# Artificial Intelligence and Social Media and Children: State Legislative Update

Study Committee on Artificial Intelligence and Regulation of Internet Access by Minors
South Dakota Legislature

June 18, 2024

# Artificial Intelligence:
# State Legislative Landscape

# STRENGTHENING THE LEGISLATIVE INSTITUTION

# HOW NCSL STRENGTHENS LEGISLATURES



| Policy Research | Connections | Training | State Voice in D.C. | Meetings |
|---|---|---|---|---|
| NCSL provides trusted, nonpartisan policy research and analysis | NCSL links legislators and staff with each other and with experts | NCSL delivers training tailored specifically for legislators and staff | NCSL represents and advocates on behalf of states on Capitol Hill | NCSL meetings facilitate information exchange and policy discussions |

# Artificial Intelligence Overview

Multiple Types of Artificial Intelligence

Examples include:

Narrow AI – designed for specific tasks and operates within a limited domain like voice assistants

Natural Language Processing – enables machines to understand, interpret and generate human language

Computer Vision – teaches machines to interpret and understand visual information from images or videos

Machine Learning – trains algorithms to improve their performance on tasks through data analysis

Robotics – creates intelligent machines capable of performing physical tasks in the real world, like autonomous cars or industrial automation
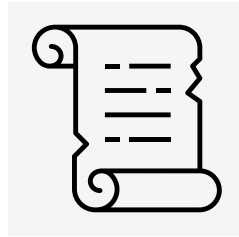
General AI – possesses human-like intelligence and can understand, learn and perform any intellectual task that a human can. General AI is still theoretical and doesn't exist yet.
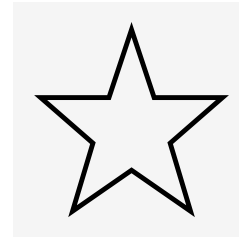
# Definitions of AI

**National Artificial Intelligence Initiative Act of 2020**
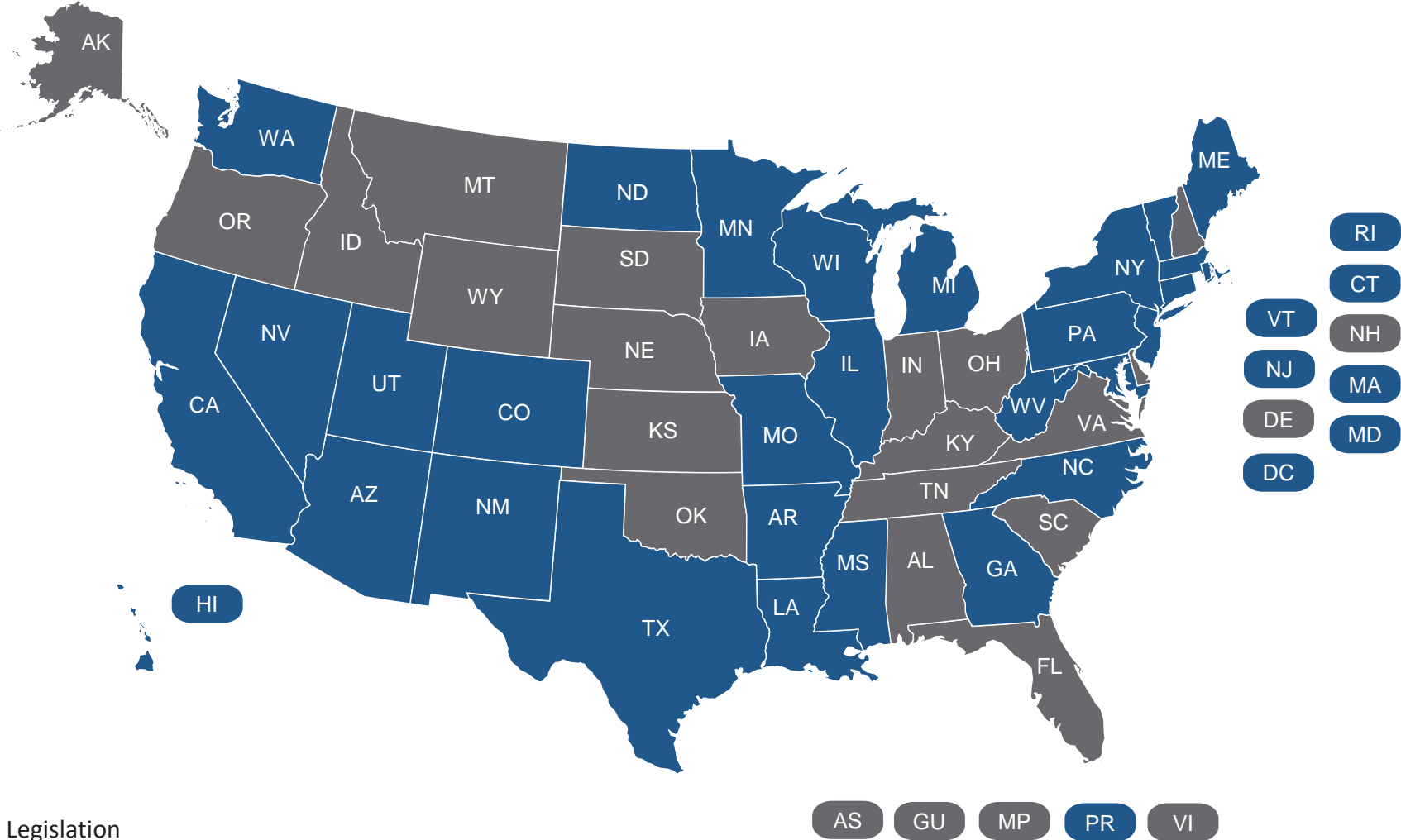
**Connecticut 2023 SB 1103**

**Texas 2023 HB 2060**
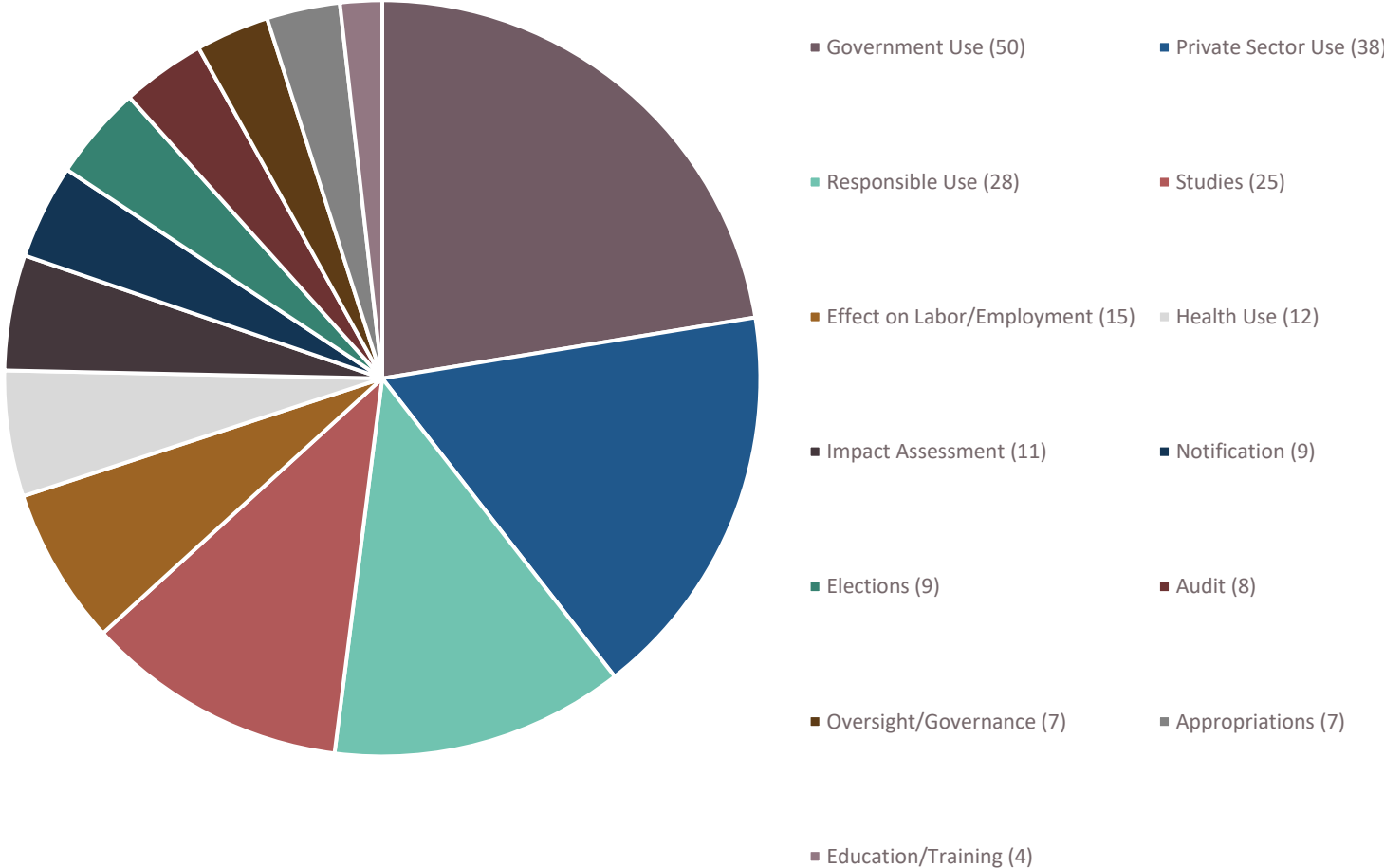
**European Union Artificial Intelligence Act**

NCSL

# Artificial Intelligence State Legislation

2023 Legislative Session

No Legislation

Pending and Enacted Legislation

NCSL

# Artificial Intelligence 2023 Legislation

By Issue Category



- Government Use (50)
- Private Sector Use (38)
- Responsible Use (28)
- Studies (25)
- Effect on Labor/Employment (15)
- Health Use (12)
- Impact Assessment (11)
- Notification (9)
- Elections (9)
- Audit (8)
- Oversight/Governance (7)
- Appropriations (7)
- Education/Training (4)

# Artificial Intelligence State Legislation

2024 Legislative Session



**No Legislation**

**Pending and Enacted Legislation**

**No Regular 2024 Session**

NCSL
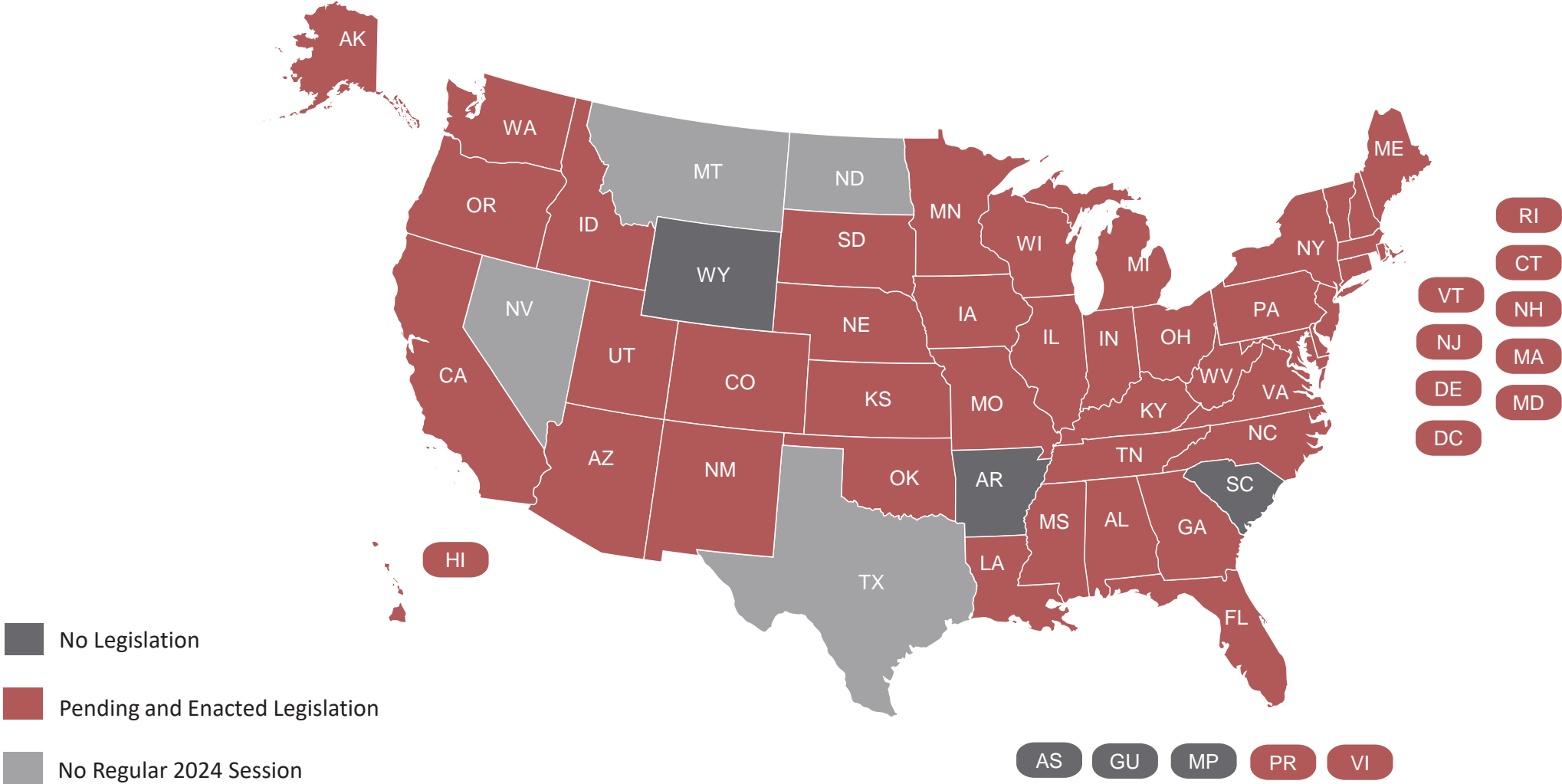
# Artificial Intelligence 2024 Legislation

By Issue Category

| | | | | | |
|---|---|---|---|---|---|
| ■ Private Right of Action (1) | ■ Taxes (1) | ■ Cybersecurity (3) | ■ Personhood (5) | ■ Judicial Use (7) | ■ Housing (8) |
| ■ Other (9) | ■ Appropriations (11) | ■ Education/Training (11) | ■ Audit (17) | ■ Provenance (18) | ■ Child Pornography (21) |
| ■ Oversight/Governance (24) | ■ Criminal Use (36) | ■ Effect on Labor/Employment (36) | ■ Notification (37) | ■ Impact Assessment (42) | ■ Education Use (46) |
| ■ Health Use (47) | ■ Elections (49) | ■ Studies (72) | ■ Responsible Use (89) | ■ Private Sector Use (133) | ■ Government Use (141) |

# AI Legislative Enactments

Inventory of State Agency Use

CALIFORNIA  CONNECTICUT  INDIANA  MARYLAND  RHODE ISLAND  WEST VIRGINIA
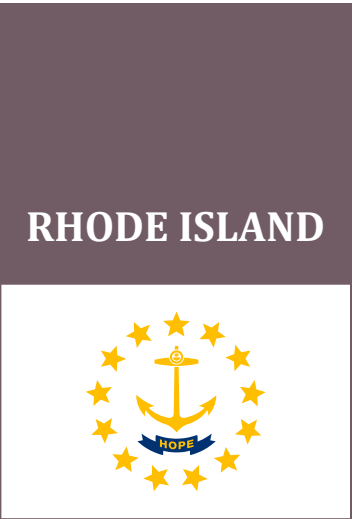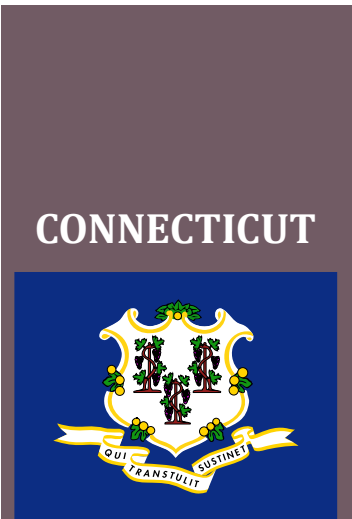
# AI Legislative Enactments
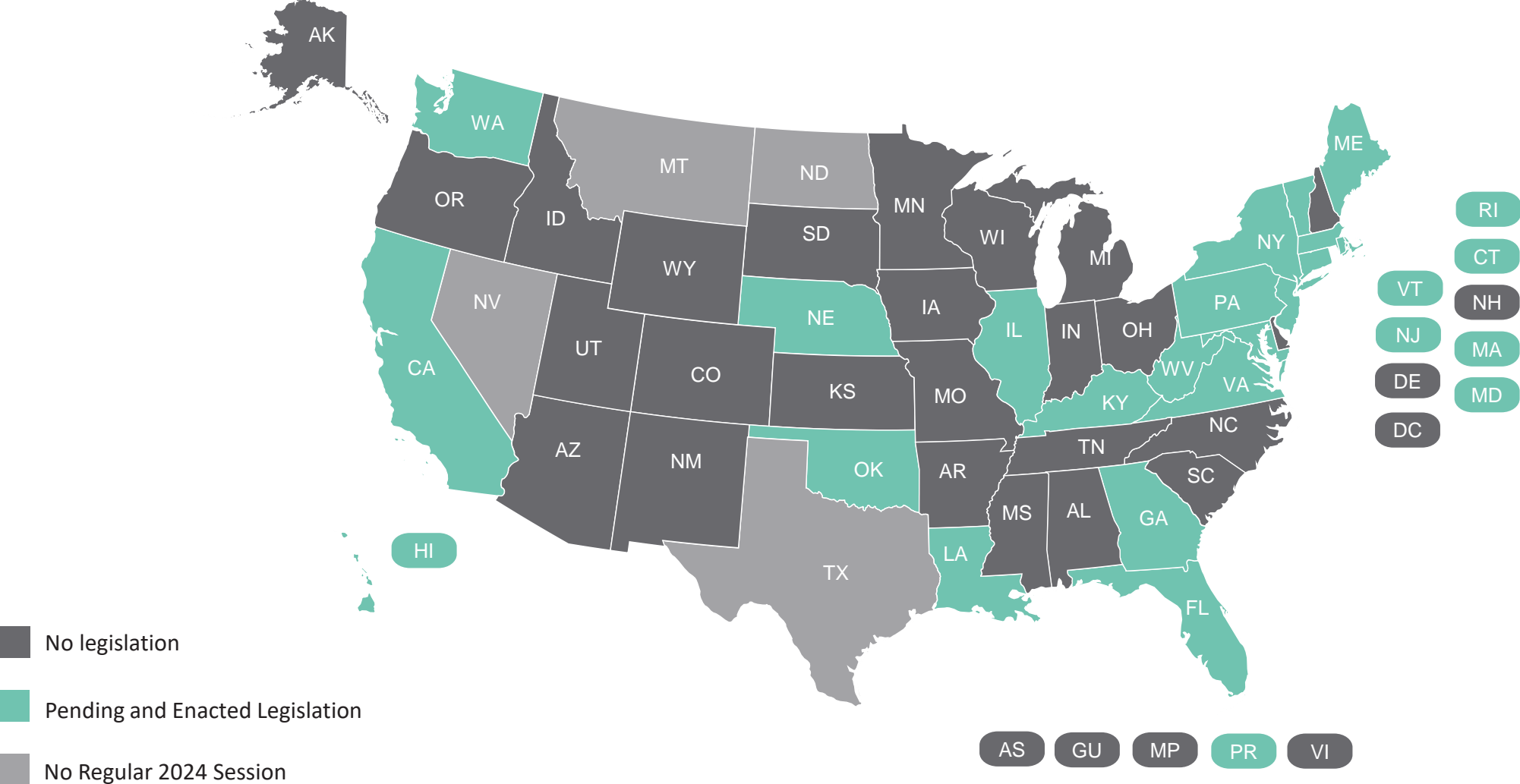
Consumer Protections

**COLORADO**

- Developer duty to avoid algorithmic discrimination
    - Required documentation
    - risk management policy and program
- Disclosure of an artificial intelligence system to consumer.

**UTAH**

- Establishes liability for use of AI that violates consumer protection laws if not properly disclosed
- Creates the Office of Artificial Intelligence Policy and a regulatory AI analysis program
- Enables temporary mitigation of regulatory impacts during AI pilot testing
- Establishes the Artificial Intelligence Learning Laboratory Program to assess technologies, risks, and policy
- Requires disclosure when an individual interacts with AI in a regulated occupation.
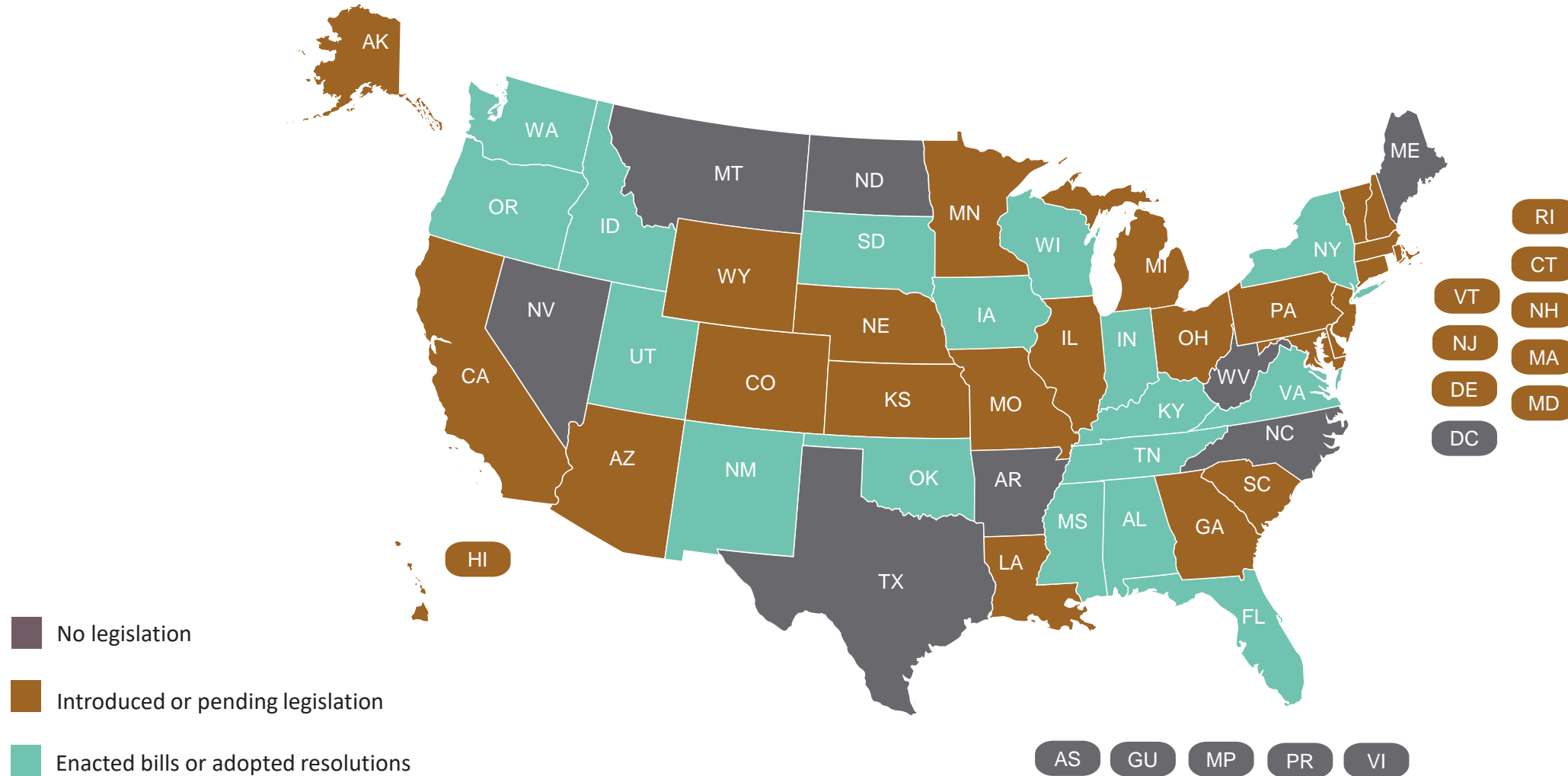
# AI State Legislation: Health Use

2024 Legislative Session



Legend:
- No legislation
- Pending and Enacted Legislation
- No Regular 2024 Session

Deepfakes Legislation

2024 Legislative Session

Legend:
- No legislation
- Introduced or pending legislation
- Enacted bills or adopted resolutions

NATIONAL CONFERENCE OF STATE LEGISLATURES

# NCSL WEB RESOURCES

- **Artificial Intelligence 2024 Legislation**

- **Artificial Intelligence 2023 Legislation**

- **Legislation Related to Artificial Intelligence (2019-2022 Legislation)**

- **Artificial Intelligence (AI) in Elections and Campaigns**

- **Approaches to Regulating Artificial Intelligence: A Primer**

- **Deceptive Audio or Visual Media ('Deepfakes') 2024 Legislation**

- **2023 Consumer Data Privacy Legislation**

# 2024 Legislative Summit

Aug. 5-7, 2024

# Q&A

Artificial Intelligence

# Social Media and Children: State Legislative Action and Court Challenges

# SOCIAL MEDIA AND CHILDREN

Recent Survey Results

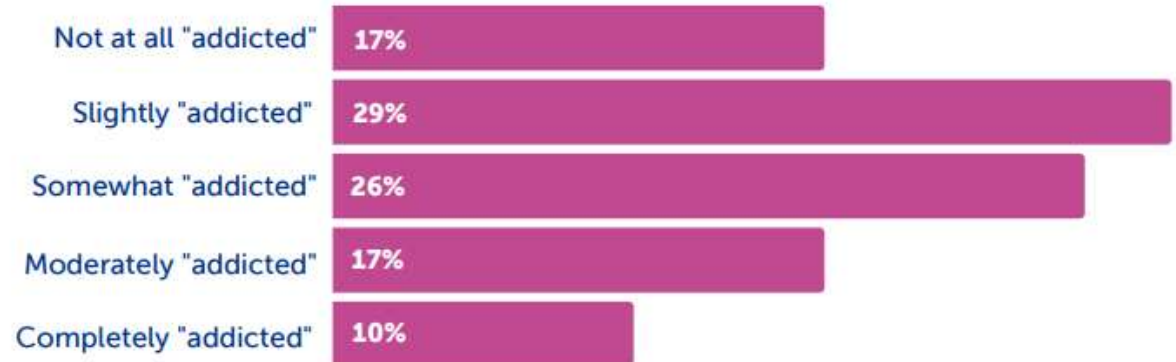## Most teens say the benefits of smartphones outweigh the harms for people their age

*% of U.S. teens ages 13 to 17 who say, when it comes to people their age using a smartphone, there are generally ...*

| More harms than benefits | More benefits than harms |
|---|---|
| 30 | 70 |

Note: Those who did not give an answer are not shown.
Source: Survey conducted Sept. 26-Oct. 23, 2023.
"How Teens and Parents Approach Screen Time"

**PEW RESEARCH CENTER**

## Do you feel like you are "addicted" to screen media?

| | |
|---|---|
| Not at all "addicted" | 17% |
| Slightly "addicted" | 29% |
| Somewhat "addicted" | 26% |
| Moderately "addicted" | 17% |
| Completely "addicted" | 10% |

© 2022 Digital Wellness Lab. All Rights Reserved.  |  **Pulse Survey: Adolescent Media Use**
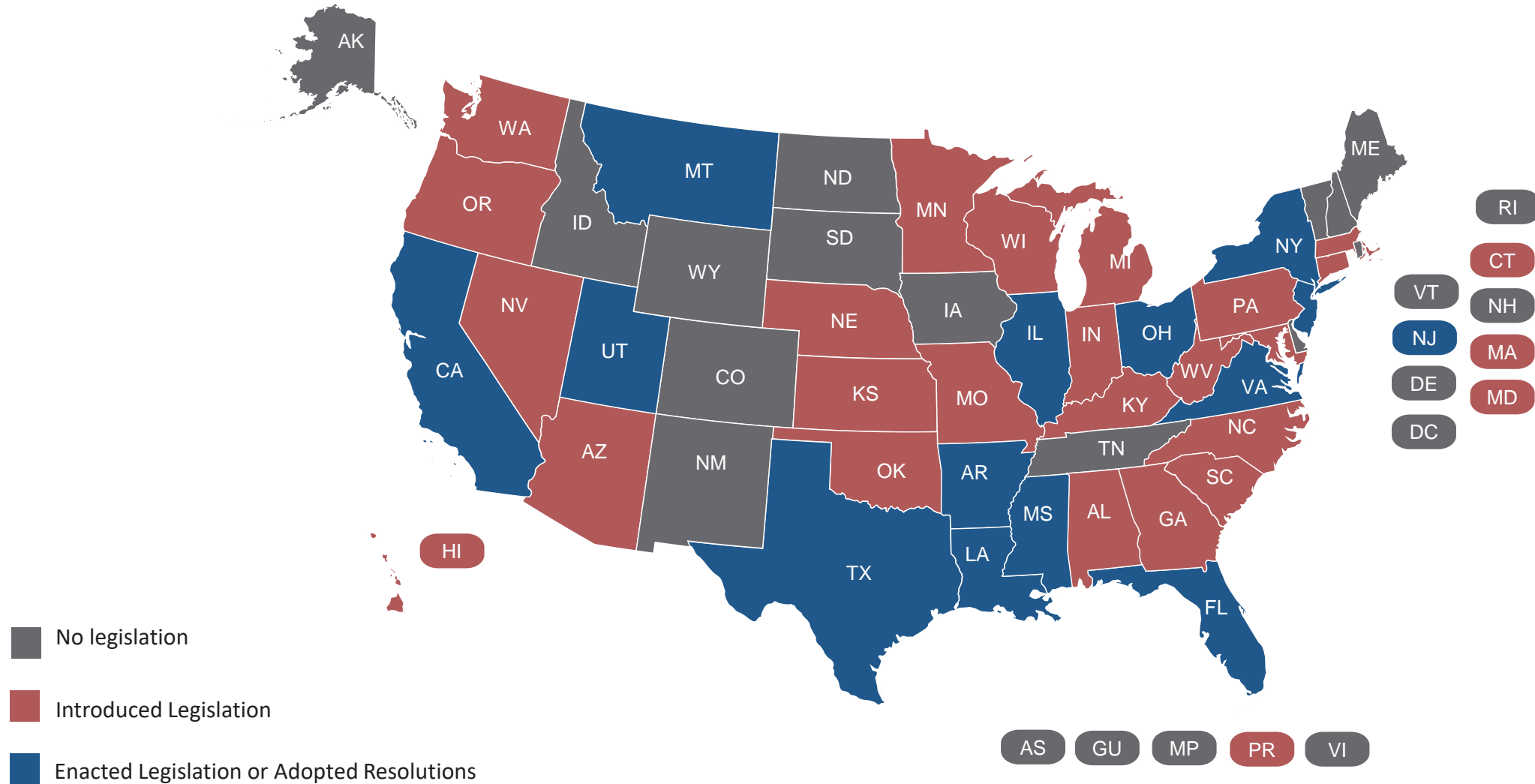
OII > NEWS & EVENTS > NEWS >

**No evidence linking Facebook adoption and negative well-being: Oxford study**
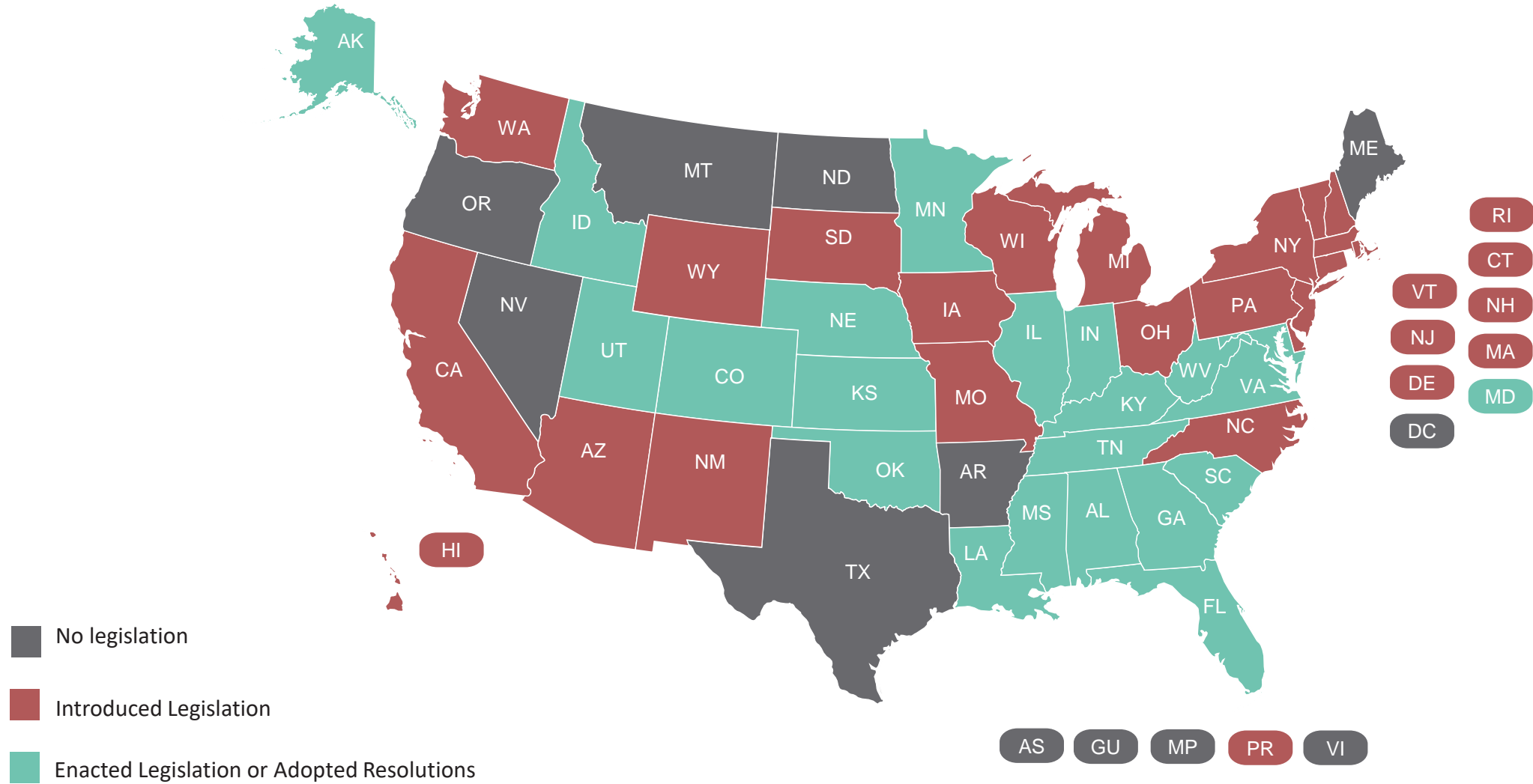
OXFORD INTERNET INSTITUTE

SOCIAL MEDIA AND CHILDREN

2023 Legislation

Legend:
- No legislation (gray)
- Introduced Legislation (red)
- Enacted Legislation or Adopted Resolutions (blue)

NATIONAL CONFERENCE OF STATE LEGISLATURES

SOCIAL MEDIA AND CHILDREN

2024 Legislation

Legend:
- No legislation
- Introduced Legislation
- Enacted Legislation or Adopted Resolutions

NATIONAL CONFERENCE OF STATE LEGISLATURES

# SOCIAL MEDIA AND CHILDREN

**Legislation Types**



**Age-Appropriate Design Code**



**Parental Consent-Supervision**



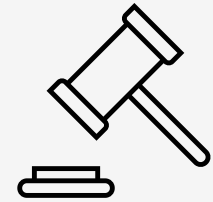**Harmful Materials Age Verification**



**Media Literacy**



**Content Creators-Vlogging**

# LEGAL CHALLENGES

NetChoice

**Arkansas SB 396**

NetChoice v. Griffin

Preliminary Injunction

**Ohio HB 33**

NetChoice v. Yost

Preliminary Injunction

**California AB 2273**

NetChoice v. Bonta

Preliminary Injunction

**Utah**

NetChoice v. Reyes

Complaint updated May 2024

**Mississippi HB 1126**

NetChoice v. Fitch

Complaint filed June 2024

**LEGAL CHALLENGES**

Free Speech Coalition

**Louisiana**

Case on hold pending Texas case
March 28, 2024

**Montana SB 544**

Lawsuit filed
May 14, 2024

**Texas HB 1181**

Writ of certiorari filed to U.S. Supreme Court
April 12, 2024

**Utah SB 262**

Case dismissed

FSC filed appeal
Sept. 27, 2023

# NCSL WEB RESOURCES

- **Social Media and Children 2023 Legislation**

- **Social Media and Children 2024 Legislation**

- **Across the Aisle Podcast | States Take Up Social Media Regulation**

- **State of Play | Tackling Social Media Regulations for Children**

- **NCSL State Legislative News | States Search for Ways to Keep Kids Safe on Social Media**

# STAY CONNECTED

- **[Learn](#)** about NCSL training
- **[Subscribe](#)** to policy newsletters
- **[Read](#)** State Legislatures magazine
- **[Listen](#)** to an NCSL podcast
- **[Watch](#)** recorded policy webinars and training sessions
- **[Attend](#)** a meeting or training
- **[Follow](#)** @NCSLorg on social media

# Thank you for joining today!

Heather Morton

Director, Financial Services,
Technology & Communications

heather.morton@ncsl.org

303.856.1475

www.ncsl.org

@NCSLorg

Denver
7700 East First Place,
Denver CO 80230

Washington D.C.
444 North Capitol Street, N.W.
Suite 515,
Washington, D.C. 20001