HOUSE BILL 1297

F1, F5

4lr2139
CF SB 979

By: **Delegate Young**
Introduced and read first time: February 9, 2024
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 8, 2024

CHAPTER _____

1   AN ACT concerning

2   **Education – Artificial Intelligence – ~~Guidelines and Pilot Program~~ <u>Study and</u>**
3   **<u>Regulations</u>**

4   FOR the purpose of requiring the State Department of Education~~, in consultation with the~~
5   ~~Department of Information Technology, to develop and update certain guidelines,~~
6   ~~standards, and best practices on artificial intelligence for county boards of education~~
7   ~~and to develop a pilot program to support the Artificial Intelligence Subcabinet of~~
8   ~~the Governor's Executive Council; requiring the State Department of Education to~~
9   ~~develop certain strategies to coordinate and assist county boards to implement~~
10   ~~certain artificial intelligence best practices, provide certain recommendations for~~
11   ~~integrating artificial intelligence into certain college and career readiness standards,~~
12   ~~and adopt certain policies and procedures regarding certain systems that employ~~
13   ~~artificial intelligence; requiring each county board to conduct an inventory of certain~~
14   ~~systems that employ artificial intelligence on or before a certain date each year and~~
15   ~~to designate an employee to facilitate certain uses of artificial intelligence;~~ <u>to conduct</u>
16   <u>a comprehensive study of the potential use of artificial intelligence in public schools;</u>
17   <u>providing for the content of the study; requiring the Department to report to the</u>
18   <u>General Assembly and the Governor about the study; requiring the Department to</u>
19   <u>adopt regulations based on the study;</u> and generally relating to artificial intelligence
20   in primary and secondary education.

21 ~~BY adding to~~
22   ~~Article – Education~~
23   ~~Section 7–2201 through 7–2204 to be under the new subtitle "Subtitle 22. Artificial~~
24   ~~Intelligence in Education"~~

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
   [Brackets] indicate matter deleted from existing law.
   <u>Underlining</u> indicates amendments to bill.
   ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by
   amendment.

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1   Annotated Code of Maryland
2   (2022 Replacement Volume and 2023 Supplement)

3   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4   That the Laws of Maryland read as follows:

                            Article – Education

5

6   SUBTITLE 22. ARTIFICIAL INTELLIGENCE IN EDUCATION.

7   7–2201.

8   (A)   IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9   INDICATED.

10   (B)   "ARTIFICIAL INTELLIGENCE" MEANS A MACHINE–BASED SYSTEM THAT:

11   (1)   CAN, FOR A GIVEN SET OF HUMAN–DEFINED OBJECTIVES, MAKE
12   PREDICTIONS, RECOMMENDATIONS, OR DECISIONS INFLUENCING REAL OR VIRTUAL
13   ENVIRONMENTS;

14   (2)   USES MACHINE AND HUMAN–BASED INPUTS TO PERCEIVE REAL
15   AND VIRTUAL ENVIRONMENTS AND THAT ABSTRACTS THESE PERCEPTIONS INTO
16   MODELS THROUGH ANALYSIS IN AN AUTOMATED MANNER; AND

17   (3)   USES MODEL INFERENCE TO FORMULATE OPTIONS FOR
18   INFORMATION OR ACTION.

19   (C)   "COUNTY BOARD" MEANS THE BOARD OF EDUCATION OF A COUNTY AND
20   INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

21   (D)   "COUNTY SUPERINTENDENT" MEANS THE COUNTY SUPERINTENDENT
22   OF SCHOOLS OF A COUNTY AND INCLUDES THE CHIEF EXECUTIVE OFFICER OF THE
23   BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

24   (E)   "CTE COMMITTEE" MEANS THE CAREER AND TECHNICAL EDUCATION
25   COMMITTEE ESTABLISHED UNDER § 21–209 OF THIS ARTICLE.

26   (F)   "ELEMENTARY AND SECONDARY EDUCATION" MEANS EDUCATION AND
27   PROGRAMS OF EDUCATION FROM AND INCLUDING PRESCHOOL THROUGH THE END
28   OF HIGH SCHOOL AND THEIR EQUIVALENT.

29   (G)   "IMPACT ASSESSMENT" MEANS A DOCUMENTED RISK–BASED
30   EVALUATION OF A SYSTEM THAT EMPLOYS ARTIFICIAL INTELLIGENCE.

1   ~~(II)   (1)   "PERSONAL INFORMATION" MEANS INFORMATION THAT~~
2   ~~IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING~~
3   ~~ASSOCIATED WITH, OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY,~~
4   ~~WITH A PARTICULAR CONSUMER OR DEVICE USED BY THE CONSUMER.~~

5   ~~(2)   "PERSONAL INFORMATION" INCLUDES:~~

6   ~~(I)   UNIQUE IDENTIFIERS;~~

7   ~~(II)   CHARACTERISTICS OF PROTECTED CLASSIFICATIONS~~
8   ~~UNDER STATE OR FEDERAL LAW;~~

9   ~~(III)   COMMERCIAL INFORMATION, INCLUDING:~~

10   ~~1.   RECORDS OF PERSONAL PROPERTY;~~

11   ~~2.   PRODUCTS OR SERVICES PURCHASED, OBTAINED, OR~~
12   ~~CONSIDERED BY A CONSUMER; AND~~

13   ~~3.   OTHER PURCHASING OR CONSUMING HISTORIES OR~~
14   ~~TENDENCIES OF A CONSUMER;~~

15   ~~(IV)   BIOMETRIC DATA;~~

16   ~~(V)   INTERNET OR OTHER ELECTRONIC NETWORK ACTIVITY~~
17   ~~INFORMATION, INCLUDING BROWSING HISTORY, SEARCH HISTORY, AND~~
18   ~~INFORMATION REGARDING A CONSUMER'S INTERACTION WITH A WEBSITE, AN~~
19   ~~APPLICATION, OR AN ADVERTISEMENT;~~

20   ~~(VI)   GEOLOCATION DATA; AND~~

21   ~~(VII)   INFERENCES DRAWN FROM ANY OF THE INFORMATION~~
22   ~~IDENTIFIED IN THIS SUBSECTION TO CREATE A PROFILE ABOUT A CONSUMER~~
23   ~~REFLECTING THE CONSUMER'S PREFERENCES, CHARACTERISTICS,~~
24   ~~PSYCHOLOGICAL TRENDS, PREDISPOSITIONS, OR BEHAVIOR.~~

25   ~~(I)   "UNIQUE IDENTIFIER" MEANS A PERSISTENT IDENTIFIER THAT CAN BE~~
26   ~~USED TO RECOGNIZE A CONSUMER OR A DEVICE THAT IS LINKED TO A CONSUMER~~
27   ~~OR HOUSEHOLD, OVER TIME AND ACROSS DIFFERENT TECHNOLOGIES, INCLUDING:~~

28   ~~(1)   A DEVICE IDENTIFIER;~~

29   ~~(2)   AN INTERNET PROTOCOL ADDRESS;~~

1   (3)   A COOKIE, BEACON, PIXEL, TAG, MOBILE AD IDENTIFIER, OR
2 SIMILAR TECHNOLOGY;

3   (4)   A CONSUMER NUMBER, UNIQUE PSEUDONYM, OR USER ALIAS; OR

4   (5)   A TELEPHONE NUMBER OR ANY OTHER FORM OF PERSISTENT
5 IDENTIFIER THAT CAN BE USED TO IDENTIFY A PARTICULAR DEVICE USED BY THE
6 CONSUMER.

7 7–2202.

8   (A)   THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
9 INFORMATION TECHNOLOGY, SHALL DEVELOP AND UPDATE GUIDELINES,
10 STANDARDS, AND BEST PRACTICES FOR COUNTY BOARDS, IN ACCORDANCE WITH
11 THE FUTURE OF TEACHING AND LEARNING REPORT OF THE U.S. DEPARTMENT OF
12 EDUCATION, TO:

13   (1)   IMPLEMENT AND PROMOTE THE SAFE, RESPONSIBLE, AND
14 ETHICAL USE OF ARTIFICIAL INTELLIGENCE THAT:

15   (I)   EMPHASIZES STUDENTS AND TEACHERS AT THE CENTER OF
16 EDUCATIONAL TECHNOLOGY; AND

17   (II)   PRIORITIZES THE EDUCATIONAL NEEDS OF STUDENTS
18 USING EVIDENCE–BASED APPROACHES AND METHODOLOGIES; AND

19   (2)   IMPLEMENT THE BEST PRACTICES FOR PROFESSIONAL
20 DEVELOPMENT ON ARTIFICIAL INTELLIGENCE POLICIES AND PROCEDURES.

21   (B)   THE DEPARTMENT SHALL DEVELOP STRATEGIES TO COORDINATE AND
22 ASSIST COUNTY BOARDS AND COUNTY SUPERINTENDENTS TO IMPLEMENT BEST
23 PRACTICES DEVELOPED UNDER THIS SECTION.

24   (C)   EACH COUNTY BOARD SHALL DESIGNATE AN EMPLOYEE TO FACILITATE
25 THE PRODUCTIVE AND ETHICAL USE OF SYSTEMS OF ARTIFICIAL INTELLIGENCE IN
26 ELEMENTARY AND SECONDARY EDUCATION.

27   (D)   THE DEPARTMENT SHALL COORDINATE WITH THE CTE COMMITTEE
28 AND THE CTE SKILLS STANDARDS ADVISORY COMMITTEE TO PROVIDE
29 RECOMMENDATIONS FOR INTEGRATING ARTIFICIAL INTELLIGENCE INTO THE
30 COLLEGE AND CAREER READINESS STANDARDS ESTABLISHED BY THE STATE
31 BOARD UNDER § 7–205.1 OF THIS TITLE.

32 7–2203.

1 ~~(A)~~ ~~THE DEPARTMENT SHALL ADOPT POLICIES AND PROCEDURES~~
2 ~~REGARDING THE DEVELOPMENT, PROCUREMENT, IMPLEMENTATION, UTILIZATION,~~
3 ~~AND ONGOING ASSESSMENT OF SYSTEMS THAT EMPLOY ARTIFICIAL INTELLIGENCE~~
4 ~~BY A COUNTY BOARD.~~

5 ~~(B)~~ ~~THE POLICIES AND PROCEDURES REQUIRED BY THIS SECTION SHALL:~~

6 ~~(1)~~ ~~SUBJECT TO ANY OTHER APPLICABLE LAW, GOVERN THE~~
7 ~~DEVELOPMENT, PROCUREMENT, IMPLEMENTATION, UTILIZATION, AND ONGOING~~
8 ~~ASSESSMENT OF SYSTEMS THAT EMPLOY ARTIFICIAL INTELLIGENCE BY A COUNTY~~
9 ~~BOARD; AND~~

10 ~~(2)~~ ~~BE SUFFICIENT TO ENSURE THAT THE USE OF ANY SYSTEM THAT~~
11 ~~EMPLOYS ARTIFICIAL INTELLIGENCE BY A COUNTY BOARD DOES NOT:~~

12 ~~(I)~~ ~~RESULT IN ANY UNLAWFUL DISCRIMINATION;~~

13 ~~(II)~~ ~~HAVE AN UNLAWFUL DISPARATE IMPACT ON ANY~~
14 ~~STUDENTS, GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR STAFF, ON THE BASIS~~
15 ~~OF ANY ACTUAL OR PERCEIVED CHARACTERISTIC;~~

16 ~~(III)~~ ~~HAVE A NEGATIVE IMPACT ON THE HEALTH, SAFETY, OR~~
17 ~~WELL–BEING OF A STUDENT, GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR~~
18 ~~STAFF; OR~~

19 ~~(IV)~~ ~~COLLECT PERSONAL INFORMATION FROM A STUDENT,~~
20 ~~GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR STAFF, WITHOUT THE WRITTEN~~
21 ~~APPROVAL OF THE DEPARTMENT OF INFORMATION TECHNOLOGY.~~

22 ~~(C)~~ ~~ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1~~
23 ~~THEREAFTER, EACH COUNTY BOARD, IN CONSULTATION WITH THE COUNTY~~
24 ~~SUPERINTENDENT, SHALL CONDUCT AN INVENTORY OF SYSTEMS THAT EMPLOY~~
25 ~~ARTIFICIAL INTELLIGENCE.~~

26 ~~(D)~~ ~~FOR EACH SYSTEM, THE INVENTORY REQUIRED BY SUBSECTION (C) OF~~
27 ~~THIS SECTION SHALL INCLUDE:~~

28 ~~(1)~~ ~~THE NAME OF THE SYSTEM;~~

29 ~~(2)~~ ~~THE VENDOR THAT PROVIDED THE SYSTEM, IF APPLICABLE;~~

30 ~~(3)~~ ~~A DESCRIPTION OF THE CAPABILITIES OF THE SYSTEM;~~

1   ~~(4)   A STATEMENT OF THE PURPOSE AND THE INTENDED USES OF THE~~
2 ~~SYSTEM; AND~~

3   ~~(5)   WHETHER THE SYSTEM UNDERWENT AN IMPACT ASSESSMENT~~
4 ~~BEFORE BEING IMPLEMENTED.~~

5   ~~(E)   EACH COUNTY BOARD, IN CONSULTATION WITH THE COUNTY~~
6 ~~SUPERINTENDENT, SHALL:~~

7   ~~(1)   REPORT EACH INVENTORY REQUIRED BY THIS SECTION TO THE~~
8 ~~DEPARTMENT AND THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND~~

9   ~~(2)   MAKE EACH INVENTORY REQUIRED BY THIS SECTION PUBLICLY~~
10 ~~AVAILABLE ON THE COUNTY BOARD'S WEBSITE.~~

11 ~~7–2204.~~

12   ~~(A)   IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION~~
13 ~~TECHNOLOGY, THE DEPARTMENT SHALL DEVELOP A PILOT PROGRAM TO SUPPORT~~
14 ~~THE ARTIFICIAL INTELLIGENCE SUBCABINET OF THE GOVERNOR'S EXECUTIVE~~
15 ~~COUNCIL.~~

16   ~~(B)   THE PILOT PROGRAM DEVELOPED BY THE DEPARTMENT SHALL:~~

17   ~~(1)   IDENTIFY AND PRIORITIZE BEST USES OF ARTIFICIAL~~
18 ~~INTELLIGENCE IN EACH UNIT OF STATE GOVERNMENT AND IN EACH PRIVATE~~
19 ~~SECTOR ENTERPRISE;~~

20   ~~(2)   REDUCE BARRIERS TO THE RESPONSIBLE USE OF ARTIFICIAL~~
21 ~~INTELLIGENCE AND STATE DATA; AND~~

22   ~~(3)   PROMOTE TRAINING AND WORKFORCE DEVELOPMENT IN~~
23 ~~ARTIFICIAL INTELLIGENCE.~~

24   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That:

26   (a)   (1)   In this section the following words have the meanings indicated.

27   (2)   "Artificial intelligence" means a machine–based system that:

28   (i)   can, for a given set of human–defined objectives, make
29 predictions, recommendations, or decisions influencing real or virtual environments;

1   (ii) uses machine and human–based inputs to perceive real and
2 virtual environments and that abstracts these perceptions into models through analysis in
3 an automated manner; and

4   (iii) uses model inference to formulate options for information or
5 action.

6   (3) (i) "Personal information" means information that identifies,
7 relates to, describes, is reasonably capable of being associated with, or could reasonably be
8 linked, directly or indirectly, with a particular consumer or device used by the consumer.

9   (ii) "Personal information" includes:

10   1. unique identifiers;

11   2. characteristics of protected classifications under State or
12 federal law;

13   3. commercial information, including:

14   A. records of personal property;

15   B. products or services purchased, obtained, or considered by
16 a consumer; and

17   C. other purchasing or consuming histories or tendencies of a
18 consumer;

19   4. biometric data;

20   5. Internet or other electronic network activity information,
21 including browsing history, search history, and information regarding a consumer's
22 interaction with a website, an application, or an advertisement;

23   6. geolocation data; and

24   7. inferences drawn from any of the information identified in
25 this subsection to create a profile about a consumer reflecting the consumer's preferences,
26 characteristics, psychological trends, predispositions, or behavior.

27 (b) (1) The State Department of Education shall conduct a comprehensive
28 study of the potential use of artificial intelligence in public schools.

29   (2) The Department's study shall evaluate best practices for the safe,
30 responsible, and ethical uses of artificial intelligence, including practices that protect the
31 personal information of students and school personnel.

1   (c)   (1)   On or before December 1, 2024, the State Department of Education
2 shall report on the results of its study to the Governor and, in accordance with § 2–1257 of
3 the State Government Article, the General Assembly.

4   (2)   On or before June 1, 2025, the State Department of Education shall
5 adopt regulations based on the results of its study.

6   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2024. It shall remain effective for a period of 1 year and, at the end of June 30, 2025,
8 with no further action required by the General Assembly, shall be abrogated and of no
9 further force and effect.

Approved:

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                                          Governor.

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                              Speaker of the House of Delegates.

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                                  President of the Senate.