

State AGs Fill the AI Regulatory Void

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Ashley Taylor, Clayton Friedman, Gene Fishel, and Jay Myers of Troutman Pepper Locke LLP discuss actions by state attorneys general under existing and AI-specific laws to address misuse and legal violations of AI.

As generative artificial intelligence (AI) technologies rapidly proliferate and permeate society, state attorneys general (AGs) have warned of potential AI misuse and legal violations. And while only California, Colorado, and Utah have enacted laws governing AI, the dearth of AI-specific laws has not prevented states from advising and taking AI-related action under existing law. Indeed, state AGs have indicated that they will utilize privacy, consumer protection, and anti-discrimination laws to regulate AI.

AGs are focused on how AI systems utilize personal identifying information, potentially facilitate fraud using deepfakes, operate relative to company representations, and could perpetrate bias and discrimination in decision-making processes. In January 2024, a bipartisan group of AGs sent a letter to the Federal Communications Commission (FCC) warning of potential fraud where AI is used to imitate human voices in telemarketing campaigns. See *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, Federal Communications Commission, CG Docket No. 23-362 (January 17, 2024).

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