)**”, and “**(G)**”, respectively, and substitute “**(F)**”, “**(G)**”, and “**(H)**”, respectively; strike in their entirety lines 14 through 25, inclusive, and substitute “**IS SIGNIFICANTLY LIKELY TO AFFECT CIVIL RIGHTS, CIVIL LIBERTIES, EQUAL OPPORTUNITIES, ACCESS TO CRITICAL RESOURCES, OR PRIVACY.**”; and in line 27, strike “**MEANINGFULLY**” and substitute “**SIGNIFICANTLY**”.

On pages 9 and 10, strike in their entirety the lines beginning with line 28 on page 9 through line 6 on page 10, inclusive, and substitute “**OF HUMAN LIFE, WELL-BEING, OR CRITICAL INFRASTRUCTURE.**”.

On page 10, strike in their entirety lines 8 through 22, inclusive, and substitute:

**“(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE DOES NOT APPLY TO:**

**(I) THE OFFICE OF THE ATTORNEY GENERAL;**

**(II) THE COMPTROLLER; OR**

**(III) THE STATE TREASURER.**

**(2) ON OR BEFORE JUNE 1, 2025, EACH ENTITY LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ESTABLISH POLICIES AND PROCEDURES THAT ARE FUNCTIONALLY COMPATIBLE WITH THE POLICIES AND**

PROCEDURES ADOPTED UNDER § 3.5-804(A) OF THIS SUBTITLE FOR THE DEVELOPMENT, PROCUREMENT, DEPLOYMENT, USE, AND ONGOING ASSESSMENT OF SYSTEMS THAT EMPLOY HIGH-RISK ARTIFICIAL INTELLIGENCE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE APPLIES TO EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND BALTIMORE CITY COMMUNITY COLLEGE.

(2) THIS SUBTITLE DOES NOT APPLY TO ARTIFICIAL INTELLIGENCE DEPLOYED BY A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION OR BALTIMORE CITY COMMUNITY COLLEGE THAT IS USED SOLELY FOR A RESEARCH OR ACADEMIC PURPOSE, INCLUDING IN PARTNERSHIP WITH A UNIT OF STATE GOVERNMENT FOR THE DEVELOPMENT, PROCUREMENT, DEPLOYMENT, OR USE OF ARTIFICIAL INTELLIGENCE.

(3) ON OR BEFORE JUNE 1, 2025, EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND BALTIMORE CITY COMMUNITY COLLEGE SHALL ESTABLISH POLICIES AND PROCEDURES THAT ARE FUNCTIONALLY COMPATIBLE WITH THE POLICIES AND PROCEDURES ADOPTED UNDER § 3.5-804(A) OF THIS SUBTITLE FOR THE DEVELOPMENT, PROCUREMENT, DEPLOYMENT, USE, AND ONGOING ASSESSMENT OF SYSTEMS THAT EMPLOY HIGH-RISK ARTIFICIAL INTELLIGENCE USED SOLELY FOR A RESEARCH OR ACADEMIC PURPOSE.

(4) ON OR BEFORE SEPTEMBER 1, 2025, AND EACH YEAR THEREAFTER, EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND BALTIMORE CITY COMMUNITY COLLEGE SHALL SUBMIT TO THE DEPARTMENT A REPORT ON ALL HIGH-RISK ARTIFICIAL INTELLIGENCE PROCURED AND DEPLOYED FOR A RESEARCH OR ACADEMIC PURPOSE.”;

(Over)

**SB0818/253228/01 Health and Government Operations Committee  
Amendments to SB 818  
Page 4 of 6**

and in line 27, strike “RIGHTS-IMPACTING OR SAFETY-IMPACTING” and substitute “HIGH-RISK”.

On page 11, in lines 10, 27, and 31 and 32, in each instance, strike “RIGHTS-IMPACTING OR SAFETY-IMPACTING” and substitute “HIGH-RISK”; in lines 24, 26, and 31, in each instance, strike “2025” and substitute “2026”; and in line 29, strike “FEBRUARY” and substitute “JULY”.

On page 12, in line 2, after “DEPARTMENT” insert “, IN CONSULTATION WITH THE GOVERNOR’S ARTIFICIAL INTELLIGENCE SUBCABINET,”; in lines 5, 11, 20, 30, and 33, in each instance, strike “RIGHTS-IMPACTING OR SAFETY-IMPACTING” and substitute “HIGH-RISK”; strike in their entirety lines 21 through 26, inclusive, and substitute:

**“(3) BE SUFFICIENT TO ENSURE THAT THE USE OF ANY SYSTEM THAT EMPLOYS ARTIFICIAL INTELLIGENCE BY A UNIT OF STATE GOVERNMENT IS GOVERNED BY ADEQUATE GUARDRAILS TO PROTECT INDIVIDUALS AND COMMUNITIES;”**;

in line 27, after “(4)” insert “IF THE DEPARTMENT IS NOTIFIED THAT AN INDIVIDUAL OR GROUP OF INDIVIDUALS MAY HAVE BEEN NEGATIVELY IMPACTED BY A SYSTEM THAT EMPLOYS HIGH-RISK ARTIFICIAL INTELLIGENCE,”; strike beginning with “BY” in line 29 down through “INTELLIGENCE” in line 30; and strike beginning with “BY” in line 32 down through “INTELLIGENCE” in line 34.

On page 13, in lines 2 and 3 and 16 and 17, in each instance, strike “RIGHTS-IMPACTING OR SAFETY-IMPACTING” and substitute “HIGH-RISK”; in line 7, after “WEBSITE” insert “WITHIN 45 DAYS AFTER THE POLICIES AND PROCEDURES ARE ADOPTED”; strike in their entirety lines 8 through 10, inclusive; and in line 12, strike “JANUARY” and substitute “JULY”.

**SB0818/253228/01 Health and Government Operations Committee  
Amendments to SB 818  
Page 5 of 6**

On page 14, strike in their entirety lines 25 through 27, inclusive, and substitute:

**“(III) MONITORING OF HIGH-RISK ARTIFICIAL INTELLIGENCE;  
AND”**.

On page 15, in line 4, strike “AND IN PRIVATE SECTOR ENTERPRISE”.

On pages 16 through 18, strike in their entirety the lines beginning with line 17 on page 16 through line 4 on page 18, inclusive.

On page 18, in line 21, after “(2)” insert “(I)”; and after line 24, insert:

**“(II) THE SECRETARY OF INFORMATION TECHNOLOGY MAY GRANT  
APPROVAL FOR A COMPETITIVE PROOF OF CONCEPT PROCUREMENT IF THE  
UNIT:**

**1. HAS SUFFICIENT INTERNAL RESOURCES TO MANAGE THE  
PROOF OF CONCEPT, INCLUDING HUMAN CAPITAL, SUBJECT MATTER EXPERTISE,  
AND TECHNOLOGICAL INFRASTRUCTURE, OR HAS THE MEANS TO OBTAIN THESE  
RESOURCES; AND**

**2. ENTERS INTO A MEMORANDUM OF UNDERSTANDING  
WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY THAT REQUIRES  
REGULAR STATUS UPDATES, VENDOR CAPACITY, AND ANY OTHER INFORMATION  
NECESSARY FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY TO  
EVALUATE WHETHER THE PROOF OF CONCEPT CAN BE SUCCESSFULLY  
DEPLOYED AND IS BENEFICIAL TO THE STATE.”**

On page 23, strike in their entirety lines 5 through 13, inclusive, and substitute:

(Over)

**SB0818/253228/01 Health and Government Operations Committee**  
**Amendments to SB 818**  
**Page 6 of 6**

“SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the Maryland General Assembly, contingent on the passage of S.B. 955 or H.B. 1174 of the Acts of the General Assembly of 2024 by both houses of the General Assembly, that the Governor’s Artificial Intelligence Subcabinet consult with the Technology Advisory Commission established under S.B. 955 or H.B. 1174 of the Acts of the General Assembly of 2024 in the performance of its duties under Sections 1 and 2 of this Act.”