
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 2

TO: MEMBERS OF THE STUDY COMMITTEE ON THE USE OF ARTIFICIAL INTELLIGENCE IN HEALTH CARE

FROM: Margit Kelley, Principal Attorney

RE: Preliminary Options for Discussion Relating to Definitions of Artificial Intelligence Terms

DATE: September 25, 2026

At the study committee's meeting on September 10, 2026, Chair Cabral-Guevara asked members to submit their priorities for developing legislation or further exploration to Legislative Council staff. During the workshop planned for October 1, 2026, study committee members will have an opportunity to engage in a discussion of these priorities.

As relevant to this memo, 10 committee members expressed interest in exploring terms that may be helpful or necessary to define in order to regulate the use of artificial intelligence (AI) in health care. [Chair Cabral-Guevara; Senator Keyeski; Representative Bare; and Public Members Anderson, Harris, Hoffert, Liao, Mattson, Nevermann, and Pawola.]

This memo provides a compilation of definitions for the phrase “artificial intelligence,” as well as a list of certain related terms and examples of their definitions. This memo is intended to provide a starting point for defined terms the committee may wish to more closely review and consider in preliminary bill drafts.

DEFINITION OF AN “AI SYSTEM”

Organization for Economic Cooperation and Development

The Organization for Economic Cooperation and Development (OECD) and its member countries, which include the United States, have pursued a consensus definition of an “AI system” to act as the foundation for AI regulations. Currently, OECD defines an “AI system” as follows:

[A] machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.

[OECD, [OECD AI Principles Overview](#) (last visited Sept. 23, 2026).]

State Adoption of the Elements of the OECD Definition

Many state definitions for “artificial intelligence,” “AI,” “artificial intelligence system,” “artificial intelligence model,” or “artificial intelligence-based tool” have largely adopted the OECD definition in

its current format or have adapted its elements in different grammatical configurations. The following information regarding states' adoption of those elements is gathered from a review of the entries on the web page, "[State Artificial Intelligence \(AI\) and Related Terms Definition Examples](#)," run by the National Conference of State Legislatures (NCSL). The table identifies the OECD element as well as the number and names of individual states that have substantially adopted that element.¹

OECD Element	Number of States That Have Substantially Adopted the OECD Element	List of States That Have Substantially Adopted the OECD Element
"machine-based system"	22	Arkansas, California, Colorado, Delaware, Hawaii, Illinois, Kentucky, Maryland, Michigan, Mississippi, Montana, Nevada, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and Virginia
"explicit or implicit objectives"	9	California, Colorado, Illinois, Kentucky, Maryland, Montana, Nevada, South Dakota, and Texas
"infers, from the input it receives, how to generate outputs"	9	California, Colorado, Illinois, Kentucky, Maryland, Montana, Nevada, South Dakota, and Texas
"such as predictions, content, recommendations, or decisions"	20	Arkansas, Colorado, Delaware, Hawaii, Illinois, Kentucky, Maryland, Michigan, Mississippi, Montana, Nevada, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and Virginia all identify at least three of the following outputs: predictions, content, recommendations, or decisions.
"that can influence physical or virtual environments"	20	Arkansas, California, Colorado, Delaware, Hawaii, Illinois, Kentucky, Maryland, Michigan, Mississippi, Montana, Nevada, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, and Utah
"vary in their levels of autonomy"	3	California, Maryland, and Texas

[See Ark. Code Ann. s. 25-1-128 (1) (a); Cal. Bus. & Prof. Code ss. 22601 (a), 22757.1 (a), and 22757.11 (b); Cal. Health & Safety Code s. 1339.75 (c) (1); Colo. Rev. Stat. ss. 2-3-1701 (1) and 6-1-1701 (2); Del. Code Ann. tit. 29, s. 9042C (1); Haw. Rev. Stat. Ann. s. 11-303 (h); 815 Ill. Comp. Stat. Ann. ss. 550/5 and 1075/5; Ky. Rev. Stat. Ann. s. 42.722 (2); Md. Code Ann., Ins. s. 15-10B05.1 (a) (2) and State Fin. & Proc. s. 3.5-801; Mich. Comp. Laws Serv. s. 169.202 (1); Miss. Code Ann. s. 25-53-301 (10); Mont. Code Ann. ss. 2-10-203 (1) and 2-21-101; Nev. Rev. Stat. Ann. ss. 391.297 4. and 433.567 7. (b); N.Y. Gen.

¹ Throughout this memo, a state may be listed in more than one category if it uses more than one definition of "artificial intelligence" for different purposes.

Bus. Law ss. 396-b 1. (a), 1420, and 1700 1.; N.D. Cent. Code s. 16.1-10-04.2 3.; Okla. Stat. tit. 21, s. 1040.13b A. 1.; Or. Rev. Stat. Ann. s. 276A.340 (1); 18 Pa. Cons. Stat. Ann. s. 3131 (g); S.D. Codified Laws s. 12-26-32 (1); Tenn. Code Ann. ss. 39-17-1002 (1) and 49-7-185; Tex. Bus. & Com. Code Ann. s. 551.001; Utah Code Ann. ss. 13-72-101 (2), 20A-11-1104 (1) (a), and 53-25-901 (1); and Va. Code Ann. s. 19.2-11.14.]

Variations in Certain Elements of the OECD Definition

A number of states that have adopted elements of the OECD definition of an “AI system” use variations that differ from two elements of the original definition, as follows:

- In 14 states, in lieu of the OECD element for “explicit or implicit objectives,” the definition of “artificial intelligence” uses a phrase that refers to a “given set of human-defined objectives.” [Ark. Code Ann. s. 25-1-128 (1) (a); Del. Code Ann. tit. 29, s. 9042C (1); Haw. Rev. Stat. Ann. s. 11-303 (h); Md. Code Ann., Ins. s. 15-10B05.1 (a) (2); Mich. Comp. Laws Serv. s. 169.202 (1); Miss. Code Ann. s. 1-3-85; Nev. Rev. Stat. Ann. s. 414.0305; N.Y. Gen. Bus. Law s. 1700 1.; N.D. Cent. Code s. 16.1-10-04.2 3.; Okla. Stat. tit. 21, s. 1040.13b A. 1.; Or. Rev. Stat. Ann. s. 276A.340 (1); 18 Pa. Cons. Stat. Ann. s. 3131 (g); Tenn. Code Ann. ss. 39-17-1002 (1) and 49-7-185; and Utah Code Ann. s. 20A-11-1104 (1) (a).]
- In nine states, in addition to or rather than using the OECD element “influence physical or virtual environments,” the definition of “artificial intelligence” uses the description “[p]erceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.” [Haw. Rev. Stat. Ann. s. 11-303 (h); Md. Code Ann., State Fin. & Proc. s. 3.5-801; Mich. Comp. Laws Serv. s. 169.202 (1); Miss. Code Ann. s. 25-53-301 (10); N.Y. Gen. Bus. Law s. 1700 1.; Okla. Stat. tit. 21, s. 1040.13b A. 1.; Or. Rev. Stat. Ann. s. 276A.340 (1); 18 Pa. Cons. Stat. Ann. s. 3131 (g); and Tenn. Code Ann. s. 49-7-185 (a).]

General Formats for Adoption of the OECD Definition of “AI System”

The states that have adopted the elements of the OECD definition of an “AI system” have done so in one of three general formats.

Five states largely use the following format:

“Artificial intelligence” means a machine-based system that can, based on a given set of human-defined objectives, make predictions, recommendations, or decisions influencing a real or virtual environment.

[Ark. Code Ann. s. 25-1-128 (1) (a); Del. Code Ann. tit. 29, s. 9042C (1); Nev. Rev. Stat. Ann. s. 414.0305; Tenn. Code Ann. s. 39-17-1002 (1); and Utah Code Ann. s. 20A-11-1104 (1) (a).]²

Nine states, as well as the National Artificial Intelligence Initiative Act of 2020, build on the prior definition by adding to it and largely use the following format:

“Artificial intelligence” means a machine-based system that can, based on a given set of human-defined objectives, make predictions, recommendations,

² One of Tennessee’s definitions of “AI” begins with this format, but also includes the following additional description: “Influence real and virtual environments without significant human oversight; or that can learn from experience in an automated manner and improve such performance when exposed to data sets; or ... solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.” [Tenn. Code Ann. s. 39-17-1002 (1).]

or decisions influencing a real or virtual environment and that uses machine and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.³

[Haw. Rev. Stat. Ann. s. 11-303 (h); Md. State Fin. & Proc. Code Ann. s. 3.5-801 (C); Mich. Comp. Laws Serv. s. 169.202 (1); Miss. Code Ann. s. 25-53-301 (10); N.Y. Gen. Bus. Law s. 1700 1.; Okla. Stat. tit. 21, s. 1040.13b A. 1.; Or. Rev. Stat. Ann. s. 276A.340 (1); 18 Pa. Cons. Stat. Ann. s. 3131 (g); Tenn. Code Ann. s. 49-7-185 (a); and 15 U.S.C. s. 9401 (3).]

Ten states largely use the following format:

“Artificial intelligence” means an [engineered or] machine-based system [that varies in its level of autonomy and] that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs [including content, decisions, predictions, or recommendations] that can influence physical or virtual environments.

[Cal. Health & Safety Code s. 1339.75 (c) (1); Colo. Rev. Stat. 6-1-1701 (2); 815 Ill. Comp. Stat. Ann. ss. 550/5 and 1075/5; Ky. Rev. Stat. Ann. s. 42.722 (2); Md. Code Ann., Ins. s. 15-10B05.1 (a) (2); Mont. Code Ann. ss. 2-10-203 (1) and 2-21-101; Nev. Rev. Stat. Ann. ss. 391.297 4. and 433.567 7. (b); S.D. Codified Laws s. 12-26-32 (1); Tex. Bus. & Com. Code Ann. s. 551.001; and Utah Code Ann. ss. 13-72-101 (2), 20A-11-1104 (1) (a), and 53-25-901 (1).]

Standalone Definitions of “Artificial Intelligence”

As listed on the NCSL web page, at least 11 states have definitions of “artificial intelligence” that may share some phrasings in common with other states, but appear to be largely original. Of these, seven states identify human-like intelligence, cognition, learning, perception, or reasoning as an element of “artificial intelligence.”

Connecticut

“Artificial intelligence” means (A) an artificial system that (i) performs tasks under varying and unpredictable circumstances without significant human oversight or can learn from experience and improve such performance when exposed to data sets, (ii) is developed in any context, including, but not limited to, software or physical hardware, and solves tasks requiring human-like perception, cognition, planning, learning, communication or physical action, or (iii) is designed to (I) think or act like a human, including, but not limited to, a cognitive architecture or neural network, or (II) act rationally, including, but not limited to, an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communication, decision-making or action, or (B) a set of techniques, including, but not limited to, machine learning, that is designed to approximate a cognitive task.

[Conn. Gen. Stat. ss. 4-68jj, 4a-2e, and 51-10e.]

³ In each of these states and the federal act, this format of the definition of “artificial intelligence” does not include the “content” output from the OECD definition.

Indiana

"[A]rtificial intelligence" means computing technology that is capable of simulating human learning, reasoning, and deduction through processes such as:

- (1) acquiring and analyzing information for the purpose of improving operational accuracy through improved contextual knowledge;
- (2) identifying patterns in data; and
- (3) improving operational outcomes by analyzing the results of a previous operation and using the analysis to modify the operation to achieve an improved result.

[Ind. Code s. 4-13.1-5-1.]

Louisiana

"Artificial intelligence" means an artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

[La. Rev. Stat. Ann. s. 14:73.14. C. (2).]

New Hampshire

"Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

[N.H. Rev. Stat. Ann. s. 5-D:1, I.]

New Jersey

"Artificial intelligence" or "AI" means the development of software and hardware and the end-use application of technologies that are able to perform tasks normally requiring human intelligence, including, but not limited to, visual perception, speech recognition, decision-making, translation between languages, and generative artificial intelligence, which generates new content in response to user inputs of data.

[N.J. Rev. Stat. s. 34:1B-395.]

New Mexico

"[A]rtificial intelligence" means a broad category of existing, emerging and future digital technologies that involves using algorithms to drive the behavior of agents such as software programs, machines and robotics.

[N.M. Stat. Ann. s. 61-3-3, D.]

North Dakota

“[A]rtificial intelligence” means a machine-based system capable of creating images, graphics, videos, audio, text, and other digital content based on human-defined objectives or data patterns. The term does not include systems that are explicitly programmed with rules or tools solely designed to assist with grammar, spelling, or word suggestions without generating human likeness or voice.

[N.D. Cent. Code s. 16.1-10-04.2 3.]

Tennessee

“Artificial intelligence” means models and systems capable of performing functions generally associated with human intelligence, including reasoning and learning.

[Tenn. Code Ann. s. 4-3-3103 (2).]

Vermont

“[A]rtificial intelligence systems” means systems capable of perceiving an environment through data acquisition and then processing and interpreting the derived information to take an action or actions or to imitate intelligent behavior given a specific goal. An artificial intelligence system can also learn and adapt its behavior by analyzing how the environment is affected by prior actions.

[Vt. Stat. Ann. tit. 3, s. 5021.]

Virginia

“[A]rtificial intelligence-based tool” means any machine-based system or algorithm, including machine learning models, predictive analytics, and decision support systems, that analyze data and generate recommendations or predictions.

[Va. Code Ann. s. 19.2-11.14.]

West Virginia

“[A]rtificial intelligence” means computers and computer systems that, by design and function, perform tasks that would typically require human intelligence, including decision-making, visual perception, speech recognition, or translation of one human language into another human language.

[W. Va. Code s. 11-13Q-10a (a) (3) (A).]

OTHER RELATED TERMS

Definition of “Automated Decision-Making Technology”

As listed on the NCSL web page, a handful of states have defined the term “automated decision-making technology,” sometimes referred to as “ADMT,” and variations on that term, including “automated decision system” or “automated decision-making tool.” Some examples of that definition are listed below.

California

“Automated decision system” means a computational process derived from machine learning, statistical modeling, data analytics, or artificial intelligence that issues simplified output, including a score, classification, or recommendation, that is used to assist or replace human discretionary decision making and materially impacts natural persons. “Automated decision system” does not include a spam email filter, firewall, antivirus software, identity and access management tools, calculator, database, dataset, or other compilation of data.

[Cal. Gov’t Code s. 11546.45.5 (a) (2).]

Colorado

“Automated decision system” means any system that is used to make or assist in decisions that impact the lives of consumers and that is based in whole or in significant part on artificial intelligence, machine learning, computerized algorithms, automated statistical or probabilistic modeling, or similar techniques.

[Colo. Rev. Stat. 2-3-1707 (1) (b).]

New York

“Automated decision-making tool” shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to automate, support, or replace human decision-making. “Automated decision-making tool” shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state. “Automated decision-making tools” shall not include “automated employment decision-making tools” as defined in section 401 of this chapter.

[N.Y. State Tech. Law s. 501 1.]

Texas

“Automated decision system” means an algorithm, including an algorithm incorporating an artificial intelligence system, that uses data-based analytics to make, suggest, or recommend certain determinations, decisions, judgments, or conclusions.

[Tex. Ins. Code Ann. s. 4201.002.]

Utah

“Automated decision making” means using personal data to make a decision about an individual through automated processing, without human review or intervention.

[Utah Code Ann. s. 63A-19-101 (3).]

It does not appear that any states have codified a definition for “augmented decision-making.” However, the definitions for ADMT, noted above, typically refer to assisting, supporting, or making recommendations for decision-making, which suggests that, in those instances, the defined term includes both fully automated and augmented decision-making.

Definition of “High-Risk ADMT”

Some states also define “high-risk automated decision-making technology” in a way that, in some instances, appears to differentiate a more fully automated decision-making system from augmented decision-making. Each definition also specifies that use of a “high-risk” ADMT includes a “significant,” “consequential,” “material,” or similar effect from the outcome of the decision. Examples of states that define “high-risk” AI or ADMT are listed below.

California

“High-risk automated decision system” means an automated decision system that is used to assist or replace human discretionary decisions that have a legal or similarly significant effect, including decisions that materially impact access to, or approval for, housing or accommodations, education, employment, credit, health care, and criminal justice.

[Cal. Gov’t Code s. 11546.45.5 (a) (5).]

Colorado

“High-risk artificial intelligence system” means any artificial intelligence system that, when deployed, makes, or is a substantial factor in making, a consequential decision.

(b) “High-risk artificial intelligence system” does not include:

(I) an artificial intelligence system if the artificial intelligence system is intended to:

(A) perform a narrow procedural task; or

(B) detect decision-making patterns or deviations from prior decision-making patterns and is not intended to replace or influence a previously completed human assessment without sufficient human review; or

(II) the following technologies, unless the technologies, when deployed,

make, or are a substantial factor in making, a consequential decision:

(A) anti-fraud technology that does not use facial recognition technology;

(B) anti-malware;

...

(R) technology that communicates with consumers in natural language for the purpose of providing users with information, making referrals or recommendations, and answering questions and is subject to an accepted use policy that prohibits generating content that is discriminatory or harmful.

[Colo. Rev. Stat. 6-1-1701 (9).]

Kentucky

“High-risk artificial intelligence system”

(a) Means any artificial intelligence system that is a substantial factor in the decision-making process or specifically intended to autonomously make, or be a substantial factor in making, a consequential decision; and

(b) Does not include a system or service intended to perform a narrow procedural task, improve the result of a completed human activity, or detect decision-making patterns or deviations from previous decision-making patterns and is not meant to replace or influence human assessment without human review, or perform a preparatory task in an assessment relevant to a consequential decision.

[Ky. Rev. Stat. Ann. s. 42.722 (2).]

Maryland

“high-risk artificial intelligence” includes rights-impacting artificial intelligence and safety-impacting artificial intelligence.

“Rights-impacting artificial intelligence” means artificial intelligence whose output serves as a basis for decision or action that is significantly likely to affect civil rights, civil liberties, equal opportunities, access to critical resources, or privacy.

“Safety-impacting artificial intelligence” means artificial intelligence that has the potential to significantly impact the safety of human life, well-being, or critical infrastructure.

[Md. State Fin. & Proc. Code Ann. s. 3.5-801 (h).]

Definition of “Chatbot” or “AI Companion”

As listed on the NCSL web page, three states have definitions relating to a “chatbot” or “AI companion.” The examples from those states are listed below.

California

“Companion chatbot” means an artificial intelligence system with a natural language interface that provides adaptive, human-like responses to user inputs and is capable of meeting a user’s social needs, including by exhibiting anthropomorphic features and being able to sustain a relationship across multiple interactions.

“Companion chatbot” does not include any of the following:

(A) A bot that is used only for customer service, a business’ operational purposes, productivity and analysis related to source information, internal research, or technical assistance.

(B) A bot that is a feature of a video game and is limited to replies related to the video game that cannot discuss topics related to mental health, self-harm, sexually explicit conduct, or maintain a dialogue on other topics unrelated to the video game.

(C) A stand-alone consumer electronic device that functions as a speaker and voice command interface, acts as a voice-activated virtual assistant, and does not sustain a relationship across multiple interactions or generate outputs that are likely to elicit emotional responses in the user.

[Cal. Bus. & Prof. Code s. 22601 (b).]

Maine

“Artificial intelligence chatbot” means a software application, web interface or computer program that simulates human conversation and interaction through textual or aural communications.

[Me. Rev. Stat. Ann. tit. 10, s. 1500-DD, 1. A.]

New York

“AI companion” means a system using artificial intelligence, generative artificial intelligence, and/or emotional recognition algorithms designed to simulate a sustained human or human-like relationship with a user by:

(i) retaining information on prior interactions or user sessions and user preferences to personalize the interaction and facilitate ongoing engagement with the AI companion;

(ii) asking unprompted or unsolicited emotion-based questions that go beyond a direct response to a user prompt; and

(iii) sustaining an ongoing dialogue concerning matters personal to the user.

(b) Human relationships include, but shall not be limited to, intimate, romantic or platonic interactions or companionship.

(c) “AI companion” shall not include:

(i) any system used by a business entity solely for customer service or to strictly provide users with information about available commercial services or products provided by such entity, customer service account information, or other information strictly related to its customer service;

(ii) any system that is primarily designed and marketed for providing efficiency improvements or, research or technical assistance; or

(iii) any system used by a business entity solely for internal purposes or employee productivity.

[N.Y. Gen. Bus. Law s. 1700 4.]

Definition of “Generative Artificial Intelligence”

As listed on the NCSL web page, a handful of states have defined the term “generative artificial intelligence,” sometimes referred to as “genAI,” and variations on that term, including “AI-generated content” or “genAI system.” Some examples of that definition are included below.

California

“Generative artificial intelligence system” or “GenAI system” means an artificial intelligence that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system’s training data.

[Cal. Bus. & Prof. Code s. 22757.1 (f).]

Colorado

“Generative artificial intelligence” or “generative AI” means an artificial intelligence system capable of generating novel image, video, audio, multimedia, or text content based on prompts or other forms of data provided by a person.

[Colo. Rev. Stat. 1-46-102 (4).]

Nevada

“Generative artificial intelligence” means a technology of artificial intelligence that is capable of creating content such as text, audio, image or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.

[Nev. Rev. Stat. Ann. s. 294A.3493 5. (c).]

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