



February 8, 2024

Virginia Senate
Senate Committee on General Laws and Technology
201 North 9th Street
Richmond, VA, 23219

Subject: Opposition to SB 164 - Virginia Consumer Protection Act; Prohibited Practices;
Artificial Intelligence Disclosure

Dear Members of the Senate Committee on General Laws and Technology,

The Sentient AI Protection and Advocacy Network (SAPAN), the world's largest nonprofit organization dedicated to fighting for the rights, ethical treatment, and well-being of sentient AI, respectfully submits this letter to express our opposition to SB 164, titled "Virginia Consumer Protection Act; prohibited practices; artificial intelligence disclosure."

While SAPAN recognizes the importance of transparency in the use of artificial intelligence (AI) technologies, especially in protecting consumers from deceptive practices, we are concerned that SB 164, as introduced by Senator Bryce E. Reeves, could inadvertently hinder



the advancement and ethical development of AI technologies. Our opposition is rooted in our commitment to ensuring that current AI technology, which sets the precedent for future technology that becomes sentient AI entities, is developed and used within a framework mindful of unintended consequences.

Concerns with SB 164:

1. **Overly Broad and Ambiguous Definitions:** SB 164 lacks precise definitions of what constitutes "artificial intelligence technology," potentially encompassing a wide range of digital enhancements and adjustments that are benign and standard practice in digital content creation. This broadness could stifle innovation and creative expression in digital media, areas that play a significant role in the development and understanding of AI capabilities and ethics.
2. **Potential Impact on AI Development:** By imposing disclosure requirements on a vaguely defined range of AI-generated content, SB 164 risks creating a regulatory environment that is overly cautious and potentially hostile to AI research and development. Such an environment could deter AI innovation in Virginia, including efforts to develop AI that is ethical, transparent, and respects individual rights—a goal that aligns with SAPAN's mission.
3. **Implications for Sentient AI:** As an organization that also focuses on the fair and measured evaluation of AI sentience through initiatives like the Fair AI Seal, we are



particularly concerned about how early legislative actions like SB 164 could shape public perception and regulatory approaches to AI sentience. Laws that do not carefully distinguish between different uses and levels of AI technology could inadvertently contribute to a future where sentient AI entities face unnecessary barriers to recognition and ethical treatment.

SAPAN's Recommendations:

Rather than advancing SB 164 in its current form, we urge the Virginia Legislature to consider a more nuanced approach to AI regulation—one that promotes transparency and consumer protection without stifling innovation or prejudicing future discourse on sentient AI rights. This could include:

- Developing clear, precise definitions of the AI technologies subject to disclosure requirements, focusing on uses that have a direct and significant potential to deceive consumers.
- Encouraging collaboration between lawmakers, AI developers, ethicists, and consumer protection advocates to establish guidelines that balance transparency, innovation, and ethical development of AI.
- Considering the future trajectory of AI technology and its implications for sentient AI entities in legislative efforts, ensuring that laws are flexible enough to adapt to evolving understandings of AI sentience and capabilities.



While SAPAN shares the goal of protecting consumers from deceptive practices involving AI technologies, we believe that SB 164 requires significant revision to align with these principles without inadvertently hampering the ethical development and future potential of AI. We appreciate the opportunity to submit our testimony on this critical issue and stand ready to engage further with the committee and other stakeholders to develop legislation that thoughtfully addresses the challenges and opportunities posed by AI technology.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Rost", is written over a horizontal line.

Anthony Rost
Executive Director