

Senate Bill 167

By: Senators Merritt of the 9th, Jones II of the 22nd, Kemp of the 38th, Islam Parkes of the 7th, Rhett of the 33rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and
2 trade, so as to provide broadly for private entities that employ certain AI systems to guard
3 against discrimination caused by such systems; to provide for a description of consequential
4 decisions for which use of automated decision systems shall be regulated; to provide for
5 developers and deployers to perform certain evaluations of the automated decision systems
6 they employ; to provide for notice to consumers when certain decisions are made using an
7 automated decision system; to provide for certain disclosures by developers of AI systems;
8 to provide for certain disclosures by deployers of AI systems; to provide for annual updates
9 to certain disclosures; to provide for notices to a consumer each time a decision is made
10 using an automated decision system; to provide requirements for such disclosures by
11 developers and deployers; to provide for exemptions; to provide for trade secret protections;
12 to provide for rule making; to provide for certain disclosed records by developers and
13 deployers to be exempt from open records requirements; to provide for enforcement by the
14 Attorney General; to provide for definitions; to provide for related matters; to repeal
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 167

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17

SECTION 1.

18 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
19 amended by adding a new chapter to read as follows:

20

"CHAPTER 1621 10-16-1.22 As used in this chapter, the term:

23 (1)(A) 'Algorithmic discrimination' means the use of an artificial intelligence system
24 in a manner that discriminates, causes a disparate impact, or otherwise makes
25 unavailable the equal enjoyment of goods, services, or other activities or opportunities
26 as related to a consequential decision on the basis of actual or perceived age, color,
27 disability, ethnicity, genetic information, limited proficiency in the English language,
28 national origin, race, religion, pursuit or receipt of reproductive healthcare, sex, sexual
29 orientation, gender identity, veteran status, or other classification protected under the
30 laws of this state or federal law.

31 (B) Such term shall not include:

32 (i) The offer, license, or use of an automated decision system by a developer or
33 deployer for the sole purpose of:

34 (I) The developer's or deployer's self-testing to identify, mitigate, or prevent
35 discrimination or otherwise ensure compliance with state and federal law; or

36 (II) Expanding an applicant, customer, or participant pool to increase diversity or
37 redress historical discrimination; or

38 (ii) An act or omission by or on behalf of a private club or other establishment that
39 is not in fact open to the public, as set forth in Title II of the federal Civil Rights Act
40 of 1964, 42 U.S.C. Section 2000a(e), as amended.

41 (2) 'Artificial intelligence system' or 'AI system' means an engineered or machine based
42 system that emulates the capability of a person to receive audio, visual, text, or any other
43 form of information and use the information received to emulate a human cognitive
44 process, including, but not limited to, learning, generalizing, reasoning, planning,
45 predicting, acting, or communicating; provided, however, that artificial intelligence
46 systems may vary in the forms of information they can receive and in the human
47 cognitive processes they can emulate.

48 (3)(A) 'Automated decision system' means a computational process derived from
49 machine learning, statistical modeling, data analytics, or an artificial intelligence system
50 that, when deployed, issues a simplified output, including, but not limited to, a score,
51 classification, or recommendation, that is used to assist or replace human discretionary
52 decision making and materially impacts natural persons.

53 (B) Such term shall not include a tool that does not assist or replace processes for
54 making consequential decisions and that does not materially impact natural persons,
55 including, but not limited to, a junk email filter, firewall, antivirus software, calculator,
56 spreadsheet, or other tool that does no more than organize data already in possession
57 of the deployer of the automated decision system.

58 (4) 'Consequential decision' means a decision that has a material effect on the provision
59 or denial to any consumer of, or on the cost or terms of:

60 (A) Education enrollment or education opportunities;

61 (B) Employment or employment opportunities;

62 (C) Essential government services;

63 (D) Financial or lending services;

64 (E) Healthcare services;

65 (F) Housing;

66 (G) Insurance; or

67 (H) Legal services.

- 68 (5) 'Consumer' means an individual who is a Georgia resident.
- 69 (6) 'Deploy' means to use an automated decision system.
- 70 (7) 'Deployer' means a person doing business in this state that deploys an automated
71 decision system.
- 72 (8) 'Developer' means a person doing business in this state that develops or intentionally
73 and substantially modifies an artificial intelligence system.
- 74 (9) 'Healthcare services' shall have the same meaning as set forth in 42 U.S.C. Section
75 234(d)(2).
- 76 (10)(A) 'Intentional and substantial modification' or 'intentionally and substantially
77 modify' means a deliberate change made to an AI system that results in any increase in
78 or new reasonably foreseeable risk of algorithmic discrimination by such AI system.
- 79 (B) Such term shall not include a change made to an automated decision system if:
- 80 (i) The automated decision system continues to learn after the automated decision
81 system is:
- 82 (I) Offered, sold, leased, licensed, given, or otherwise made available to a deployer;
83 or
- 84 (II) Deployed;
- 85 (ii) The change is made to the automated decision system as a result of any learning
86 described in division (i) of this subparagraph;
- 87 (iii) The change was predetermined by the deployer, or a third party contracted by the
88 deployer, when the deployer or third party completed an initial impact assessment of
89 such automated decision system pursuant to subsection (e) of Code Section 10-16-3;
90 and
- 91 (iv) The change is included in technical documentation for the automated decision
92 system.
- 93 (11) 'Personal data' means any information, including derived data and unique identifiers,
94 that is linked or reasonably linkable, alone or in combination with other information, to

95 an identified or identifiable individual or a device that identifies or is linked or reasonably
96 linkable to an individual.

97 (12) 'Trade secret' shall have the same meaning as set forth in Code Section 10-1-761.

98 10-16-2.

99 (a) No developer shall sell, distribute, or otherwise make available to deployers an
100 automated decision system that results in algorithmic discrimination.

101 (b) Except as provided in subsection (f) of this Code section, a developer of an automated
102 decision system shall provide certain information regarding such automated decision
103 system to the Attorney General, in a form and manner prescribed by the Attorney General.

104 Such information shall include, at a minimum:

105 (1) A general statement describing the reasonably foreseeable uses and known harmful
106 or inappropriate uses of the automated decision system;

107 (2) Documentation disclosing:

108 (A) The purpose of the automated decision system;

109 (B) The intended benefits and uses of the automated decision system;

110 (C) High-level summaries of the types of data used to train the automated decision
111 system;

112 (D) Known or reasonably foreseeable limitations of the automated decision system,
113 including known or reasonably foreseeable risks of algorithmic discrimination arising
114 from the intended uses of the automated decision system;

115 (E) The measures the developer has taken to mitigate known or reasonably foreseeable
116 risks of algorithmic discrimination;

117 (F) How the automated decision system was evaluated for performance and mitigation
118 of algorithmic discrimination before the automated decision system was offered, sold,
119 leased, licensed, given, or otherwise made available to the deployer;

120 (G) The data governance measures used to cover the training data sets and the
121 measures used to examine the suitability of data sources, possible biases, and
122 appropriate mitigation;

123 (H) How the automated decision system should be used, not be used, and be monitored
124 by an individual when the automated decision system is used to make, or assist in
125 making, a consequential decision; and

126 (I) All other information necessary to allow the deployer to comply with the
127 requirements of Code Section 10-16-3; and

128 (3) Any additional documentation that is reasonably necessary to assist the deployer in
129 understanding the outputs and monitoring the performance of the automated decision
130 system for risks of algorithmic discrimination.

131 (c)(1) Except as provided in subsection (f) of this Code section, a developer that offers,
132 sells, leases, licenses, gives, or otherwise makes available to a deployer or other
133 developer an automated decision system shall make available to the deployer or other
134 developer, to the extent feasible, all of the information required to be provided to the
135 Attorney General by subsection (b) of this Code section, as well as the documentation
136 and information, through artifacts such as model cards, data set cards, or other impact
137 assessments, necessary for a deployer or third party contracted by a deployer to complete
138 an impact assessment pursuant to subsection (e) of Code Section 10-16-3.

139 (2) A developer that also serves as a deployer for an automated decision system is not
140 required to generate the documentation required by this subsection unless the automated
141 decision system is provided to an unaffiliated entity acting as a deployer.

142 (d)(1) A developer shall make available to the public, in a manner that is clear and
143 readily available on the developer's public website or in a public use case inventory, a
144 statement summarizing:

145 (A) The types of automated decision systems that the developer has developed or
146 intentionally and substantially modified and currently makes available to a deployer or
147 other developer; and

148 (B) How the developer manages known or reasonably foreseeable risks of algorithmic
149 discrimination.

150 (2) A developer shall update the statement described in paragraph (1) of this subsection:

151 (A) As necessary to ensure that the statement remains accurate; and

152 (B) No later than 90 days after the developer intentionally and substantially modifies
153 any automated decision system described in such statement.

154 (e)(1) A developer of an automated decision system shall take steps to address risks of
155 algorithmic discrimination, invalidity, and errors, including, but not limited to, ensuring
156 suitability and representativeness of data sources, implementing data governance
157 measures, testing the automated decision system for disparate impact, and searching for
158 less discriminatory alternative decision methods. Developers shall continue assessing
159 and mitigating the risk of algorithmic discrimination in their automated decision systems
160 so long as such automated decision systems are in use by any deployer.

161 (2) A developer of an automated decision system shall disclose to the Attorney General,
162 in a form and manner prescribed by the Attorney General, and to all known deployers or
163 other developers of the automated decision system, any known or reasonably foreseeable
164 risks of algorithmic discrimination arising from the intended uses of the automated
165 decision system without unreasonable delay but no later than 90 days after the date on
166 which:

167 (A) The developer discovers through the developer's ongoing testing and analysis that
168 the developer's automated decision system has been deployed and has caused or is
169 reasonably likely to have caused algorithmic discrimination; or

170 (B) The developer receives from a deployer a credible report that the automated
171 decision system has been deployed and has caused algorithmic discrimination.

172 (f)(1) A developer who discloses information to a deployer, to a consumer, or to the
173 general public pursuant to subsections (b) through (e) of this Code section may make
174 reasonable redactions for the purpose of protecting trade secrets.

175 (2) No developer shall redact information from its required disclosures to a deployer
176 under this Code section if the information is necessary for the deployer to comply with
177 its disclosure, explanation, impact assessment, or audit obligations under this chapter.

178 (3) To the extent that a developer redacts information pursuant to paragraph (1) of this
179 subsection, the developer shall notify the subjects of the disclosure and provide a basis
180 for the redaction.

181 (g) The Attorney General may require that a developer disclose to the Attorney General,
182 within seven days and in a form and manner prescribed by the Attorney General, any
183 documentation or records required by this Code section, including, but not limited to, the
184 statement or documentation described in subsection (b) of this Code section. The Attorney
185 General may evaluate such statement or documentation to ensure compliance with this
186 chapter, and, notwithstanding the provisions of Article 4 of Chapter 18 of Title 50, relating
187 to open records, such records shall not be open to inspection by or made available to the
188 public. In a disclosure pursuant to this subsection, a developer may designate the statement
189 or documentation as including proprietary information or a trade secret. To the extent that
190 any information contained in the statement or documentation includes information subject
191 to attorney-client privilege or work-product protection, the disclosure does not constitute
192 a waiver of the privilege or protection.

193 (h) A developer's compliance with this Code section shall not constitute a defense in a civil
194 or administrative action regarding claims that the developer violated any other provision
195 of this chapter or any other law.

196 10-16-3.

197 (a) No deployer of an automated decision system shall use an automated decision system
198 in a manner that results in algorithmic discrimination.

199 (b) Except as provided in Code Section 10-16-6, a deployer of an automated decision
200 system shall implement a risk management policy and program to govern the deployer's
201 deployment of the automated decision system. The risk management policy and program
202 shall specify and incorporate the principles, processes, and personnel that the deployer uses
203 to identify, document, and mitigate known or reasonably foreseeable risks of algorithmic
204 discrimination. The risk management policy and program shall be an iterative process
205 planned, implemented, and regularly and systematically reviewed and updated over the life
206 cycle of an automated decision system, requiring regular, systematic review and updates.
207 A risk management policy and program implemented and maintained pursuant to this
208 subsection shall take into consideration:

209 (1) Either:

210 (A) The guidance and standards set forth in the latest version of the Artificial
211 Intelligence Risk Management Framework published by the National Institute of
212 Standards and Technology of the United States Department of Commerce, standard
213 ISO/IEC 42001 of the International Organization for Standardization, or another
214 nationally or internationally recognized risk management framework for artificial
215 intelligence systems, if the standards are substantially equivalent to or more stringent
216 than the requirements of this chapter; or

217 (B) Any risk management framework for artificial intelligence systems that the
218 Attorney General, in the Attorney General's discretion, may designate;

219 (2) The size and complexity of the deployer;

220 (3) The nature and scope of the automated decision systems deployed by the deployer,
221 including the intended uses of the automated decision systems; and

222 (4) The sensitivity and volume of data processed in connection with the automated
223 decision systems deployed by the deployer.

224 (c) A risk management policy and program implemented pursuant to this Code section
225 may cover multiple automated decision systems deployed by the deployer.

226 (d) Each deployer shall establish and adhere to:

227 (1) Written standards, policies, procedures, and protocols for the acquisition, use of, or
228 reliance on automated decision systems developed by third-party developers, including
229 reasonable contractual controls ensuring that the developer statements and summaries
230 described in subsection (b) of Code Section 10-16-2 include all information necessary for
231 the deployer to fulfill its obligations under this Code section;

232 (2) Procedures for reporting any incorrect information or evidence of algorithmic
233 discrimination to a developer for further investigation and mitigation, as necessary; and

234 (3) Procedures to remediate and eliminate incorrect information from its automated
235 decision systems that the deployer has identified or has been reported to a developer.

236 (e) Except as otherwise provided for in this chapter:

237 (1) A deployer, or a third party contracted by the deployer, that deploys an automated
238 decision system shall complete an impact assessment for the automated decision system;
239 and

240 (2) A deployer, or a third party contracted by the deployer, shall complete an impact
241 assessment for a deployed automated decision system at least annually and within 90
242 days after any intentional and substantial modification to the automated decision system
243 is made available.

244 (f) An impact assessment completed pursuant to subsection (e) of this Code section shall
245 include, at a minimum, and to the extent reasonably known by or available to the deployer:

246 (1) A statement by the deployer disclosing the purpose, intended use cases, and
247 deployment context of, and benefits afforded by, the automated decision system;

- 248 (2) An analysis of whether the deployment of the automated decision system poses any
249 known or reasonably foreseeable risks of:
- 250 (A) Algorithmic discrimination and, if so, the nature of the algorithmic discrimination
251 and the steps that have been taken to mitigate the risks;
- 252 (B) Limits on accessibility for individuals who are pregnant, breastfeeding, or disabled,
253 and, if so, what reasonable accommodations the deployer may provide that would
254 mitigate any such limitations on accessibility;
- 255 (C) Any violation of state or federal labor laws, including laws pertaining to wages,
256 occupational health and safety, and the right to organize; or
- 257 (D) Any physical or other intrusion upon the solitude or seclusion, or the private affairs
258 or concerns, of consumers if such intrusion:
- 259 (i) Would be offensive to a reasonable person; and
260 (ii) May be redressed under the laws of this state;
- 261 (3) A description of the categories of data the automated decision system processes as
262 inputs and the outputs the automated decision system produces;
- 263 (4) If the deployer used data to customize the automated decision system, an overview
264 of the categories of data the deployer used to customize the automated decision system;
- 265 (5) An analysis of the automated decision system's validity and reliability in accordance
266 with contemporary social science standards, and a description of any metrics used to
267 evaluate the performance and known limitations of the automated decision system;
- 268 (6) A description of any transparency measures taken concerning the automated decision
269 system, including any measures taken to disclose to a consumer that the automated
270 decision system is in use when the automated decision system is in use;
- 271 (7) A description of the post-deployment monitoring and user safeguards provided
272 concerning the automated decision system, including the oversight, use, and learning
273 process established by the deployer to address issues arising from the deployment of the
274 automated decision system; and

- 275 (8) When such impact assessment is completed following an intentional and substantial
276 modification to an automated decision system, a statement disclosing the extent to which
277 the automated decision system was used in a manner that was consistent with, or varied
278 from, the developer's intended uses of the automated decision system.
- 279 (g) If the analysis required by paragraph (2) of subsection (f) of this Code section reveals
280 a risk of algorithmic discrimination, the deployer shall not deploy the automated decision
281 system until the developer or deployer takes reasonable steps to search for and implement
282 less discriminatory alternative decision methods.
- 283 (h) A single impact assessment may address a comparable set of automated decision
284 systems deployed by a deployer.
- 285 (i) If a deployer, or a third party contracted by the deployer, completes an impact
286 assessment for the purpose of complying with another applicable law or regulation, the
287 impact assessment shall satisfy the requirements established in this Code section if the
288 impact assessment is reasonably similar in scope and effect to the impact assessment that
289 would otherwise be completed pursuant to this Code section.
- 290 (j) A deployer shall maintain the most recently completed impact assessment for an
291 automated decision system, all records concerning each impact assessment, and all prior
292 impact assessments, if any, throughout the period of time that the automated decision
293 system is deployed and for at least three years following the final deployment of the
294 automated decision system.
- 295 (k) At least annually a deployer, or a third party contracted by the deployer, shall review
296 the deployment of each automated decision system deployed by the deployer to ensure that
297 the automated decision system is not causing algorithmic discrimination.
- 298 (l) Deployers shall publish on their public websites all impact assessments completed
299 within the preceding three years in a form and manner prescribed by the Attorney General.

300 10-16-4.

301 (a) No later than the time that a deployer deploys an automated decision system to make,
302 or assist in making, a consequential decision concerning a consumer, the deployer shall:

303 (1) Notify the consumer that the deployer has deployed an automated decision system
304 to make, or assist in making, a consequential decision; and

305 (2) Provide to the consumer:

306 (A) A statement disclosing the purpose of the automated decision system and the
307 nature of the consequential decision;

308 (B) The contact information for the deployer;

309 (C) A description, in plain language, of the automated decision system, which
310 description shall, at a minimum, include:

311 (i) A description of the personal characteristics or attributes that the system will
312 measure or assess;

313 (ii) The method by which the system measures or assesses those attributes or
314 characteristics;

315 (iii) How those attributes or characteristics are relevant to the consequential decisions
316 for which the system should be used;

317 (iv) Any human components of such system;

318 (v) How any automated components of such system are used to inform such
319 consequential decision; and

320 (vi) A direct link to a publicly accessible page on the deployer's public website that
321 contains a plain-language description of the logic used in the system, including the
322 key parameters that affect the output of the system; the system's outputs; the types and
323 sources of data collected from natural persons and processed by the system when it
324 is used to make, or assists in making, a consequential decision; and the results of the
325 most recent impact assessment, or an active link to a web page where a consumer can
326 review those results; and

327 (D) Instructions on how to access the statement required by Code Section 10-16-5.

328 (b) A deployer that has used an automated decision system to make, or assist in making,
329 a consequential decision concerning a consumer shall transmit to such consumer within one
330 business day after such decision a notice that includes:

331 (1) A specific and accurate explanation that identifies the principal factors and variables
332 that led to the consequential decision, including:

333 (A) The degree to which, and manner in which, the automated decision system
334 contributed to the consequential decision;

335 (B) The source or sources of the data processed by the automated decision system; and

336 (C) A plain-language explanation of how the consumer's personal data informed these
337 principal factors and variables when the automated decision system made, or assisted
338 in making, the consequential decision;

339 (2) Information about consumers' right to correct, and how the consumer can submit
340 corrections and provide supplementary information relevant to, the consequential
341 decision;

342 (3) What actions, if any, the consumer might have taken to secure a different decision
343 and the actions that the consumer might take to secure a different decision in the future;

344 (4) Information on opportunities to correct any incorrect personal data that the automated
345 decision system processed in making, or assisting in making, the consequential decision;
346 and

347 (5) Information on opportunities to appeal an adverse consequential decision concerning
348 the consumer arising from the deployment of an automated decision system, which
349 appeal shall, if technically feasible, allow for human review.

350 (c)(1) A deployer shall provide the notice, statement, contact information, and
351 description required by subsections (a) and (b) of this Code section:

352 (A) Directly to the consumer;

353 (B) In plain language;

354 (C) In all languages in which the deployer, in the ordinary course of the deployer's
355 business, provides contracts, disclaimers, sale announcements, and other information
356 to consumers; and

357 (D) In a format that is accessible to consumers with disabilities.

358 (2) If the deployer is unable to provide the notice, statement, contact information, and
359 description directly to the consumer, the deployer shall make such information available
360 in a manner that is reasonably calculated to ensure that the consumer receives it.

361 (d) No deployer shall use an automated decision system to make, or assist in making, a
362 consequential decision if it cannot provide notices and explanations that satisfy the
363 requirements of this Code section.

364 10-16-5.

365 (a) Except as provided in Code Section 10-16-6, a deployer shall make available, in a
366 manner that is clear and readily available on the deployer's public website, a statement
367 summarizing:

368 (1) The types of automated decision systems that are currently deployed by the deployer;

369 (2) How the deployer manages known or reasonably foreseeable risks of algorithmic
370 discrimination that may arise from the deployment of each such automated decision
371 system; and

372 (3) In detail, the nature, source, and extent of the information collected and used by the
373 deployer.

374 (b) A deployer shall periodically update the statement described in subsection (a) of this
375 Code section.

376 10-16-6.

377 The provisions of subsections (b) and (e) of Code Section 10-16-3 shall not apply to a
378 deployer when:

- 379 (1) The automated decision system is used to make, or is a contributing factor in making,
380 consequential decisions about fewer than 1,000 consumers in the preceding calendar year;
381 and
382 (2) At the time the deployer deploys the automated decision system and at all times while
383 the automated decision system is deployed:
384 (A) The deployer employs fewer than 15 full-time equivalent employees;
385 (B) The deployer does not use the deployer's own data to train the automated decision
386 system;
387 (C) The automated decision system is used for the intended uses that are disclosed to
388 the deployer as required by subsection (b) of Code Section 10-16-2;
389 (D) The automated decision system continues learning based on data derived from
390 sources other than the deployer's own data;
391 (E) The deployer makes available to consumers any impact assessment that the
392 developer of the automated decision system has completed and provided to the
393 deployer; and
394 (F) The deployer makes available to consumers any impact assessment that includes
395 information that is substantially similar to the information in the impact assessment
396 required under subsection (f) of Code Section 10-16-3.

397 10-16-7.

398 If a deployer deploys an automated decision system and subsequently discovers that the
399 automated decision system has caused algorithmic discrimination, the deployer, without
400 unreasonable delay, but no later than 90 days after the date of the discovery, shall send to
401 the Attorney General, in a form and manner prescribed by the Attorney General, a notice
402 disclosing the discovery.

403 10-16-8.

404 A deployer who discloses information to the Attorney General, to a consumer, or to the
405 general public pursuant to this chapter may make reasonable redactions for the purpose of
406 protecting trade secrets. To the extent that a deployer redacts or withholds information
407 pursuant to this Code section, the deployer shall notify the consumer and provide a basis
408 for the redaction or withholding. Such notification shall comply with the requirements of
409 subsection (c) of Code Section 10-16-4.

410 10-16-9.

411 The Attorney General may require that a deployer, or a third party contracted by the
412 deployer, disclose to the Attorney General, no later than seven days after and in a form and
413 manner prescribed by the Attorney General, any documentation or records required by this
414 chapter. The Attorney General may evaluate the risk management policy, impact
415 assessment, or records to ensure compliance with this chapter, and the risk management
416 policy, impact assessment, and such records, notwithstanding the provisions of Article 4
417 of Chapter 18 of Title 50, relating to open records, shall not be open to inspection by or
418 made available to the public. In a disclosure pursuant to this Code section, a deployer may
419 designate the statement or documentation as including proprietary information or a trade
420 secret. To the extent that any information contained in the risk management policy, impact
421 assessment, or records is subject to attorney-client privilege or work-product protection,
422 the disclosure does not constitute a waiver of the privilege or protection.

423 10-16-10.

424 A deployer's compliance with the provisions of this chapter shall not constitute a defense
425 in a civil or administrative action regarding claims that the deployer violated any other
426 provision of this chapter or any other law.

427 10-16-11.

428 (a) Except as provided in subsection (b) of this Code section, a deployer or other developer
429 that deploys, offers, sells, leases, licenses, gives, or otherwise makes available an artificial
430 intelligence system that is intended to interact with consumers shall ensure the disclosure
431 to each consumer who interacts with the artificial intelligence system that the consumer is
432 interacting with an artificial intelligence system.

433 (b) Disclosure is not required under subsection (a) of this Code section under
434 circumstances in which it would be obvious to a reasonable person that the person is
435 interacting with an artificial intelligence system.

436 10-16-12.

437 (a) Nothing in this chapter shall be construed to restrict a developer's, a deployer's, or other
438 person's ability to:

439 (1) Comply with federal, state, or municipal laws, ordinances, or regulations;

440 (2) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or
441 summons by a federal, state, municipal, or other governmental authority;

442 (3) Cooperate with a law enforcement agency concerning conduct or activity that the
443 developer, deployer, or other person reasonably and in good faith believes may violate
444 federal, state, or municipal laws, ordinances, or regulations;

445 (4) Comply with the rules of evidence in an ongoing court proceeding;

446 (5) Take immediate steps to protect an interest that is essential for the life or physical
447 safety of a consumer or another individual;

448 (6) Conduct research, testing, and development activities regarding an artificial
449 intelligence system or model, other than testing conducted under real-world conditions,
450 before the artificial intelligence system or model is used to make, or assist in making, a
451 consequential decision, or is otherwise placed on the market, deployed, or put into
452 service, as applicable;

453 (7) Effectuate a product recall; or

454 (8) Assist another developer, deployer, or person with any of the obligations imposed
455 under this chapter.

456 (b) Nothing in this chapter applies to any artificial intelligence system that is acquired by
457 or for the federal government or any federal agency or department, including the United
458 States Department of Commerce, the United States Department of Defense, or the National
459 Aeronautics and Space Administration, unless the artificial intelligence system is an
460 automated decision system that is used to make, or assist in making, a decision concerning
461 employment or housing.

462 (c) If a developer, a deployer, or other person engages in an action pursuant to an
463 exemption set forth in this Code section, such developer, deployer, or other person bears
464 the burden of demonstrating that the action qualifies for the exemption.

465 (d) If a developer or deployer withholds information pursuant to an exemption set forth
466 in this Code section for which disclosure would otherwise be required by this chapter, such
467 developer or deployer shall notify the subject of disclosure and provide a basis for
468 withholding the information. Such notification shall comply with the requirements of
469 subsection (c) of Code Section 10-16-4.

470 10-16-13.

471 (a) A violation of the requirements established in this chapter shall be enforceable through
472 the provisions of Part 2 of Article 15 of Chapter 1 of this title, the 'Fair Business Practices
473 Act of 1975.'

474 (b) In any action commenced by the Attorney General to enforce this chapter, it is an
475 affirmative defense that the developer, deployer, or other person:

476 (1) Discovers a violation of this chapter as a result of:

477 (A) Adversarial testing or red teaming, as those terms are defined or used by the
478 National Institute of Standards and Technology; or

479 (B) An internal review process;
480 (2) Cures the violation within seven days and reports the violation to the Attorney
481 General and any affected consumers;
482 (3) Is otherwise in compliance with the provisions of this chapter and:
483 (A) The latest version of the Artificial Intelligence Risk Management Framework
484 published by the National Institute of Standards and Technology of the United States
485 Department of Commerce and standard ISO/IEC 42001 of the International
486 Organization for Standardization;
487 (B) Another nationally or internationally recognized risk management framework for
488 artificial intelligence systems, if the standards are substantially equivalent to or more
489 stringent than the requirements of this chapter; or
490 (C) Any risk management framework for artificial intelligence systems that the
491 Attorney General, in the Attorney General's discretion, may designate and, if
492 designated, shall publicly disseminate; and
493 (4) Demonstrates that the violation was inadvertent, affected fewer than 100 consumers,
494 and could not have been discovered through reasonable diligence.
495 (c) A developer, deployer, or other person bears the burden of demonstrating to the
496 Attorney General that the requirements of subsection (b) of this Code section have been
497 satisfied.
498 (d) Nothing in this chapter, including the enforcement authority granted to the Attorney
499 General under this Code section, preempts or otherwise affects any right, claim, remedy,
500 presumption, or defense available at law or in equity. A rebuttable presumption or
501 affirmative defense established under this chapter applies only to an enforcement action
502 brought by the Attorney General pursuant to this Code section and does not apply to any
503 right, claim, remedy, presumption, or defense available at law or in equity.

504 10-16-14.

505 The Attorney General may promulgate rules as necessary for the purpose of implementing
506 and enforcing this chapter.

507 10-16-15.

508 This chapter is declared to be remedial, with the purposes of protecting consumers and
509 ensuring consumers receive information about consequential decisions affecting them. The
510 provisions of this chapter granting rights or protections to consumers shall be construed
511 broadly and exemptions construed narrowly."

512 **SECTION 2.**

513 All laws and parts of laws in conflict with this Act are repealed.