

Minnesota Right to Compute and Access Advanced Intelligence Act

State bill · Version 1 · September 2026 · Two articles, 38 sections · Proposed for the 2027 session. Not introduced.

Two drafts, one for Congress and one for Minnesota, that stop government from restricting artificial intelligence by how capable it is, while leaving every power to punish what people actually do with it. Both are discussion drafts prepared for legislative-counsel review.

Article 1 creates the rights and the prohibition. Article 2 is the public-access programme and is severable.

WHAT THE BILL DOES

PROTECTS THE TOOL, NOT THE ACT

Acquiring, possessing, developing, publishing, running and accessing AI systems and computing resources is protected when the purpose is lawful.

BARS CAPABILITY- BASED RESTRICTIONS OUTRIGHT

Government may not restrict a system by reference to how capable it is: compute, parameter count, benchmarks, autonomy, reasoning, openness or potential misuse. This is a withholding of authority, not a test to be satisfied. No interest, no degree of tailoring and no emergency makes such a restriction valid, and it cannot be cured by publishing findings.

CLOSES THE INDIRECT ROUTES

The same bar covers technical proxies, procurement and funding conditions, registration requirements, liability rules keyed to capability, insurance mandates and accreditation schemes. It names the technical mechanisms as well: remote attestation, mandatory telemetry, escrow of model weights, government-mandated remote kill switches, taxes keyed to capability or compute, and restrictions on selling general-purpose hardware. A catch-all reaches any measure, whatever its label, whose purpose or practical effect is a capability restriction.

STOPS PRESSURE THROUGH COMPANIES

Government may not lean on cloud providers, chipmakers, app stores or payment processors to do what it could not do directly. Courts look at practical effect, the person cut off has standing even if the company does not object, and agencies must keep those communications as records.

REQUIRES PARITY

If an agency runs a nonclassified civilian capability, it may not forbid the public a comparable one, and it must publish annually what it is running. Comparability is measured by a list written into the definitions, so this survives if the public-access program is removed. The remedy is that the restriction is void, not that the agency must stop using the capability.

COUNTS DEGRADED ACCESS AS A RESTRICTION	Artificial scarcity, unusable rate limits, inadequate context or tool access, excessive identity checks and restriction to an obsolete version all count as burdens. Nominal availability that ordinary people cannot practically use is not access.
PROTECTS OPEN WEIGHTS	Publishing and receiving model weights is protected expression. No prior approval and no licensing. Someone who lawfully publishes weights has no duty to police who downloads them and is not liable for another person's independently unlawful use of them, which is a change to existing liability exposure.
PROTECTS ACCESS TO LAWFUL INFORMATION	No government-mandated refusal lists. A system may not be required to withhold from an adult what that adult could read in a public library.
SUNSETS RESTRICTIONS	A covered executive or administrative restriction that does survive expires after three years unless re-justified on current facts, and a covered person may petition to repeal one. The sunset reaches rules, orders and agency action; the Minnesota draft expressly excludes laws enacted by the legislature.

WHAT IT REQUIRES OF BUSINESSES

- Anyone deploying AI to control critical infrastructure must keep a written risk management policy and guarantee a human can halt the system. This does not apply to a business with fewer than 50 employees unless it operates critical infrastructure serving more than 10,000 customers.
- Cloud providers, model providers and similar intermediaries must, on request, give a user a copy of their prompts, outputs, uploaded files, stored context and any customization the user created with their own data. The federal duty applies to intermediaries with over \$500M in annual US revenue; the Minnesota duty applies to those serving more than 25,000 Minnesota residents.
- Notice when access is cut off because of government pressure. The two drafts differ here: the federal bill puts the 30-day notice duty on the intermediary, while the Minnesota bill puts it on the government entity that made the request.
- Federal publication duties fall to three different actors: each agency retains its communications asking an intermediary to restrict access, the Attorney General publishes the annual inventory of restrictions, and the Director of OMB publishes annually what nonclassified civilian AI capability federal agencies run. In Minnesota the attorney general publishes the inventory.

WHAT IT DOES NOT DO

- Require any developer to release, sell, license or disclose a model, its weights, its training data or its trade secrets. There is no mandated release and no forced service.
- Legalize conduct. Fraud, intrusion, weapons development, child exploitation and every other prohibition survive, whatever tool was used. The one deliberate change is that lawfully publishing model weights does not make the publisher liable for someone else's independently unlawful use of them.

- Reach a law aimed at a product designed, marketed or primarily used to produce an independently unlawful result, or safety regulation of a vehicle, aircraft, drone or medical device that classifies by degree of automation. Both are expressly outside the prohibition.
- Touch export controls, sanctions or classified information.
- Limit zoning, permitting, energy, water or tax rules for data centers and other facilities. Those are expressly preserved.
- Create an agency or a licensing body.

WHAT IT COSTS

The rights provisions carry no program appropriation, but they are not free. Expect administrative cost for the annual inventories, capability assessments and rulemaking statements; litigation exposure, since a prevailing plaintiff is awarded attorney fees and the federal bill allows statutory and compensatory damages in defined cases; and compliance cost for the duties listed above. The public-access program is the only direct spending and is drafted severable. Note that its capability floor is measured against a reference set that includes commercial and academic systems, not only government ones, so it should be costed against that broader benchmark.

QUESTIONS YOU WILL BE ASKED

Does this stop us acting on chemical, biological, radiological or nuclear risk?

No. Those interests are named in the text, and every power to prohibit, investigate and prosecute that conduct is preserved. Pursuing a weapon is already a crime and stays one whether or not a model helped. What the bill removes is the option of answering that risk by capping how capable a tool an ordinary person may own.

Why a flat prohibition instead of a strict-scrutiny test?

Because a test concedes the question. Under balancing, the issue becomes whether the asserted worry is serious enough, and every capability restriction proposed so far has been justified by a serious-sounding worry. A protection that yields whenever the worry is dramatic is not a protection. An earlier draft used a compelling-interest and least-restrictive-means test modeled on RFRA; it was replaced for exactly this reason, and that test now governs only burdens that are not capability-based.

Does this immunize AI companies?

Not generally. It creates no broad safe harbor. Product liability, negligence, consumer protection and liability for a company's own conduct are untouched, and both drafts now say so expressly: a duty of care that takes account of foreseeable risk is not a capability-based restriction. There is one targeted change: a person who lawfully publishes model weights is not liable for someone else's independently unlawful use of them, and has no duty to police downloads.

What does it actually require of businesses?

Three things, all in the obligations list above: a written risk policy and human halt for AI controlling critical infrastructure, with a small-business exemption; data portability on user request; and notice to a user cut off because of government pressure. Nothing requires releasing a model.

What about minors?

Preserved explicitly, with one limit: where a less intrusive method of age assurance is reasonably available, access may not be conditioned on surrendering government ID, biometrics or a persistent identifier.

Does this protect nudification apps or void self-driving car rules?

No, and both drafts say so in the text. A law reaching a product designed, marketed or primarily used to produce an independently unlawful result — a nonconsensual intimate image, child sexual abuse material, a forged identification document — regulates that conduct and is not a capability-based restriction. Separately, safety regulation of a vehicle, aircraft, vessel, drone or medical device is not a capability-based restriction merely because it classifies by degree of automation or by demonstrated performance. Federal sections 113(c) and 113(d); Minnesota section 22, subdivisions 3 and 4. Neither provision permits restricting a general-purpose system because of what it is capable of.

Does the federal bill preempt my state?

As to capability-based restrictions affecting interstate commerce, yes — and that reaches the compute- and frontier-keyed parts of California's SB 53 and New York's RAISE Act, which you should assume will come up. State conduct regulation, consumer protection, professional licensing, product liability, laws reaching products built to produce unlawful results, safety regulation of vehicles and medical devices, and the siting, zoning, energy and tax treatment of data centers are untouched and expressly so. The federal draft also imposes duties on states beyond preemption, including individual-capacity damages against state and local officers with no qualified immunity. That provision is severable and is the one a state attorney general will attack first. The preemption structure is the provision most worth your counsel's review.

What does the public-access program actually guarantee?

Less than the rights do, and it depends on money. Where enacted and funded, it must deliver capability comparable to the systems in the reference set within 180 days, judged on published measures together. Note that the reference set is broader than government systems: it covers capabilities available to federal civilian agencies, commercial entities, academic institutions, nonprofits and other institutional users, including systems the public cannot get. That makes the capability floor a larger commitment than a government-only benchmark would be, and it is the part of the bill most worth costing. It is drafted severable, and if it is never funded the rights provisions still stand.

Can a later legislature just repeal it?

Yes. Both drafts provide that a later law does not override them unless it says so by specific reference. That creates a strong presumption against implied displacement rather than an absolute bar: in *Dorsey v. United States* (2012) the Supreme Court held that a later Congress can override an express-reference requirement by implication. It does not guarantee a separate vote, and a later Congress or legislature can still repeal it outright.

Who is behind this?

One person in Minnesota who works on AI infrastructure. No organization commissioned or funded the drafts, no client has an interest in them, and there is no coalition to join or clear with.

USING THE TEXT

Both drafts are dedicated to the public domain. Take the text, cut it apart, renumber it, put your own name on it and introduce it. No attribution required, no permission needed, and nothing to sign. These are citizen drafts that have not been reviewed by legislative counsel, and they are offered as discussion drafts for your drafting office rather than as finished bills. Enforcement, preemption and the public-access program are flagged for counsel; in Minnesota the Revisor of Statutes will recode the act-internal cross-references in any event. The appropriation figures are left blank for the committee to set against the cost model.

Full text, both drafts, and this summary: righttorun.us

Author: Thomas Unise, Minnesota · hello@thomasunise.com

Citizen-prepared discussion draft. Not introduced, sponsored or considered by any legislature. Nothing here is legal advice.