

Rep. C. McGuire, Merr. 27
Rep. Grote, Rock. 24
Rep. Cormen, Graf. 15
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2024-1254h
02/08

Amendment to HB 1688-FN

1 Amend RSA 5-D:1 as inserted by section 1 of the bill by replacing it with the following:

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3 5-D:1 Definitions. In this chapter:

4 I. "Artificial intelligence" or "AI" is the ability of a machine to display human-like
5 capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may
6 adapt their behavior to a certain degree by analyzing the effects of previous actions and operating
7 under varying and unpredictable circumstances without significant human oversight.

8 II. "Generative AI" is AI that can generate text, images, or other media in response to
9 prompts.

10 III. "Deepfake" means a video, audio, or any other media of a person in which his or her face,
11 body, or voice has been digitally altered so that he or she appears to be someone else, he or she
12 appears to be saying something that he or she has never said, or he or she appears to be doing
13 something that he or she has never done.

14 IV. "State agency" means any department, commission, board, institution, bureau, office,
15 law enforcement, or other entity, by whatever name called, including the legislative and judicial
16 branches of state government, established in the state constitution, statutes, session laws or
17 executive orders.

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19 Amend RSA 5-D:3 as inserted by section 1 of the bill by replacing it with the following:

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21 5-D:3 Prohibition. The following uses of AI by state agencies shall be prohibited:

22 I. Classifying persons based on behavior, socio-economic status, or personal characteristics
23 resulting in unlawful discrimination against any individual person or group of persons.

24 II. Real-time and remote biometric identification systems used for surveillance in public
25 spaces, such as facial recognition, except by law enforcement with a warrant.

26 III. Deepfakes when used for any deceptive or malicious purpose.

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28 Amend RSA 5-D:5 as inserted by section 1 of the bill by replacing it with the following:

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30 5-D:5 Compliance.

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1 I. All state agencies shall take the following actions no later than 9 months after the
2 effective date of this chapter and report their compliance with the department of information
3 technology:

4 (a) Review the use of AI in their computer systems to verify, to the best of their
5 knowledge, that they comply with the provisions of this chapter and the department of information
6 technology code of ethics for AI systems. Any AI system that is prohibited shall be removed.

7 (b) Modify all procedures relative to any use of AI that are inconsistent with this chapter
8 so that these procedures are consistent with the requirements in this chapter.

9 II. Any AI systems newly deployed by a state agency after the effective date of this chapter
10 shall comply with the provisions of this chapter and the department of information technology code
11 of ethics for AI systems. All newly implemented procedures relative to any use of AI that are
12 implemented by a state agency after the effective date of this chapter shall be consistent with the
13 requirements in this chapter.

14 III. One year after the effective date of this chapter, the department of information
15 technology shall provide to the governor, the speaker of the house of representatives, and the
16 president of the senate a report summarizing AI systems identified by state agencies recording
17 which of those systems were prohibited and removed in compliance with this chapter, which systems
18 are allowed according to this chapter, and what procedures have been implemented to ensure that
19 the procurement and use of these systems will be in compliance with this chapter. This report shall
20 be updated annually to include new systems that state agencies have purchased. All such reports
21 shall also be posted on the department of information technology's website.

22 5-D:6 Severability.

23 The provisions of this chapter are severable. If any provision of this chapter or its application is
24 held invalid, that invalidity shall not affect other provisions or applications that can be given effect
25 without the invalid provision or application.