

HB1271/273227/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1271

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Kaiser**” and substitute “**Kaiser, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hutchinson, S. Johnson, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena–Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woods**”; 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 9, after “Technology” insert “, in consultation with the Governor’s Artificial Intelligence Subcabinet of the Governor’s Executive Council,”; 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 the Office of the Attorney General, the Comptroller, the Treasurer, and certain public institutions of higher education from certain provisions;”; in lines 13 and 14, strike “Governor’s Artificial Intelligence”; in line 14, strike “of the Governor’s Executive Council”; strike beginning with “exempting” in line 16 down through “Works;” in line 18; and in line 21, after “procurements;” insert “requiring the Subcabinet to develop a certain roadmap;”.

On page 2, strike line 1 in its entirety and substitute “Section 3.5–301 and 3.5–303(a)”; and in line 6, strike “3.5–805” and substitute “3.5–806”.

AMENDMENT NO. 2

On page 7, in line 12, strike “**AND ONGOING ASSESSMENTS**”; and in line 14, strike “**§ 3.5–318 OF THIS SUBTITLE**” and substitute “**§ 3.5–803 OF THIS TITLE**”.

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On page 8, strike in their entirety lines 17 through 25, 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.

(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.

(F) “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.

(G) “RIGHTS-IMPACTING ARTIFICIAL INTELLIGENCE” MEANS ARTIFICIAL INTELLIGENCE WHOSE OUTPUT SERVES AS A BASIS FOR DECISION OR ACTION THAT IS SIGNIFICANTLY LIKELY TO AFFECT CIVIL RIGHTS, CIVIL

LIBERTIES, EQUAL OPPORTUNITIES, ACCESS TO CRITICAL RESOURCES, OR
PRIVACY.

(H) “SAFETY-IMPACTING ARTIFICIAL INTELLIGENCE” MEANS
ARTIFICIAL INTELLIGENCE THAT HAS THE POTENTIAL TO SIGNIFICANTLY
IMPACT THE SAFETY OF HUMAN LIFE, WELL-BEING, OR CRITICAL
INFRASTRUCTURE.”;

after line 26, insert:

“(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.

(Over)

(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.

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 “HIGH-RISK”; 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 “HIGH-RISK 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, 2026,”; in line 18, after “SYSTEM” insert “PROCURED ON OR AFTER FEBRUARY 1, 2026,”; in lines 18 and 19, strike “A HIGH-RISK ACTION” and substitute “HIGH-RISK ARTIFICIAL INTELLIGENCE”; after line 19, insert:

(Over)

“(2) ON OR BEFORE JULY 1, 2027, EACH UNIT OF STATE GOVERNMENT SHALL CONDUCT AN IMPACT ASSESSMENT OF A SYSTEM PROCURED BEFORE FEBRUARY 1, 2026, THAT INVOLVES HIGH-RISK ARTIFICIAL INTELLIGENCE.”;

in line 20, strike “**3.5-803.**” and substitute “**3.5-804.**”; in line 21, after “DEPARTMENT” insert “**, IN CONSULTATION WITH THE GOVERNOR’S ARTIFICIAL INTELLIGENCE SUBCABINET,**”; in lines 23 and 27, in each instance, strike “IMPLEMENTATION” and substitute “**DEPLOYMENT**”; in lines 23 and 28, in each instance, after “EMPLOY” insert “**HIGH-RISK**”; 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 HIGH-RISK ARTIFICIAL INTELLIGENCE;

(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 7, 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 9 down through “INTELLIGENCE” in line 10; strike beginning with “BY” in line 12 down through “INTELLIGENCE” in line 13; in line 16, after “EMPLOYS” insert “**HIGH-RISK**”; 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**”; in the same line, after “WEBSITE”

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insert “WITHIN 45 DAYS AFTER THE POLICIES AND PROCEDURES ARE ADOPTED”; in line 22, before “**BEGINNING**” insert “(A)”; in line 23, strike “**IMPLEMENT A**” and substitute “DEPLOY A NEW”; and after line 25, insert:

“(B) A UNIT OF STATE GOVERNMENT THAT EMPLOYS HIGH-RISK 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; strike in their entirety lines 4 and 5 and substitute:

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

in line 6, strike “**(V)**” and substitute “(IV)”; in line 8, strike “**AND IN PRIVATE SECTOR ENTERPRISE BY:**” and substitute a semicolon; and strike in their entirety lines 9 through 18, inclusive.

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 pages 13 through 15, strike in their entirety the lines beginning with line 20 on page 13 through line 8 on page 15, inclusive.

On page 15, in line 10, after “**EVALUATION**” insert “, DEMONSTRATION”; in lines 11 and 12, in each instance, strike “**GOOD OR SERVICE**” and substitute “GOOD, SERVICE, OR TECHNOLOGY”; and in line 24, after “**(2)**” insert “(1)”; and after line 27, insert:

(Over)

“(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 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:

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“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:

(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;

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

(vii) in workforce training;

(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

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(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;

(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 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.”;

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