



February 20, 2024

Committee on Government Modernization and Technology
State Capitol Building
2300 North Lincoln Boulevard
Oklahoma City, OK 73105

Re: HB 3453 “Artificial Intelligence; Oklahoma Artificial Intelligence Bill of Rights; establishing rights; effective date” (Oppose)

Dear Chair Boatman and Members of the Committee on Government Modernization and Technology:

On behalf of the Computer & Communications Industry Association (CCIA), I write to raise several concerns regarding HB 3453 in advance of the February 20, 2024 hearing. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members.

CCIA’s members have engaged in responsible artificial intelligence (AI) development, through the development and application of their own responsible AI principles, conducting academic research that promotes privacy-by-design, and the hardening of AI against motivated attackers seeking to extract training data. CCIA understands lawmakers’ concerns regarding the potential risks posed by artificial intelligence systems, and has published a white paper, *Understanding AI: A Guide to Sensible AI Governance* as a resource to understand how approaches to regulation can balance mitigating risks without creating barriers to innovation².

We appreciate the opportunity to caution lawmakers against certain provisions included in HB 3453, as further detailed in the comments below.

Disclosure requirements should adopt a risk-based approach.

Given the definition of “artificial intelligence” included in HB 3453, the bill is likely to encompass a broad range of use cases and applications for AI. For example, AI will produce a wide variety of interactions with consumers and many of these are considered low-risk. These could include reading articles or text descriptions produced with AI, viewing AI-generated images that are not intended to deceive or mislead consumers, or audio recordings that feature AI-generated components such as background tracks, or predictive analytics for sports. Due to the many applications in which AI can be used, it is important to limit liability to instances that cause harm or pose risk to consumers.

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² *Understanding AI: A Guide to Sensible Governance*, CCIA (June 2023), <https://ccianet.org/library/understanding-ai-guide-to-sensible-governance/>.



For example, some states are considering legislation to prohibit the distribution of political advertisements that are created using AI, unless the advertisement includes a disclosure, if the person knows or recklessly disregards whether the media falsely represents a depicted individual, the distribution occurs within a certain amount of time before an election, the distribution is intended and likely to harm the reputation or electoral prospects of a candidate, and the distribution is intended and likely to influence voter behavior by deceiving voters.

Digital watermark requirements should be carefully considered.

CCIA members are actively developing and fine-tuning approaches to watermarking AI-generated content in addition to working on ways to retroactively identify synthetic content that has not been previously watermarked. However, watermarking in its current state faces significant technical limitations which may not be fully overcome, despite concerted efforts to do so³. As such, because it is not yet clear when watermarking may become a technically feasible and usable approach, CCIA recommends that lawmakers not solely rely on such a measure to prevent risks. Further, because digital watermarks are early in development, these could be easy to manipulate and could be used for nefarious purposes. For example, bad actors seeking to deceive consumers may employ such watermarking technologies on authentic media, leading to significant confusion.

* * * * *

We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the legislature considers proposals related to technology policy.

Sincerely,

Khara Boender
State Policy Director
Computer & Communications Industry Association

³ *Comments of the Computer & Communications Industry Association RE: Request for Information Related to NIST’s Assignments under Sections 4.1, 4.5 and 11 of the Executive Order Concerning Artificial Intelligence (Sections 4.1, 4.5, and 11)*, CCIA (Feb. 2024), <https://ccianet.org/library/artificial-intelligence-ccia-comments-to-nist-on-ai-rfi/>.