



Testimony on HB 2157

Chair, thank you again. Glad to be back before the Committee. My name is John Coleman, and I'm with the Foundation for Individual Rights and Expression — FIRE for short. We are a nonpartisan nonprofit that defends the free speech rights of all Americans.

As we all know, combating unlawful discrimination is vital, and existing civil rights laws already provide strong tools to do so. But this bill goes further than necessary in ways that raise serious First Amendment concerns and risk chilling lawful expression.

AI is an expressive tool, and the people who develop and use it have First Amendment rights to share and receive information, as well as the right to be free from compelled speech.

This proposal introduces expansive liability tied to the possibility of “algorithmic discrimination,” which isn’t triggered by unlawful conduct, but by the mere *risk* that an AI system’s outputs could lead to disparity in outcomes. It also mandates extensive disclosures, documentation, and ongoing reporting about how AI systems function and what they may produce. When applied to systems that generate or facilitate expression, these requirements raise constitutional red flags.

The result will not be better civil rights enforcement, but self-censorship. Developers will be incentivized to blunt or restrict their models to avoid liability, even when those models are being used for lawful, protected speech. In signing Colorado’s similar AI law in 2024, Governor Polis warned that a complex compliance regime could stifle innovation and urged lawmakers there to reconsider. Some comparison is useful because both laws reflect a risk-based regulatory approach to AI focused on preventing algorithmic discrimination.

FIRE has spent decades defending students and faculty from vague and overbroad anti-discrimination standards that cause institutions to suppress speech rather than risk punishment. Building that same dynamic into AI systems would chill speech on a far larger scale.

Existing law already prohibits unlawful discrimination and other harms, regardless of whether AI is involved. Regulation should focus on bad actors who misuse

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technology, not on imposing broad, preemptive liability on those who create expressive tools.

For these reasons, we oppose this bill. Thank you.

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