

2024 AGA Annual Meeting Wrap-Up

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The Attorney General Alliance (AGA) hosted its 2024 Annual Meeting this June, bringing together State AGs, staff, and industry for discussions on a number of topics important to AGs, including AI (again), nonpartisan cooperation, partnering with criminal law enforcement including in the fight against fentanyl, supporting small businesses and free enterprise, and protecting America's youth. We provide some highlights below.

Attorney General Formella of New Hampshire kicked off the conference with a fireside chat on AI, where platforms promoted open access principles, more STEM graduates to compete internationally in AI, and combatting CSAM. Panelists discussed how just because an AI service is built on the same model does not mean that it works in the same way. South Carolina Attorney General Wilson followed up with a panel on the ethics of using AI as attorneys, where panelists noted that it may actually be a violation of ethical obligations to underutilize AI. Arizona Attorney General Miyares led another fireside chat touching on AI, asking his panelist about responsible AI and whether AI regulation will actually solve problems in the space.

Kansas Attorney General Kobach led a discussion regarding preemption, noting that it cuts both ways politically. While conservatives may view preemption as positive because unified federal norms make regulation easier for businesses, he noted progressives want preemption in areas such as immigration. Panelists then discussed the value of ERISA preemption and pointed to alternatives to addressing potential issues with pharmacy benefit managers such as using UDAP laws or regulating medical practitioners in that space instead.

Attorney General Ken Paxton of Texas spoke with small business owners in different industries and a professor to learn how tech platforms may both help and harm businesses. Small businesses noted that review platforms and targeted advertising have made positive impacts on their businesses by providing access and feedback on customers' needs, while the professor countered that big tech also carries some additional downsides. General Paxton elaborated on the risks to small businesses including a constantly changing dynamic environment, government taxes, and a lack of "bailouts".

Members of the conference applauded Oregon Attorney General Rosenblum as she commemorates her last year as Attorney General. She led a panel related to her National Association of Attorneys General initiative on America's Youth. General Rosenblum began her panel noting that she believed her initiative was something all AGs could come together on -- the health, well-being, and success of young people. The panel focused on preventing computer generated CSAM and exploitation of children, then turned to the effectiveness of COPPA and promoting safety by design. Panelists remarked that even a tracking cookie question where you can't find the "no" button may be a dark pattern, especially when it comes to children online. Others noted that privacy torts can be used creatively, as the New Mexico AG's office did, to bring lawsuits affecting children's privacy.

The conference concluded with breakout sessions including an update on the Organized Retail Crime enforcement space. There we learned about new legislation, including amendments to state INFORM laws and the creation of new task forces, from our own Paul Singer. Other panelists provided updates on the new scams criminals are using to evade detection including sophisticated skimmer rings.

Stay tuned, as the National Association of Attorneys General Presidential Initiative conference will take place in early September to focus more on AGs protecting America's youth.