



## 2026 WRITTEN TESTIMONY

CIVIL ACTIONS - PRODUCT LIABILITY - ARTIFICIAL INTELLIGENCE SYSTEMS

### HB 712 - SUPPORT WITH AMENDMENT

The Maryland Association for Justice supports the idea behind HB 712, which empowers Maryland consumers to bring claims relating to negligently designed artificial intelligence systems.

That said, MAJ is opposed to the bill's "rebuttable presumption" that AI products are not dangerous or defective (found at Page 7, line 13 through Page 8, line 16), and urges this Committee to amend the bill to remove this presumption.

Traditionally, products liability cases follow strict liability principles, in which the plaintiff bears the initial burden of proving that a product defect caused injury, but the manufacturer bears the burden of proving that the product was not unreasonably dangerous. The rebuttable presumption in HB 712 is contrary to these principles, as it effectively shifts the entire evidentiary burden onto consumer-plaintiffs, by presuming that an AI product is not dangerous or defective if the developer or deployer can show that it followed certain internal testing, risk mitigation, disclosure, or risk-management procedures, regardless of whether the product still harms users. This presumption creates a high procedural hurdle for injured parties, particularly individuals with limited resources, because they must overcome a legally recognized safe product "presumption" before their actual harm claims can be fully assessed, undermining traditional product liability principles that place the burden on defendants to prove safety.

Moreover, by focusing the presumption on compliance with industry "best practices" rather than on actual safety outcomes, the rebuttable presumption risks insulating developers and deployers from accountability, even when their AI systems cause real harm.

**Accordingly, Maryland Association for Justice supports HB 712 with the following amendment:**

**STRIKE Page 7, line 13 through Page 8, line 16.**

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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