

# PRINCIPLES FOR LAWMAKERS:

## HOW TO THINK ABOUT EMERGING TECHNOLOGIES



**18 million**  
American jobs

**+10%**  
of GDP

The technology sector is playing an increasing role in our day-to-day lives as consumers, and it's also having a major impact on state policy makers.

Today, the American technology sector is directly or indirectly responsible for **18 million American jobs**, and it accounts for **more than 10 percent of American Gross Domestic Product (GDP)**.<sup>1</sup>

State policy makers are facing mounting questions over technology and innovation policy. For example, what steps should they take when considering new technologies, such as drones, autonomous vehicles, and 5G?

While there is no one size fits all solution to questions surrounding these vastly differing technologies, there are principles that can be utilized to help lawmakers think through these emerging technologies and the issues surrounding them.



### Principles for State Lawmakers: How to think about emerging technologies

1

#### Avoid Pre-emptive regulations of emerging technology:

The technologies we use today are drastically different from what they looked like 10 years ago. Pre-emptive regulation will stifle the ability for these technologies to grow and change, hurting both innovation and consumers.

2

#### Examine whether current laws can be applied to new technologies:

There are currently over 180 thousand pages published in the Code of Federal Regulations and thousands of pages of state regulations in every state. Lawmakers must understand the current rules and regulations before proposing new rules for an emerging technology. Otherwise, regulations may be either redundant at best or conflicting at worst.

3

#### Use emerging technology as an opportunity to reduce regulation in legacy industries:

Innovative technologies often provide opportunities to rethink legacy industries. Regulations, which might have made sense at one point to protect consumers, are now only a hindrance due to a technological solution. Lawmakers should examine how technologies can reduce regulation in these legacy industries and work to cut red tape.

<sup>1</sup> Tech Sector Supports 18 Million U.S. Jobs, Represents 12% of GDP, Says CTA. (2019, April 29). Retrieved October 16, 2019, from <https://www.cta.tech/News-Press-Releases/2019/April/Tech-Sector-Supports-18-Million-U-S-Jobs,-Represe.aspx>.

# 4

## Create statewide framework to ensure regulatory certainty:

Too many sets of local rules and regulations can slow or even stop technological progress. These local rules can cause confusion for consumers and companies alike about which rules to follow and where. Lawmakers should look to pass statewide frameworks to ensure regulatory certainty for companies and consumers across the state.

### CONCLUSION

States have the potential to advance innovation and gain a competitive advantage with well thought out technology policy. These principles may not answer every question that emerges when thinking about new technology, but they provide a framework for dealing with emerging technologies. **With these principles in mind, states can have technology policy that rewards innovation and make them more attractive places to live and do business.**



### Case Study on Rule 2:

## DRONES

Drones may someday deliver all our packages, but they also deliver questions about personal privacy. Many state lawmakers have voiced concerns about drones and privacy. This has led to the introduction of laws in many states that would regulate who can operate drones and where they can be flown. The problem is that the Federal Aviation Administration (FAA) has the authority to regulate airspace over 400 feet, so many of the state drone proposals would violate federal law as drones are often flown over 400 feet off the ground. When crafting state drone laws, if they are needed at all, lawmakers must make sure to only regulate the use of drones

under 400 feet in the air and leave the rest to the FAA.

Many proposals also look to prevent drones from being used to capture photographs or video due to privacy concerns. But, all 50 states already have "Peeping Tom" laws which protect the privacy of people from spying drones. Because of this, many proposals for regulating drones at the state level are either outside of state lawmaker's jurisdiction or redundant. Legislators must ensure that they understand current law and how it applies to emerging technology before suggesting new laws.

To see the full paper, visit  
[www.pelicaninstitute.org/issues/technology-innovation/](http://www.pelicaninstitute.org/issues/technology-innovation/)



504-500-0506  
[info@pelicaninstitute.org](mailto:info@pelicaninstitute.org)  
[pelicaninstitute.org](http://pelicaninstitute.org)

/PelicanInstitute  
 @Pelicans\_tech