

Meeting Summary

Joint Task Force on Artificial Intelligence

Meeting #3

[Link](#) to Task Force on OLIS



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

Date/Time	August 9, 10 a.m. - 12 p.m. (link to recording)
Attendees	Chair Newberry Senator Woods Representative Reschke Ameeta Agrawal Reza Alavi Justin Brookman Alan Fern Jimmy Godard Jason Kistler Kimberly McCullough Sean McSpaden Kelsey Wilson Rose Feliciano; substituting for David Edmonson Brittany Jarnot; substituting for Sara Tangdall
Informational Meeting Introductory Remarks	Chair Newberry opened the informational meeting and briefly covered the agenda. He introduced Ameeta Agrawal, who replaces Madhusudan Singh as a task force member.
Informational Meeting Artificial Intelligence Definitions: State Legislative Update Invited Speaker: Chelsea Canada, National Conference of State Legislatures Link to slides	NCSL Presentation Chelsea Canada of the National Conference of State Legislatures (NCSL) provided the task force with a presentation covering AI-related legislation and definitions adopted in other states. NCSL has tracked AI legislation over the last six years, and the number of bills on the topic has increased substantially during that time. In 2023, 18 states and Puerto Rico enacted legislation or adopted resolutions regarding AI, and NCSL is currently tracking over 450 bills using 23 categories. There have been no enactments of major AI-related legislation at the federal level in the United States; the European Union's Artificial Intelligence Act, which was covered by LPRO during the previous task force meeting, was the first comprehensive federal law passed by any entity. Ms. Canada shared that consensus does not exist on a uniform definition for AI and AI-related terms, such as automated decision systems, machine learning, algorithm, and training data. As the field continues to develop, AI is used in numerous applications, including translation, airport security, facial recognition, financial credit and insurance services, spam filters, as well as text autofill.

Some states have looked at specific uses of AI technology, and at least 100 bills in 2024 covered the issue of deepfakes.

- Utah established liability for AI use that violates consumer protection laws if not properly disclosed.
- Colorado requires developers of high-risk AI systems to use reasonable care to avoid algorithmic discrimination.
- Alabama does not specifically define the term deepfake but does expand statutory language regarding private images.
- North Dakota and Idaho have passed legislation defining personhood, rather than explicitly addressing AI regulation.

Slides provided by NCSL include links to other legislative examples and AI-related resources. NCSL also held a recent summit that covered AI topics and the implications of AI laws.

Group Discussion

Following the presentation, task force members discussed AI-related topic areas. One member asked about the impact of AI laws and definitions on companies' choices to locate or operate in one state over another; NCSL mentioned that there are implications of laws and definitions to industry and that this pattern has held in other topic areas, but at the moment the AI industry remains new, so there is not enough information to answer this question yet.

Some members discussed the necessity of defining or using AI in statute; one posed the question whether AI terms could be removed from a statute defining them without impacting the effect or intent, given how many different definitions of AI have been presented to the task force. Another member mentioned that, in cases where AI itself is posing a new challenge, legislation may be needed to define AI, but that if AI is the method by which something illegal takes place, defining it would require more care. Discrimination was used as an example in which the act of discrimination is already prohibited in law, but defining AI in the context of discrimination brings in questions regarding whether a definition too narrow implies that acts outside the statute's explicit scope would be permissible.

NCSL brought up different approaches to address these concerns. One approach would be to require impact assessments to gauge effects, while another example was of states compiling inventories of government-related AI use cases to gather information. Members noted that risk categories that trigger certain requirements, such as in the European Union AI Act, could be adopted, or that legislation could define how AI is used rather than defining AI itself. Some efforts at common definitions and approaches, such as Government AI, led by the City of San Jose, California, and a multistate policy working group are currently underway. Senator Woods asked that the group keep in mind the task force goal of looking at definitions that could be used in legislation and stated his preference that they be broad and not too "in the weeds."

Members noted that given the topic covered by the presentation and discussion that they would like to reconvene with their workgroups to take these issues into consideration. Members also noted potential overlap



between the workgroups and whether certain concerns should be delegated to each.

Informational Meeting
Workgroup Updates and
Discussion

The task force consists of three workgroups, each of which provided an update on their work.

Applications Workgroup

The applications workgroup reported it met on August 5 and focused on evaluating risk categories and definitions that address the human and societal impact of AI, using information from the foundational documents LPRO presented at the previous task force meeting (July 19). The workgroup identified a need to establish a framework to determine use cases of AI that will require a human in the loop, as well as the importance of formal data governance and management. The workgroup noted numerous use case categories, including but not limited to transportation, criminal justice, and natural resources, but that given time limitations of the task force's work, focusing on differences between them would not be possible.

Colorado, Connecticut, Maryland, Utah, and Texas were cited as examples with risk categories in place. California, Connecticut, New York, Texas, and Vermont have laws directing agencies to conduct and publish AI use case inventories in their respective states. AI.gov includes an inventory with roughly 700 use cases.

The workgroup recommended outreach focus on engagement with Oregon associations, such as the Association of Oregon Counties; League of Oregon Cities; Special Districts Association of Oregon; Coalition of Oregon School Administrators; Oregon Community College Association; and applicable national organizations and associations. Some groups, such as the Consortium for School Networking, have resources with AI definitions and approaches, but normalizing the definitions from each organization is likely beyond the task force's scope. Oregon colleges and universities, community colleges, public interest research groups, labor unions, hospitals and health care providers, as well as financial and insurance organizations were also cited for potential outreach.

Technology and Methodology Workgroup

The technology and methodology workgroup met once and discussed high-risk AI and existing definitions from NIST, the EU, and Colorado. The workgroup considered how definitions would be leveraged in different industries and scenarios, such as in health care, chatbots for provision of services, and crime analysis. The workgroup mentioned a next step would be to see how other states have leveraged definitions and where they converge or diverge.

Task force members noted a process underway in Colorado to receive input on the bill their state passed, and that amendments may be coming based on different categories. The definition of AI in the bill was noted as vague. It was reiterated that legislation differs among states, and that these



differences come from the variance in stakeholders and who may have influence in a given state.

Ethics Workgroup

The ethics workgroup was tasked with considering the human and societal impact of AI. Members discussed the potential of merging with another workgroup, or getting clarification of its tasks, given questions about where it makes most sense to cover the topic of ethics.

Task force members identified applications as underpinning both the ethics and technology/methodology workgroups. They suggested a collaborative document shared with all task force members that would begin with the applications workgroup, which would include a hierarchy of applications and AI use cases ranging from broad to more specific. This would then be used to determine general definitions that may apply regardless of use case and allow members to consider what changes might be needed for certain applications of AI.

Next Steps

The applications workgroup was directed to meet prior to the next task force meeting and begin working on this document. LPRO noted the need to be cognizant of public records and rules concerning quorum and serial communication; LPRO will check with Legislative Counsel for input on approaches to a collaborative document that would meet requirements.

Public Comment	<i>None</i>
Meeting Materials	<ul style="list-style-type: none">• Link to slides: Artificial Intelligence Definitions: State Legislative Update

