



April 11, 2024

Senate Committee on Judiciary
Attn: Lindsay Bazile, Committee Clerk
State House - Room 313
82 Smith St
Providence, RI 02903

Re: S.B. 2888 - An Act Relating to Commercial Law – General Regulatory Provisions – Automated Decision Tools

Dear Chair Euer and Members of the Senate Committee on Judiciary:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully raise concerns regarding S.B. 2888, An Act Relating to Commercial Law – General Regulatory Provisions – Automated Decision Tools.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms¹. 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 AI 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.

As the Legislature begins its deliberation of S.B. 2888, CCIA would like to offer the following comments on the bill as some initial feedback.

¹ For 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* (June 2023)
<https://ccianet.org/library/understanding-ai-guide-to-sensible-governance/>



AI systems are complex, and it is important to not include overly broad definitions.

The AI systems that lawmakers seek to regulate are complex and warrant adequate understanding to reach intended outcomes appropriately. Within the AI ecosystem exists a multitude of variations in which AI is utilized, including automated decision making, machine learning, and machine perception, to name a few. Each of these systems have their own nuances. For example, businesses in every industry sector employ AI to increase competitiveness and enhance their products and services, ranging from routine and low-risk applications such as filtering and spell-check to credit-scoring algorithms to generative AI models. As currently drafted, S.B. 2888 includes overly broad definitions that could seemingly capture such low-risk applications. Therefore CCIA suggests including a tailored, risk-based definition to reduce vagueness and to ensure that an appropriate level of oversight is employed without hindering further AI development.

Mandating design evaluation requirements for developers is effectively impossible.

In Section 6-60-5, developers would be required to conduct a design evaluation for all consequential AI- decision systems (CAIDS) they create. The mandate that the design evaluation “consider information relevant to the potential for unlawful bias in connection with the intended end use” of the system, assumes that developers of AI systems know all possible end uses of their tool. It is effectively impossible for developers to make such predictions, particularly for general purpose AI tools and especially for open-source approaches such as Meta’s LLaMA model. CCIA suggests that the legislation be amended to remove the design evaluation requirement.

Any legislation considered should avoid creating conflicts with ongoing development of federal policies for AI systems.

As Rhode Island weighs legislation that would impact AI and automated decision systems, CCIA urges the Legislature to be mindful to avoid establishing conflicting regulations between state and federal policy in this space. Within the last six months, the federal government has begun the process of establishing a framework for the regulation of AI systems via President Biden’s Executive Order³ and subsequent requests for information (RFIs) from the National Institute of

³ *Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, The White House.



Standards and Technology (NIST) and numerous other agencies⁴. CCIA provided feedback to the NIST RFI⁵ and would suggest that the Legislature consider allowing the federal government’s policy process to be completed in order to ensure that any regulations pursued in Rhode Island are not in conflict with the federal standards regulating the space. Establishing cohesive standards for AI systems is crucial to ensure that further innovation in the space is not hindered as well as that AI developers are easily able to comply with all regulatory requirements in the space.

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CCIA appreciates the opportunity to provide feedback on this legislation and stands ready to collaborate with the Legislature on this front moving forward.

Sincerely,

Alex Spyropoulos
Regional Policy Manager, Northeast
Computer & Communications Industry Association

<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>

⁴ *Request for Information (RFI) 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), National Institute of Standards and Technology.* NIST <https://www.federalregister.gov/documents/2023/12/21/2023-28232/request-for-information-rfi-related-to-nists-assignments-under-sections-41-45-and-11-of-the>

⁵*Comments of the Computer and Communications Industry Association (CCIA) RE: Request for Information (RFI) 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.*

<https://ccianet.org/library/artificial-intelligence-ccia-comments-to-nist-on-ai-rfi/>