

## House Bill 184 (2024) — Use of Artificial Intelligence Transparency

### I. Key Concepts

#### A. Government Agencies Make Consequential Decisions That Affect People's Lives

House Bill (HB) 184 defines "a consequential decision" as:

"a decision by an agency regarding:

(1) the denial, eligibility, provision, withholding of or access to government benefits, opportunities or services for a person; or

(2) the imposition of punitive actions on a person".

#### B. The Public Has a Need to Know About Consequential Decisions That Are Based on Use of or Reliance on Computer Programming (e.g., Artificial Intelligence (AI))

(1) Which decisions are made using AI?

(2) For an AI software system used to make consequential decisions regarding members of the public:

a. what information is the AI system using; and

b. how does the AI system use the information to make decisions or recommendations?

(3) Are the decisions being made by an AI system valid?

### II. Structure of the Bill

HB 184 primarily requires an ongoing inventory and disclosure of the use of AI by state agencies. Its structure is as follows:

**Section 1** (starting on page 2, line 1) — the short title of the new act;

**Section 2** (starting on page 2, line 4) — definition of terms, including "artificial intelligence system", "assessment", "bias" and "use";

**Section 3** (starting on page 4, line 2) — requirements for state agencies, including:

A. an ongoing inventory of AI systems that each agency uses and what those uses are; and

B. an assessment of each AI system being used, including:

(1) how the system produces outputs (i.e., decisions or recommendations);

(2) a rating of the accuracy of the system's outputs; and

(3) whether the system outputs exhibit an unlawful discriminatory practice, pursuant to the Human Rights Act, Section 28-1-7 NMSA 1978.

**Sections 4 and 5** (page 5) — changes to the Procurement Code.

The substantive statutory change is in Section 5, which starts on page 5, line 11. It requires purchases and leases of AI technologies to be transparent, requiring the vendor of the system to disclose:

A. the types and sources of data used by the AI system;

B. how that data is collected, weighted and combined; and

C. the methodology used to correct errors and improve outcomes.