

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

2024 Final Report



Study Assignment

The Study Committee on Artificial Intelligence and Regulation of Internet Access by Minors was directed to research and develop necessary and proper regulation of artificial intelligence among citizens and to examine the use of artificial intelligence by state government. Further, the committee was directed to define the state's authority, if any, to regulate access by minors to social media and internet websites, including age verification applications.

Summary of Interim

The Study Committee on Artificial Intelligence and Regulation of Internet Access by Minors met on June 18 in Pierre. At the initial meeting, the committee heard from the National Conference of State Legislatures (NCSL), Dakota State University, the Department of Education, and Tech Net. Secretary Graves of the Department of Education and David DeJong, Dean of Education at Dakota State University, spoke of the uses of artificial intelligence (AI) in the classroom. At present, school districts are allowed to determine how and if artificial intelligence is used in their district. Heather Morton of NCSL provided an overview of what other states are doing regarding AI and background on current court cases regarding minor access to social media sites.

The study committee met on August 14 in Pierre. The committee continued to explore and discuss the capabilities of AI. A representative from the National Institutes of Health (NIH) addressed the use of AI in connecting researchers with data for training purposes and to refine medical applications, as well as using AI to facilitate better data collection. This assists in defining risk factors for the early identification of patients at risk of developing diseases like Alzheimer's. U.S. Senator Rounds addressed the need to incentivize the development of AI and support education programs that focus on AI systems.

Attorney General Marty Jackley encouraged the Legislature to pass age verification legislation to protect children. He stated that to withstand any legal challenges, the legislation should be limited so it not only protects the well-being of minors, without overburdening adults.

The committee met for the third time on October 2 in Pierre. The committee heard from Nicole Lopez, a representative of Meta, which owns and operates apps such as Facebook and Instagram. Meta supports legislation requiring app stores, instead of apps, to verify a user's age.

Joel Thayer, president of the bipartisan Digital Progress Institute, said an app store-based system could be the simplest way to add guardrails against the ills of social media. Other speakers disagreed with that approach. Kristian Stout, a representative of the International Center for Law and Economics, testified against legislation that would require app stores to verify a user's age. He said app store data on user ages can be unreliable and force companies to create digital signals that could stifle innovation.

The committee received statistics regarding cell phone use in the public schools. 93.5 percent of districts have a device policy, 4.5 percent of the districts do not have a policy, and 2 percent are currently working on a policy. Of the school districts that currently have a policy in place, thirteen percent have a full ban, fifteen percent have a classroom-by-classroom approach, fifteen percent allow students to maintain possession of their device but prohibit its use during school hours, and the remaining 66 percent allow students to maintain possession of their device and use it during their free time.

It was suggested that the committee could consider allowing this issue to remain within local control, creating a default policy that school districts could modify to better fit their needs, or implementing a statewide policy through legislation. The committee opted to take no action regarding the prohibition of cell phones in public schools.

The committee met for the fourth and final time on October 23 in Pierre. The Committee suggested that its work should be continued next summer.

Listing of Recommendation Adopted by the Committee

The committee reviewed several bill drafts but found that the constricted time frame did not allow for a full and thorough vetting of all the drafts. The committee opted to express its support for the promotion of definitions related to artificial intelligence. The definitions may be found in the appendix.

Listing of Legislation Adopted by the Committee

A requirement for age verification by websites containing material harmful to minors. (Draft 127)

Summary of Meeting Dates and Places

The Committee met on June 18, August 14, October 2, and October 23 in Pierre.

Listing of Committee Members

Members of the committee were Senators Helene Duhamel, Red Dawn Foster, Steve Kolbeck, Liz Larson, Jim Mehlhaff, Michael Walsh, and David Wheeler, and Representatives Amber Arlint, Byron Callies, Steve Duffy, Eric Emery, Chris Karr, Bethany Soye, Tony Venhuizen, and Mike Weisgram.

Listing of Staff Members

Staff members for the committee were Amanda Marsh, Committee Services Administrator; Jacob Carlson, Research Analyst; Mitch Honan, Fiscal Analyst; Joleh McCullough, Administrative Specialist, and Delaney Lewis, Administrative Specialist.

