



FAVORABLE WITH AMENDMENTS – SB0818

SB818 - INFORMATION TECHNOLOGY - ARTIFICIAL INTELLIGENCE - POLICIES AND PROCEDURES (ARTIFICIAL INTELLIGENCE GOVERNANCE ACT OF 2024)

EDUCATION, ENERGY AND THE ENVIRONMENT

MARCH 7, 2024

Chair Feldman, Vice Chair Kagan and Members of the Committee:

My name is Ben Yelin, and I am the Program Director for Public Policy & External Affairs at the University of Maryland Center for Health and Homeland Security. We were pleased to work with Senator Hester this past summer on research related to AI governance structures in other States. We were pleased to present summaries of this research to the Joint Committee on Cybersecurity, Information Technology and Biotechnology during the interim, and submit a report of our findings to the General Assembly. Based on this research, we were able to identify best practices of other States that are wrestling with the task of balancing the potential benefits of AI, while also establishing guard rails against its most deleterious effects.

SB0818 strikes that balance. The bill builds off the Governor’s Executive Order and helps create a governance structure that will ensure that Maryland remains a leader in the development of smart, well-balanced AI policy. While many States have set up Task Forces as AI governance body, this bill goes a step further by:

- Formally codifying the Governor’s Executive Order establishing the AI advisory subcabinet to ensure that there is proper oversight on how state agencies are using AI tools.
- Leveraging the technical expertise of the Department of Information Technology (DoIT) to help develop policies that balance the benefits of using AI systems against the privacy, security and other risks of unchecked systems;
- Setting guardrails to prohibit units of state government from using AI systems in “high risk” scenarios where it may violate Marylanders’ constitutional rights;
- Mandating transparency by having DoIT conduct regular inventories of AI systems being used at state agencies, and reporting those uses both to the public and to the General Assembly; and
- Ensuring that beginning July 1, 2025, state agencies cannot employ AI systems that have not been properly vetted through the oversight process prescribed in the bill.

With Artificial Intelligence, particularly Generative AI, in its relative infancy, it is incumbent upon policymakers to craft governance structures to maximize the many benefits of this technology, while protecting against unregulated systems that threaten our safety and security. This is particularly true given the relative inaction of the United States Congress on AI issues. Because this bill creates a workable governance structure commensurate with best practices from other states, **we respectfully request a favorable report on SB0818.**