STATE OF NEW YORK

5309

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

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Introduced by M. of A. SOLAGES -- read once and referred to the Commit-
    tee on Governmental Operations

AN ACT to amend the state finance law, in relation to the purchase of
    products that are or contain an algorithmic decision system that
    adheres to responsible artificial intelligence standards; and to amend
    the executive law, in relation to the definition of "unlawful discri-
    minatory practice"

    The People of the State of New York, represented in Senate and Assem-
    bly, do enact as follows:

 1   Section 1. Section 165 of the state finance law is amended by adding a
 2 new subdivision 9 to read as follows:
 3   _9. Algorithmic decision system purchase. a. As used in this subdivi-_
 4 _sion:_
 5   _(i) "algorithmic decision system" means a computational process,_
 6 _including one derived from machine learning, statistics, or other data_
 7 _processing or artificial intelligence techniques, that makes a decision,_
 8 _or facilitates human decision making, in a manner that impacts individ-_
 9 _uals; and_
10   _(ii) "state unit" means the state and any governmental agency or poli-_
11 _tical subdivision or public benefit corporation of the state._
12   _b. When purchasing a product or service that is or contains an algo-_
13 _rithmic decision system to be used by the state, a state unit shall_
14 _purchase a product or service that adheres to responsible artificial_
15 _intelligence standards, including:_
16   _(i) the avoidance of harm, including the minimization of:_
17   _(A) risks of physical or mental injury;_
18   _(B) the unjustified deletion or disclosure of information; and_
19   _(C) the unwarranted damage to property, reputation, or environment;_
20   _(ii) a commitment to transparency, including the full disclosure to_
21 _the state unit any algorithmic decision system:_
22   _(A) capabilities;_

 1   (B) limitations; and
 2   (C) potential problems;
 3   (iii) giving primacy to fairness, including by taking actions to:
 4   (A) eliminate discrimination;
 5   (B) include equality, tolerance, respect for others, and justice as
 6 algorithmic decision system goals; and
 7   (C) provide an avenue for feedback to redress harms; and
 8   (iv) a comprehensive and thorough evaluation and analysis of the algo-
 9 rithmic decision system's impact and potential risks.
10   c. The commissioner of taxation and finance shall adopt regulations to
11 carry out this subdivision.
12   § 2. Subdivision 4 of section 292 of the executive law, as amended by
13 section 2 of subpart F of part KK of chapter 57 of the laws of 2018, is
14 amended to read as follows:
15   4. The term "unlawful discriminatory practice":
16   (a) includes only those practices specified in sections two hundred
17 ninety-six, two hundred ninety-six-a, two hundred ninety-six-c and two
18 hundred ninety-six-d of this article; and
19   (b) includes an act prohibited under paragraph (a) of this subdivision
20 that is performed through an algorithmic decision system, as defined
21 under subdivision nine of section one hundred sixty-five of the state
22 finance law.
23   § 3. This act shall take effect on the first of January next succeed-
24 ing the date upon which it shall have become a law.