

SB0818/523823/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 818
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Zucker**” and substitute “**Zucker, Brooks, Lewis Young, Simonaire, M. Washington, and Watson**”; in line 5, strike “annual”; in line 6, strike “requiring” and substitute “prohibiting”; in line 7, after “Technology” insert “from making certain information publicly available under certain circumstances”; strike beginning with “to” in line 7 down through “circumstances” in line 8; in line 10, strike “implementation” and substitute “deployment”; in line 12, strike “implementing” and substitute “deploying”; in line 13, after “date;” insert “requiring a unit of State government to conduct certain regular impact assessments under certain circumstances; exempting certain public institutions of higher education from certain provisions;”; and in line 21, after “procurements;” insert “requiring the Subcabinet to develop a certain roadmap;”.

On page 2, in line 7, strike “3.5–805” and substitute “3.5–806”.

AMENDMENT NO. 2

On page 7, in line 12, strike “AND ONGOING ASSESSMENTS”.

On page 8, strike in their entirety lines 17 through 23, inclusive; in line 24, strike “(E)” and substitute “(D)”; after line 25, insert:

“(E) **“PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” MEANS:**

(1) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND AND THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE;

(2) MORGAN STATE UNIVERSITY; OR

(3) ST. MARY'S COLLEGE OF MARYLAND.

(F) "RIGHTS-IMPACTING ARTIFICIAL INTELLIGENCE" MEANS ARTIFICIAL INTELLIGENCE WHOSE OUTPUT SERVES AS A BASIS FOR DECISION OR ACTION THAT HAS A LEGAL, MATERIAL, OR SIMILARLY SIGNIFICANT EFFECT ON AN INDIVIDUAL'S OR COMMUNITY'S:

(1) CIVIL RIGHTS, CIVIL LIBERTIES, OR PRIVACY, INCLUDING FREEDOM OF SPEECH, VOTING, HUMAN AUTONOMY, AND PROTECTIONS FROM DISCRIMINATION, EXCESSIVE PUNISHMENT, AND UNLAWFUL SURVEILLANCE;

(2) EQUAL OPPORTUNITIES, INCLUDING EQUITABLE ACCESS TO EDUCATION, HOUSING, CREDIT, EMPLOYMENT, AND OTHER SITUATIONS WHERE CIVIL RIGHTS AND EQUAL OPPORTUNITY PROTECTIONS APPLY; OR

(3) ACCESS TO CRITICAL RESOURCES OR SERVICES, INCLUDING HEALTH CARE, FINANCIAL SERVICES, SOCIAL SERVICES, TRANSPORTATION, NONDECEPTIVE INFORMATION ABOUT GOODS AND SERVICES, AND GOVERNMENT BENEFITS OR PRIVILEGES.

(G) "SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE" MEANS ARTIFICIAL INTELLIGENCE THAT HAS THE POTENTIAL TO MEANINGFULLY IMPACT THE SAFETY OF INDIVIDUALS AND COMMUNITIES REGARDING:

(1) HUMAN LIFE OR WELL-BEING, INCLUDING LOSS OF LIFE, SERIOUS INJURY, BODILY HARM, BIOLOGICAL OR CHEMICAL WEAPONS, OCCUPATIONAL HAZARDS, HARASSMENT OR ABUSE, OR MENTAL HEALTH;

(2) THE CLIMATE OR THE ENVIRONMENT, INCLUDING IRREVERSIBLE OR SIGNIFICANT ENVIRONMENTAL DAMAGE;

(3) CRITICAL INFRASTRUCTURE, INCLUDING THE INFRASTRUCTURE FOR VOTING AND PROTECTING THE INTEGRITY OF ELECTIONS; OR

(4) STRATEGIC ASSETS OR RESOURCES, INCLUDING INTELLECTUAL PROPERTY.”;

in line 25, after “EMPLOYS” insert “RIGHTS-IMPACTING OR SAFETY-IMPACTING”;
after line 26, insert:

“(A) THIS SUBTITLE APPLIES TO EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND BALTIMORE CITY COMMUNITY COLLEGE IN A PARTNERSHIP FOR THE DEVELOPMENT, PROCUREMENT, DEPLOYMENT, OR USE OF ARTIFICIAL INTELLIGENCE WITH A UNIT OF STATE GOVERNMENT.

(B) EXCEPT AS PROVIDED IN § 3.5-804(D) OF THIS SUBTITLE, THIS SUBTITLE DOES NOT APPLY TO ARTIFICIAL INTELLIGENCE DEPLOYED BY PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS OR BALTIMORE CITY COMMUNITY COLLEGE USED SOLELY FOR A RESEARCH OR ACADEMIC PURPOSE, INCLUDING IN A PARTNERSHIP FOR THE DEVELOPMENT, PROCUREMENT, DEPLOYMENT, OR USE OF ARTIFICIAL INTELLIGENCE WITH A UNIT OF STATE GOVERNMENT.

(C) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION OR BALTIMORE CITY COMMUNITY COLLEGE SHALL ESTABLISH POLICIES AND PROCEDURES THAT ARE FUNCTIONALLY COMPATIBLE WITH THE POLICIES AND PROCEDURES

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**ADOPTED UNDER § 3.5-804(A) OF THIS SUBTITLE FOR ARTIFICIAL INTELLIGENCE
DEPLOYED FOR AN OPERATIONS-RELATED PURPOSE.**

3.5-803.”;

in line 27, strike “2024” and substitute “2025”; in the same line, strike “ANNUALLY” and substitute “REGULARLY”; in line 28, after “SHALL” insert “:

(1)”;

in line 29, after “EMPLOY” insert “RIGHTS-IMPACTING OR SAFETY-IMPACTING”; and in the same line, after “INTELLIGENCE” insert “;AND

**(2) PROVIDE THE INVENTORY TO THE DEPARTMENT IN A FORMAT
REQUIRED BY THE DEPARTMENT**”.

On page 9, in line 9, strike “IMPLEMENTED” and substitute “DEPLOYED”; in line 12, strike “A HIGH-RISK ACTION” and substitute “RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE”; strike beginning with “DETERMINATION” in line 13 down through “HIGH-RISK” in line 14 and substitute “SUMMARY OF THE RESULTS OF THE MOST RECENT IMPACT ASSESSMENT”; strike beginning with “EACH” in line 15 down through “SECTION” in line 16 and substitute “AN AGGREGATED STATEWIDE INVENTORY”; in line 17, after “(D)” insert:

**“(1) THE DEPARTMENT MAY NOT MAKE PUBLICLY AVAILABLE ON
THE DEPARTMENT’S WEBSITE INFORMATION FROM THE INVENTORIES
REQUIRED BY THIS SECTION THAT RELATE TO THE SAFETY AND SECURITY OF
STATE SYSTEMS IF THE PUBLICATION OF THE INFORMATION IS LIKELY TO
COMPROMISE THE SECURITY OR INTEGRITY OF THE SYSTEM.**

(2) ON REQUEST, THE DEPARTMENT SHALL PROVIDE TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, AND LAW ENFORCEMENT THE INFORMATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(E) (1);

in line 17, strike “**FEBRUARY 1, 2025,**” and substitute “**DECEMBER 31, 2025,**”; in line 18, after “**SYSTEM**” insert “**PROCURED ON OR AFTER FEBRUARY 1, 2025,**”; in lines 18 and 19, strike “**A HIGH-RISK ACTION**” and substitute “**RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE**”; after line 19, insert:

“(2) ON OR BEFORE FEBRUARY 1, 2027, EACH UNIT OF STATE GOVERNMENT SHALL CONDUCT AN IMPACT ASSESSMENT OF A SYSTEM PROCURED BEFORE FEBRUARY 1, 2025, THAT INVOLVES RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE.”;

in line 20, strike “**3.5-803.**” and substitute “**3.5-804.**”; in lines 23 and 27, in each instance, strike “**IMPLEMENTATION**” and substitute “**DEPLOYMENT**”; in lines 23 and 28, in each instance, after “**EMPLOY**” insert “**RIGHTS-IMPACTING OR SAFETY-IMPACTING**”; and in line 25, after “**BY**” insert “**SUBSECTION (A) OF**”.

On page 10, strike in their entirety lines 1 through 6, inclusive, and substitute:

“(2) DEFINE THE CRITERIA FOR AN INVENTORY OF SYSTEMS THAT EMPLOY RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE;

(3) GOVERN THE PROCUREMENT, DEPLOYMENT, USE, AND ONGOING ASSESSMENT OF SYSTEMS THAT EMPLOY RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE FOR AN OPERATIONS-RELATED

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PURPOSE BY A UNIT OF STATE GOVERNMENT IN PARTNERSHIP WITH A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION OR WITH BALTIMORE CITY COMMUNITY COLLEGE”;

in lines 9, 13, and 16, in each instance, after “EMPLOYS” insert “RIGHTS-IMPACTING OR SAFETY-IMPACTING”; in lines 21, 25, and 26, strike “~~3.5-804.~~”, “~~3.5-803~~”, and “~~3.5-805.~~”, respectively, and substitute “3.5-805.”, “3.5-804”, and “3.5-806.”, respectively; in line 20, after “BY” insert “SUBSECTION (A) OF”; after line 20, insert:

“(D) EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND BALTIMORE CITY COMMUNITY COLLEGE SHALL SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT ON ARTIFICIAL INTELLIGENCE PROCURED AND DEPLOYED.”;

in line 22, before “BEGINNING” insert “(A)”; in the same line, strike “JULY” and substitute “JANUARY”; in line 23, strike “IMPLEMENT A” and substitute “DEPLOY A NEW”; and after line 25, insert:

“(B) A UNIT OF STATE GOVERNMENT THAT EMPLOYS RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE SHALL CONDUCT REGULAR IMPACT ASSESSMENTS, AS DETERMINED BY THE GOVERNOR’S ARTIFICIAL INTELLIGENCE SUBCABINET OF THE GOVERNOR’S EXECUTIVE COUNCIL.”.

On page 12, strike beginning with “DATA INVENTORY” in line 2 down through “(III)” in line 3; in lines 4 and 6, strike “(IV)” and “(V)”, respectively, and substitute “(III)” and “(IV)”, respectively; strike beginning with “A” in line 4 down through “ACTION” in line 5 and substitute “RIGHTS-IMPACTING OR SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE”; in line 8, strike “BY:” and substitute a semicolon; and strike in their entirety lines 9 through 18, inclusive.

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On pages 12 and 13, strike beginning with “BY” in line 25 on page 12 down through “INDUSTRY” in line 4 on page 13.

On page 13, strike in their entirety lines 20 through 22, inclusive; strike beginning with “AND” in line 28 down through “TECHNOLOGY” in line 29; and in line 30, strike “INFORMATION TECHNOLOGY AND”.

On page 15, in line 10, after “EVALUATION” insert “, DEMONSTRATION”; and in lines 11 and 12, in each instance, strike “GOOD OR SERVICE” and substitute “GOOD, SERVICE, OR TECHNOLOGY”.

On page 16, strike beginning with the colon in line 28 down through “(1)” in line 29.

On pages 16 and 17, strike beginning with “; AND” in line 30 on page 16 down through “PROPOSAL” in line 2 on page 17.

On page 17, in line 3, after “(G)” insert “A VENDOR AWARDED A PROOF OF CONCEPT PROCUREMENT SHALL BE ELIGIBLE TO BID ON A PROCUREMENT TO IMPLEMENT A PROPOSAL RELATED TO THE PROOF OF CONCEPT PROCUREMENT.

(H)”.

On pages 17 and 18, strike in their entirety the lines beginning with line 7 on page 17 through line 18 on page 18, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Governor’s Artificial Intelligence Subcabinet of the Governor’s Executive Council, in consultation with the appropriate units of State government, shall:

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(1) develop a roadmap to review the risks and opportunities associated with the use of artificial intelligence in State services; and

(2) on or before December 1, 2024, submit the roadmap to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(b) The roadmap developed under subsection (a) of this section shall include:

(1) a plan to study the use of artificial intelligence:

(i) to support job and business creation and growth in the State;

(ii) by the State workforce, including opportunities to upskill the workforce;

(iii) in critical infrastructure, including guidelines for owners and operators to incorporate risk management into critical infrastructure;

(iv) in health care delivery and human services;

(v) in the discovery and remediation of vulnerabilities in cybersecurity and data management across State and local government, including school systems;

(vi) in data privacy, specifically regarding the ability to train systems that employ artificial intelligence;

(vii) in workforce training;

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(viii) in the criminal justice system and for public safety purposes, including whether and how such technology should be used, in what contexts, and with what safeguards;

(ix) by occupations licensed and certified by the State, including identifying ways for State regulatory boards to identify and manage the risks and opportunities of artificial intelligence and determine appropriate permitted use and supervision of licensees;

(x) in local school systems, including recommendations to the State on the responsible and productive use of artificial intelligence;

(xi) in the conduct of elections, including reducing or eliminating the spread of misinformation; and

(xii) any other State service identified by the Subcabinet;

(2) a plan to study:

(i) the hiring of talent with expertise in artificial intelligence, employment practices, and workforce development implications;

(ii) methods to ensure that there is diversity in contract awards and training programs related to artificial intelligence in the State, including racial diversity; and

(iii) the procurement of systems that employ artificial intelligence, including efforts to increase competition and assurance that contracts retain sufficient data privacy protection against vendor lock-in;

(3) a prioritization of the study topics listed under this subsection, including the methodology for the prioritization;

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- (4) a list of appropriate stakeholders identified to participate in each study topic; and
- (5) the projected timeline to complete each study topic.”.

On page 18, after line 25, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Information Technology:

(1) evaluate the potential of artificial intelligence in creating a statewide virtual 3-1-1 portal as a source for Maryland residents to obtain nonemergency government information and services; and

(2) if the Department determines that the use of artificial intelligence in creating a virtual 3-1-1 portal is feasible, to prioritize the creation of a virtual 3-1-1 portal through a competitive proof of concept procurement in accordance with § 13-116 of the State Finance and Procurement Article, as enacted by Section 1 of this Act.”;

and in line 26, strike “4.” and substitute “5.”.