

HOUSE BILL NO. 178

INTRODUCED BY B. MITCHELL, D. ZOLNIKOV, C. HINKLE, G. LAMMERS, J. GILLETTE, T. FALK, K.

BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS BY STATE AND LOCAL GOVERNMENT; PROHIBITING CERTAIN USES OF ARTIFICIAL INTELLIGENCE SYSTEMS; REQUIRING DISCLOSURE OF CERTAIN USES OF ARTIFICIAL INTELLIGENCE SYSTEMS; REQUIRING CERTAIN DECISIONS OR RECOMMENDATIONS TO BE REVIEWED BY A HUMAN IN AN APPROPRIATE RESPONSIBLE POSITION; ~~AND PROVIDING DEFINITIONS;~~ AND AMENDING SECTION 49-3-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Artificial intelligence system" means a machine learning-based system that, for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including but not limited to content, decisions, predictions, and recommendations that can influence physical or virtual environments.

(2) "Cognitive behavioral manipulation" means the use of artificial intelligence systems to influence or alter an individual's or group's thoughts, emotions, decisions, or actions through deceptive, coercive, or subliminal means, or by exploiting psychological vulnerabilities, without the informed consent of the individual or group being influenced.

~~(2)(3)~~ "Government entity" has the meaning provided in 46-5-110.

~~(3)(4)~~ "Human in an appropriate responsible position" means a human person who is a state officer or a public employee as those terms are defined in 2-2-102 who has reasonable training in the uses and limitations of artificial intelligence systems and is in a position to modify or reject the particular use of an artificial intelligence system.

~~(4)(5)~~ "State officer" has the meaning provided in 2-2-102.

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2 NEW SECTION. **Section 2. Prohibited use of artificial intelligence by government entity.** A

3 government entity or state officer may not use an artificial intelligence system:

4 (1) for the cognitive behavioral manipulation of a person or group;

5 (2) ~~to classify a person or group based on behavior, socioeconomic status, or personal~~
6 ~~characteristics resulting in unlawful discrimination or a disparate impact on a person or group based on an~~
7 ~~actual or perceived differentiating characteristic~~ discriminate on the basis of statuses protected by Title 49,
8 chapter 3, part 2;

9 (3) for a deceptive or malicious purpose; or

10 (4) for surveillance of public spaces, except:

11 (a) to locate a missing person; or

12 (b) in conformity with Title 44, chapter 15, part 1, regarding continuous facial surveillance.

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14 NEW SECTION. **Section 3. Required disclosures by government entities.** (1) If a government
15 entity or state officer publishes material produced by an artificial intelligence system that is not reviewed by a
16 human in an appropriate responsible position, the material must be accompanied by a disclosure that the
17 material was produced by an artificial intelligence system.

18 (2) If a government entity or state officer has an interface with the public that uses an artificial
19 intelligence system, the use of the artificial intelligence system in the interface must be disclosed.

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21 NEW SECTION. **Section 4. Required review.** If an artificial intelligence system produces a
22 recommendation or decision for a government entity or state officer that could impact the rights, duties, or
23 privileges and immunities of a person, the recommendation or decision must be reviewed and is subject to
24 rejection or modification by a human in an appropriate responsible position.

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26 **Section 5.** Section 49-3-205, MCA, is amended to read:

27 **"49-3-205. Governmental services.** (1) All services of every state or local governmental agency
28 must be performed without discrimination based upon race, color, religion, creed, political ideas, sex, age,

marital status, physical or mental disability, or national origin.

(2) A state or local facility may not be used in the furtherance of any discriminatory practice, nor may a state or local governmental agency become a party to an agreement, arrangement, or plan that has the effect of sanctioning discriminatory practices.

(3) Each state or local governmental agency shall analyze all of its operations to ascertain possible instances of noncompliance with the policy of this chapter [or \[section 2\(2\)\]](#) and shall initiate comprehensive programs to remedy any defect found to exist.

(4) This section does not prevent the nonarbitrary consideration in adoption proceedings of relevant information concerning the factors listed in this section."

NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 2, and the provisions of Title 2 apply to [sections 1 through 4].

NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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