
A BILL FOR AN ACT

RELATING TO ARTIFICIAL INTELLIGENCE.

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

1 SECTION 1. The legislature finds that artificial
2 intelligence has the potential to improve the quality,
3 efficiency, and accessibility of government services. However,
4 the legislature also recognizes that the use of artificial
5 intelligence poses certain concerns. Any state uses of
6 artificial intelligence must carefully guard against
7 bioterrorism, cyberattacks, deception, disinformation,
8 discrimination or biases, violations of privacy, and other
9 risks. If the State adopts artificial intelligence technology
10 for government purposes, an initial risk assessment and ongoing
11 monitoring are needed to ensure the technology's efficient and
12 ethical use.

13 Accordingly, the purpose of this Act is to establish a plan
14 for the use of generative artificial intelligence in state
15 agencies, departments, and government branches.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 ARTIFICIAL INTELLIGENCE

6 § -1 Definitions. As used in this chapter, unless the
7 context otherwise requires:

8 "Automated decision system" means a computational process
9 derived from machine learning, statistical modeling, data
10 analytics, or artificial intelligence that issues simplified
11 output, including a score, classification, or recommendation,
12 that is used to assist or replace human discretionary decision
13 making and materially impacts natural persons. "Automated
14 decision system" does not include spam email filters, firewalls,
15 antivirus software, identity and access management tools,
16 calculators, databases, datasets, or other compilations of data.

17 "Electronic communication" has the same meaning as defined
18 in section 378-71.

19 "Generative artificial intelligence" means the class of
20 artificial intelligence models that emulate the structure and
21 characteristics of input data to generate derived synthetic



1 content, including images, videos, audio, text, and other
2 digital content.

3 "High-risk automated decision system" or "high-risk use"
4 means an automated decision system that is used to assist or
5 replace human discretionary decisions that have a legal or
6 similarly significant effect, including decisions that
7 materially impact access to, or approval for, housing or
8 accommodations, education, employment, credit, health care, and
9 criminal justice.

10 "Person" means a natural person.

11 **§ -2 General risk and use assessment.** No later than
12 twenty days prior to the regular session of 2025, and as often
13 thereafter as is necessary to address new technology, risks, or
14 benefits, the office of enterprise technology services shall
15 submit to the legislature a report on the potential risks and
16 benefits of using generative artificial intelligence for state
17 purposes, including:

- 18 (1) An examination of the most significant, and
19 potentially beneficial, uses for the deployment of
20 generative artificial intelligence tools by the State;



1 (2) An explanation of the potential risks to individuals,
2 communities, and government workers, of the uses
3 described in paragraph (1), with a focus on high-risk
4 uses, including the use of artificial intelligence to
5 make consequential decisions affecting access to goods
6 and services;

7 (3) An explanation of the specific risks posed by bad
8 actors if a governmental system is breached, including
9 the potential impacts on democratic processes, legal
10 proceedings, public health, public safety, and the
11 state economy; and

12 (4) Any updates or changes in the risks, benefits, or
13 potential uses of generative artificial intelligence
14 for the State, based on emerging technology;

15 provided that the office of enterprise technology services may
16 consult with academic and industry experts and other state
17 departments or agencies for the purposes of preparing the
18 report.

19 § -3 Risk assessment for critical infrastructure. (a)

20 No later than twenty days prior to the regular session of 2025,

21 and as often thereafter as is necessary to address new



1 technology, risks, or vulnerabilities, the chief information
2 officer; chief data officer; and cybersecurity, economic,
3 education, and infrastructure security coordinator shall perform
4 a joint risk analysis and submit to the legislature a report on
5 the risks that the State's uses, or potential uses, of
6 generative artificial intelligence pose to critical
7 infrastructure in the State, including risks that could lead to
8 mass casualty events or environmental emergencies.

9 (b) The office of enterprise technology services may
10 consult with academic and industry experts and other state
11 departments or agencies for the purposes of preparing the
12 report.

13 **§ -4 Procurement guidelines.** (a) The office of
14 enterprise technology services, in coordination with the state
15 procurement office, shall develop, maintain, and periodically
16 update guidelines for the public sector procurement of
17 artificial intelligence technology, including allowable uses of
18 the technology and required trainings for the use of generative
19 artificial intelligence.

20 (b) The guidelines required by this section shall build on
21 guidance from the White House publication entitled "Blueprint



1 for an AI Bill of Rights," and the National Institute of
2 Standards and Technology's AI Risk Management Framework, and
3 shall address topics including safety, algorithmic
4 discrimination, data privacy, high-risk uses, and the provision
5 of notice when materials are generated by generative artificial
6 intelligence.

7 (c) In developing the guidelines required by this section,
8 the office of enterprise technology services shall consult with
9 organizations that represent state government employees and with
10 industry experts, including trust and safety experts, academic
11 researchers, and research institutions.

12 **§ -5 Guidelines for assessing impacts on vulnerable**
13 **communities.** (a) The office of enterprise technology services,
14 in coordination with the department of human services, shall
15 develop, maintain, and periodically update guidelines for state
16 agencies, departments, and branches of the government to use in
17 assessing the impact that adopting a generative artificial
18 intelligence tool may have on vulnerable communities, including
19 criteria to evaluate equitable outcomes when considering a
20 high-risk use.



1 (b) The guidelines required by this section shall inform
2 whether and how a state agency, department, or branch of the
3 government deploys a particular generative artificial
4 intelligence tool.

5 (c) In developing the guidelines required by this section,
6 the office of enterprise technology services shall consult with
7 organizations that represent state government employees and
8 industry experts, including trust and safety experts, academic
9 researchers, and research institutions.

10 **§ -6 Inventory of high-risk uses.** (a) To assist the
11 office of enterprise technology services in preparing and
12 periodically updating the guidelines, risk assessments, and
13 reports required by this chapter, each state agency, department,
14 and branch of the government shall prepare, maintain, and make
15 accessible to the office of enterprise technology services an
16 inventory of all current high-risk uses of generative artificial
17 intelligence within the agency, department, or branch.

18 (b) Each state agency, department, and branch of the
19 government shall appoint senior-level personnel to maintain and
20 update the inventory required by subsection (a).



1 **§ -7 Pilot projects.** (a) Any state agency, department,
2 or branch of the government may propose to the legislature pilot
3 projects to test new uses of generative artificial intelligence,
4 including uses to:

5 (1) Improve access to government services; and

6 (2) Support state employees in performing the employees'
7 job duties.

8 (b) Risk and impact assessments shall be carried out
9 pursuant to sections -2, -3, and -5 prior to the
10 establishment of any generative artificial intelligence pilot
11 project.

12 **§ -8 Training; ethical and effective use.** (a) The
13 office of enterprise technology services, in coordination with
14 the department of human resources development, shall consult
15 with each state agency, department, and branch of the
16 government, and with organizations that represent state
17 employees, to establish criteria for evaluating the impact of
18 generative artificial intelligence on the state workforce.

19 (b) Based on the consultations, the office of enterprise
20 technology services shall create guidelines to help each agency,
21 department, and branch best support its employees in using



1 generative artificial intelligence effectively and adapting to
2 ongoing technological advancements.

3 (c) The office of enterprise technology services shall
4 make available training courses for state government workers on
5 the ethical and effective use of generative artificial
6 intelligence, including training on:

7 (1) Using artificial intelligence tools to achieve
8 equitable outcomes;

9 (2) Identifying and mitigating potential output
10 inaccuracies from generative artificial intelligence,
11 including fabricated texts and inaccuracies based on
12 biases;

13 (3) Protecting public privacy; and

14 (4) Complying with all laws, administrative rules, and
15 guidelines applicable to the use of artificial
16 intelligence.

17 **§ -9 Communication requirements.** Any state agency,
18 department, or branch of the government that uses generative
19 artificial intelligence to communicate with a person via a form
20 of electronic communication shall:



1 (1) Clearly identify to the person that the person's
2 interaction with the agency, department, or branch is
3 being communicated through artificial intelligence;
4 and

5 (2) Provide on the agency, department, or branch's
6 official webpage clear instructions informing the
7 public how to bypass artificial intelligence to
8 communicate directly with a person from the agency,
9 department, or branch.

10 **§ -10 Automated decision systems.** (a) Any automated
11 decision system used by a state agency, department, or branch,
12 prior to its adoption, shall:

13 (1) Receive appropriate consultation, testing, risk
14 identification, and risk mitigation consistent with
15 this chapter; and

16 (2) Be approved by the chief information officer.

17 (b) Any high-risk automated decision system used by a
18 state agency, department, or branch of the government shall
19 receive ongoing monitoring and oversight by the office of
20 enterprise technology services.



1 § -11 **Administrative rules.** The department of
2 accounting and general services may adopt rules pursuant to
3 chapter 91 to carry out the purposes of this chapter.

4 SECTION 3. Section 27-43, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) There is established within the department of
7 accounting and general services the office of enterprise
8 technology services, which shall be headed by a full-time chief
9 information officer to organize, manage, and oversee statewide
10 information technology governance. The chief information
11 officer shall be appointed by the governor as provided in
12 section 26-34. The chief information officer shall report
13 directly to the governor and shall:

- 14 (1) Develop, implement, and manage statewide information
15 technology governance;
- 16 (2) Develop, implement, and manage the state information
17 technology strategic plans;
- 18 (3) Develop and implement statewide technology
19 standards[+], including standards and guidelines for
20 the State's use of generative artificial technology
21 pursuant to chapter _____ ;



- 1 (4) Work with each executive branch department and agency
2 to develop and maintain its respective multi-year
3 information technology strategic and tactical plans
4 and road maps that are part of the State's overall
5 information technology strategic plans, road maps, and
6 directions;
- 7 (5) Coordinate each executive branch department and
8 agency's information technology budget request,
9 forecast, and procurement purchase to ensure
10 compliance with the department or agency's strategic
11 plan and road map and with the office of enterprise
12 technology services' information technology governance
13 processes and enterprise architecture policies and
14 standards, including policies and standards for
15 systems, services, hardware, software, and security
16 management;
- 17 (6) Report annually to the governor and the legislature on
18 the status and implementation of the state information
19 technology strategic plan;
- 20 (7) Update the state information technology strategic plan
21 every four years;



- 1 (8) Perform other necessary or desirable functions to
2 facilitate the intent of this section;
- 3 (9) Employ persons exempt from chapters 76 and 89;
- 4 (10) Provide centralized computer information management
5 and processing services, coordination in the use of
6 all information processing equipment, software,
7 facilities, and services in the executive branch of
8 the State, and consultation and support services in
9 the use of information processing and management
10 technologies to improve the efficiency, effectiveness,
11 and productivity of state government programs;
- 12 (11) Establish, coordinate, and manage a program to provide
13 a means for public access to public information and
14 develop and operate an information network in
15 conjunction with overall plans for establishing a
16 communication backbone for state government; and
- 17 (12) Adopt rules, pursuant to chapter 91, necessary for the
18 purposes of this part."

19 SECTION 4. Section 128B-1, Hawaii Revised Statutes, is
20 amended by amending subsection (d) to read as follows:



1 "(d) Notwithstanding any law to the contrary, the
2 coordinator, through its various partnerships, shall develop the
3 requirements and methods for:

4 (1) Improving cyber resiliency within the State through
5 the development of a structure that shall include
6 education, cybersecurity, and critical infrastructure
7 protection;

8 (2) Improving the State's critical infrastructure network
9 and resiliency, including identifying
10 interdependencies of critical infrastructures, points
11 of connection between critical infrastructures, the
12 most critical nodes, and the cascading effects of a
13 cyber-attack on these points of connection between
14 critical infrastructure;

15 (3) Improving the State's cybersecurity by using existing
16 resources within the State;

17 (4) Examining specific requirements and actions to
18 accelerate the growth of the cybersecurity industry in
19 the State;



1 (5) Defining the requirements and opportunities to secure
2 state, federal, and private moneys for cybersecurity
3 activities and related educational programs;

4 (6) Forming partnerships to implement cyber resiliency
5 structures and protocol to identify and share
6 information about possible cyber-attacks and mitigate
7 damage and recover quickly and efficiently from
8 cyber-attacks; [and]

9 (7) Carrying out joint risk assessments of the State's
10 uses of generative artificial intelligence that
11 potentially affect critical infrastructure, pursuant
12 to section -3; and

13 [~~7~~] (8) Expanding the State's cybersecurity and cyber
14 resiliency understanding and workforce through
15 education."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

19 INTRODUCED BY: Kanani Ison

JAN 19 2024



H.B. NO. 2152

Report Title:

ETS; AI; Guidelines; Risk Assessments; Reports

Description:

Establishes a plan for the use of generative artificial intelligence in state agencies, departments, and government branches. Requires the Office of Enterprise Technology Services to carry out risk assessments and to prepare guidelines for state uses. Requires reports to the Legislature.

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