



General Assembly

January Session, 2023

Raised Bill No. 1103

LCO No. 4854



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT CONCERNING ARTIFICIAL INTELLIGENCE, AUTOMATED
DECISION-MAKING AND PERSONAL DATA PRIVACY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2023*) For the purposes of this
2 section and sections 2 to 5, inclusive, of this act:

3 (1) "Artificial Intelligence Officer" and "officer" mean the employee
4 designated pursuant to subdivision (1) of subsection (b) of section 2 of
5 this act;

6 (2) "Automated decision support system" means any automated
7 decision system that provides information for the purpose of informing
8 a conclusion, decision or judgment made by an individual on behalf of
9 a state agency;

10 (3) "Automated decision system" means any machine-based system
11 or application derived from machine learning or another artificial
12 intelligence technique that is developed, procured or implemented to
13 make, inform or support a critical decision made by a state agency;

14 (4) "Automated final decision system" means any automated decision
15 system that makes a final conclusion, decision or judgment on behalf of
16 a state agency without any intervention by an individual acting on
17 behalf of the state agency;

18 (5) "Automated system" means any automated decision support
19 system, automated decision system or automated final decision system;

20 (6) "Automated system procedures" and "procedures" mean the
21 procedures developed and established pursuant to subsection (a) of
22 section 2 of this act;

23 (7) "Chief Information Officer" means the officer appointed pursuant
24 to subsection (a) of section 4d-2 of the general statutes;

25 (8) "Critical decision" means any decision or judgment that has any
26 legal, material or similarly significant effect on an individual's life
27 concerning access to, or the cost, terms or availability of, (A) education
28 and vocational training, including, but not limited to, assessment,
29 accreditation or certification, (B) employment, worker management or
30 self-employment, (C) essential utilities such as electricity, heat, water,
31 Internet or telecommunications access or transportation, (D) family
32 planning services, including, but not limited to, adoption services or
33 reproductive services, (E) financial services, including, but not limited
34 to, any financial service provided by a mortgage company, (F) services
35 from a creditor or mortgage broker, (G) health care, including, but not
36 limited to, mental health care, dental care or vision care, (H) housing or
37 lodging, including, but not limited to, any rental, short-term housing or
38 lodging, (I) legal services, including, but not limited to, private
39 mediation or arbitration, (J) government benefits, (K) public services, or
40 (L) any other opportunity, program or service;

41 (9) "Department" means the Department of Administrative Services;

42 (10) "Office of Artificial Intelligence" and "office" mean the office
43 established in subsection (a) of section 2 of this act; and

44 (11) "State agency" means any department, board, commission,
45 council, institution, office, constituent unit of the state system of higher
46 education, technical education and career school or other agency in the
47 executive, legislative or judicial branch of state government.

48 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) There is established within the
49 Department of Administrative Services an Office of Artificial
50 Intelligence. Said office shall be responsible for:

51 (1) Not later than July 1, 2024, developing and establishing, and
52 reviewing and updating at least annually thereafter, automated system
53 procedures for use by state agencies in designing, utilizing and
54 procuring automated systems, which procedures shall provide that each
55 state agency shall design, utilize and procure any automated system in
56 a manner that:

57 (A) Is consistent with all applicable laws of this state and federal law,
58 including, but not limited to, laws prohibiting discrimination and
59 addressing privacy, civil rights and civil liberties;

60 (B) Does not disproportionately impact any individual or group of
61 individuals, in violation of the laws of this state or federal law, on the
62 basis of any actual or perceived differentiating characteristic, including,
63 but not limited to, age, genetic information, color, ethnicity, race, creed,
64 religion, national origin, ancestry, sex, gender identity or expression,
65 sexual orientation, marital status, familial status, pregnancy, veteran
66 status, disability or lawful source of income; and

67 (C) Ensures that (i) the benefits of utilizing such automated system
68 outweigh the risks of utilizing such automated system, (ii) such
69 automated system is applied and utilized in a manner that is consistent
70 with the use cases for which such automated system was trained in
71 order to ensure accuracy, reliability and efficacy, (iii) such automated
72 system is safe, secure and resilient, including, but not limited to, when
73 such automated system is confronted with systematic vulnerabilities,
74 adversarial manipulation or other malicious exploitation, (iv) the
75 operations of, and outcomes generated by, such automated system are

76 sufficiently understandable by subject matter experts and users, (v)
77 individual roles and responsibilities are clearly defined, understood and
78 appropriately assigned in a manner that is consistent with the purpose
79 for which each use of such automated system is intended, (vi) the
80 design, utilization and procurement of such automated system is, and
81 the inputs and outputs for applications of such automated system are,
82 documented and traceable, (vii) the design, development, procurement,
83 intended purposes and monitoring of such automated system is
84 transparent to the public under uniform protocols and public access
85 requirements concerning releases and posting of appropriate
86 information by each state agency utilizing such automated system, (viii)
87 data inputs utilized by such automated system are transparent under
88 the Freedom of Information Act, as defined in section 1-200 of the
89 general statutes, and (ix) such state agency (I) examines such automated
90 system, at least biennially, to ensure compliance with such automated
91 system procedures, (II) supersedes, disengages and deactivates any
92 application of such automated system that demonstrates performance
93 that is, or outcomes that are, inconsistent with such automated system
94 procedures or any other provision of this section, section 1 of this act or
95 sections 3 to 5, inclusive, of this act, (III) is transparent in disclosing any
96 information that is relevant to such state agency's use of such automated
97 system, (IV) implements safeguards to ensure that such automated
98 system is properly applied, utilized and functioning, and (V) provides
99 appropriate training to all personnel responsible for designing, utilizing
100 or procuring such automated system;

101 (2) Recommending to the General Assembly any legislation that the
102 office deems appropriate concerning the development, utilization and
103 procurement of automated systems by state agencies;

104 (3) Performing the review and inventory, and submitting the report,
105 required under section 3 of this act;

106 (4) Performing the duties required under section 4 of this act; and

107 (5) Preparing and submitting the report required under section 5 of

108 this act.

109 (b) (1) The Commissioner of Administrative Services shall designate
110 an employee of the department to serve as the Artificial Intelligence
111 Officer. Such employee shall have:

112 (A) Extensive knowledge concerning artificial intelligence analysis,
113 governance, principles, practices, technology, terminology and trends;
114 and

115 (B) Experience in administration, planning, policy development,
116 project management and service coordination.

117 (2) The Artificial Intelligence Officer, under the supervision of the
118 Chief Information Officer, shall:

119 (A) Oversee the operations of the office;

120 (B) Manage the staff of the office;

121 (C) Ensure that the office performs the office's duties as set forth in
122 this section and sections 3 to 5, inclusive, of this act; and

123 (D) Contract with such third parties as the Artificial Intelligence
124 Officer deems necessary for the Office of Artificial Intelligence to
125 perform the office's, or the Artificial Intelligence Officer to perform the
126 officer's, duties under sections 3 and 4 of this act.

127 (c) The Office of Artificial Intelligence shall be subject to the Freedom
128 of Information Act, as defined in section 1-200 of the general statutes.

129 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) Not later than July 1, 2024, the
130 Office of Artificial Intelligence shall review and inventory all automated
131 systems that were developed, utilized or procured by state agencies
132 during the calendar year beginning January 1, 2023. Such inventory
133 shall include the following information for each such automated system:

134 (1) The name of such automated system and the vendor, if any, that
135 provided such automated system; and

136 (2) A description of the general capabilities of such automated
137 system, including, but not limited to:

138 (A) Any reasonably foreseeable capability of such automated system
139 that is outside of any state agency's intended use of such automated
140 system;

141 (B) Whether such automated system was used, or may be used, to
142 independently make, inform or support a conclusion, decision or
143 judgment and the resulting impact on residents of this state;

144 (C) Each type of data input that was used by such automated system,
145 how such inputted data was collected, generated or processed and the
146 type or types of data such automated system generated or is reasonably
147 likely to generate;

148 (D) Whether such automated system (i) discriminated against any
149 individual or group of individuals in violation of the laws of this state
150 or federal law, or (ii) disproportionately impacted any individual or
151 group of individuals, in violation of the laws of this state or federal law,
152 on the basis of any actual or perceived differentiating characteristic,
153 including, but not limited to, age, genetic information, color, ethnicity,
154 race, creed, religion, national origin, ancestry, sex, gender identity or
155 expression, sexual orientation, marital status, familial status, pregnancy,
156 veteran status, disability or lawful source of income;

157 (E) A description of the purpose and intended use of such automated
158 system, including, but not limited to, (i) which decision or decisions
159 such automated system was used to make, inform or support, (ii)
160 whether such automated system is an automated final decision system
161 or automated decision support system, and (iii) the benefit or benefits
162 such automated system was purported to confer and any data or
163 research necessary to determine whether such automated system
164 conferred such purported benefit or benefits;

165 (F) How the data used or generated by such automated system was
166 processed and stored, whether the state agency or agencies that

167 developed, utilized or procured such automated system intend to share
168 access to such automated system or data with any other person, the
169 name of such person and why such state agency or agencies intend to
170 share such access or data with such person; and

171 (G) A description of the impact that such automated system had on
172 the state's finances, including, but not limited to, (i) the initial
173 acquisition and ongoing operating costs for such automated system, (ii)
174 any cost savings provided by such automated system, and (iii) any
175 current or potential sources of funding for such automated system.

176 (b) The Office of Artificial Intelligence shall, as part of the review and
177 inventory performed pursuant to subsection (a) of this section,
178 determine whether an automated system that was developed, utilized
179 or procured by any state agency during the calendar year beginning
180 January 1, 2023:

181 (1) Infringed any legal right of any resident of this state or gave rise
182 to any liability on behalf of, or posed any risk to, this state; and

183 (2) Was transparent and made available to the public under the
184 Freedom of Information Act, as defined in section 1-200 of the general
185 statutes.

186 (c) Not later than December 31, 2024, the Artificial Intelligence Officer
187 shall prepare and submit a report, in accordance with section 11-4a of
188 the general statutes, to the joint standing committee of the General
189 Assembly having cognizance of matters relating to consumer
190 protection. Such report shall contain the review and inventory prepared
191 pursuant to subsection (a) of this section.

192 Sec. 4. (NEW) (*Effective July 1, 2023*) (a) No state agency shall develop,
193 utilize or procure any automated system on or after January 1, 2024,
194 unless such state agency satisfies the requirements established in this
195 section.

196 (b) Any state agency that intends to develop, utilize or procure any

197 automated system on or after January 1, 2024, shall provide to the Office
198 of Artificial Intelligence, in a form and manner prescribed by the
199 Artificial Intelligence Officer, at least sixty days' advance written notice
200 disclosing that such state agency intends to develop, utilize or procure
201 such automated system.

202 (c) (1) Not later than ninety days after the Office of Artificial
203 Intelligence receives any notice submitted pursuant to subsection (b) of
204 this section, the office, or a third party selected by the office, shall:

205 (A) Review the automated system that is the subject of such notice to
206 determine whether developing, utilizing or procuring such automated
207 system would:

208 (i) Result in any discrimination against any individual or a group of
209 individuals in a manner that is prohibited by the laws of this state or
210 federal law; or

211 (ii) Disproportionately impact any individual or group of
212 individuals, in violation of the laws of this state or federal law, on the
213 basis of any actual or perceived differentiating characteristic, including,
214 but not limited to, age, genetic information, color, ethnicity, race, creed,
215 religion, national origin, ancestry, sex, gender identity or expression,
216 sexual orientation, marital status, familial status, pregnancy, veteran
217 status, disability or lawful source of income; and

218 (B) Send a notice to the state agency that submitted such notice
219 disclosing that the office has determined that developing, utilizing or
220 procuring such automated system would:

221 (i) Result in discrimination against any individual or group of
222 individuals in the manner described in subparagraph (A)(i) of this
223 subdivision, the reasons for such determination and that such state
224 agency shall not develop, utilize or procure such automated system;

225 (ii) Disproportionately impact any individual or group of individuals
226 in the manner described in subparagraph (A)(ii) of this subdivision, the

227 reasons for such determination and that such state agency shall not
228 develop, utilize or procure such automated system; or

229 (iii) Not result in any discrimination described in subparagraph (A)(i)
230 of this subdivision, or have any disproportionate impact described in
231 subparagraph (A)(ii) of this subdivision, and that such state agency may
232 develop, utilize or procure such automated system.

233 (2) If the office does not send any notice pursuant to subparagraph
234 (B) of subdivision (1) of this subsection within the ninety-day period
235 established in subdivision (1) of this subsection, the state agency may
236 develop, utilize or procure such automated system.

237 (d) Each state agency shall comply with the automated system
238 procedures.

239 (e) (1) On and after July 1, 2025, the Office of Artificial Intelligence
240 may, in the Artificial Intelligence Officer's discretion, periodically
241 reevaluate any automated system that is developed, utilized or
242 procured by any state agency to ensure that:

243 (A) Such automated system does not (i) discriminate against any
244 individual or group of individuals in the manner described in
245 subparagraph (A)(i) of subdivision (1) of subsection (c) of this section,
246 or (ii) disproportionately impact any individual or group of individuals
247 in the manner described in subparagraph (A)(ii) of subdivision (1) of
248 subsection (c) of this section; and

249 (B) Such state agency is in compliance with the automated system
250 procedures.

251 (2) If the Office of Artificial Intelligence determines, in the Artificial
252 Intelligence Officer's discretion, that any automated system that is
253 developed, utilized or procured by any state agency results in any
254 discrimination described in subparagraph (A)(i) of subdivision (1) of
255 subsection (c) of this section or has any disproportionate impact
256 described in subparagraph (A)(ii) of subdivision (1) of subsection (c) of

257 this section, or that such state agency has failed to comply with the
258 automated system procedures, the officer shall direct such state agency
259 to immediately cease development, utilization or procurement of such
260 automated system.

261 Sec. 5. (NEW) (*Effective July 1, 2023*) Not later than February 15, 2025,
262 and annually thereafter, the Artificial Intelligence Officer shall prepare
263 and submit a report, in accordance with section 11-4a of the general
264 statutes, to the joint standing committee of the General Assembly
265 having cognizance of matters relating to consumer protection. Such
266 report shall contain: (1) The current automated system procedures and
267 any updates made to such procedures during the preceding calendar
268 year; (2) any legislation recommended pursuant to subdivision (2) of
269 subsection (a) of section 2 of this act; (3) information concerning the
270 extent to which state agencies used automated systems during the
271 preceding calendar year; and (4) any other information the Artificial
272 Intelligence Officer determines, in the officer's discretion, is relevant for
273 the purposes of this section and sections 1 to 4, inclusive, of this act.

274 Sec. 6. Subsection (a) of section 42-517 of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective July 1,*
276 *2023*):

277 (a) The provisions of sections 42-515 to 42-525, inclusive, do not apply
278 to any: (1) Body, authority, board, bureau, commission, district or
279 agency of this state or of any political subdivision of this state; (2)
280 nonprofit organization; (3) institution of higher education; (4) national
281 securities association that is registered under 15 USC 78o-3 of the
282 Securities Exchange Act of 1934, as amended from time to time; (5)
283 financial institution or data subject to Title V of the Gramm-Leach-Bliley
284 Act, 15 USC 6801 et seq.; [or] (6) covered entity or business associate, as
285 defined in 45 CFR 160.103; or (7) air carrier, as defined in 49 USC 40102,
286 as amended from time to time, and regulated under the Federal
287 Aviation Act of 1958, 49 USC 40101 et seq., and the Airline Deregulation
288 Act, 49 USC 41713, as said acts may be amended from time to time.

289 Sec. 7. Subsection (a) of section 42-520 of the general statutes is
290 repealed and the following is substituted in lieu thereof (*Effective July 1,*
291 *2023*):

292 (a) A controller shall: (1) Limit the collection of personal data to what
293 is adequate, relevant and reasonably necessary in relation to the
294 purposes for which such data is processed, as disclosed to the consumer;
295 (2) except as otherwise provided in sections 42-515 to 42-525, inclusive,
296 not process personal data for purposes that are neither reasonably
297 necessary to, nor compatible with, the disclosed purposes for which
298 such personal data is processed, as disclosed to the consumer, unless the
299 controller obtains the consumer's consent; (3) establish, implement and
300 maintain reasonable administrative, technical and physical data
301 security practices to protect the confidentiality, integrity and
302 accessibility of personal data appropriate to the volume and nature of
303 the personal data at issue; (4) not process sensitive data concerning a
304 consumer without obtaining the consumer's consent, or, in the case of
305 the processing of sensitive data concerning a known child, without
306 processing such data in accordance with COPPA; (5) not process
307 personal data in violation of the laws of this state and federal laws that
308 prohibit unlawful discrimination against consumers; (6) provide an
309 effective mechanism for a consumer to revoke the consumer's consent
310 under this section that is at least as easy as the mechanism by which the
311 consumer provided the consumer's consent and, upon revocation of
312 such consent, cease to process the data as soon as practicable, but not
313 later than fifteen days after the receipt of such request; and (7) not
314 process the personal data of a consumer for purposes of targeted
315 advertising, or sell the consumer's personal data without the consumer's
316 consent, under circumstances where a controller has actual knowledge,
317 [and] or wilfully disregards, that the consumer is at least thirteen years
318 of age but younger than sixteen years of age. A controller shall not
319 discriminate against a consumer for exercising any of the consumer
320 rights contained in sections 42-515 to 42-525, inclusive, including
321 denying goods or services, charging different prices or rates for goods
322 or services or providing a different level of quality of goods or services

323 to the consumer.

324 Sec. 8. (*Effective from passage*) (a) There is established a task force to
325 study artificial intelligence and develop an artificial intelligence bill of
326 rights. Such study shall include, but need not be limited to, an
327 examination of the impact that artificial intelligence has on residents of
328 this state and persons doing business in this state.

329 (b) The task force shall consist of the following members:

330 (1) Two appointed by the speaker of the House of Representatives;

331 (2) Two appointed by the president pro tempore of the Senate;

332 (3) One appointed by the majority leader of the House of
333 Representatives;

334 (4) One appointed by the majority leader of the Senate;

335 (5) One appointed by the minority leader of the House of
336 Representatives;

337 (6) One appointed by the minority leader of the Senate;

338 (7) The Commissioner of Administrative Services, or the
339 commissioner's designee; and

340 (8) Two appointed by the Governor.

341 (c) Any member of the task force appointed under subdivision (1),
342 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
343 of the General Assembly.

344 (d) All initial appointments to the task force shall be made not later
345 than thirty days after the effective date of this section. Any vacancy shall
346 be filled by the appointing authority.

347 (e) The speaker of the House of Representatives and the president pro
348 tempore of the Senate shall select the chairpersons of the task force from

349 among the members of the task force. Such chairpersons shall schedule
350 the first meeting of the task force, which shall be held not later than sixty
351 days after the effective date of this section.

352 (f) The administrative staff of the joint standing committee of the
353 General Assembly having cognizance of matters relating to consumer
354 protection shall serve as administrative staff of the task force.

355 (g) Not later than January 1, 2024, the task force shall submit a report
356 on its findings and recommendations to the joint standing committee of
357 the General Assembly having cognizance of matters relating to
358 consumer protection, in accordance with the provisions of section 11-4a
359 of the general statutes. The task force shall terminate on the date that it
360 submits such report or January 1, 2024, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>July 1, 2023</i>	New section
Sec. 5	<i>July 1, 2023</i>	New section
Sec. 6	<i>July 1, 2023</i>	42-517(a)
Sec. 7	<i>July 1, 2023</i>	42-520(a)
Sec. 8	<i>from passage</i>	New section

Statement of Purpose:

To: (1) Establish an Office of Artificial Intelligence; (2) exempt air carriers from certain provisions concerning data privacy; (3) provide that a controller shall not process the personal data of a consumer for purposes of targeted advertising, or sell the consumer's personal data without the consumer's consent, under circumstances where a controller has actual knowledge, or wilfully disregards, that the consumer is at least thirteen years of age but younger than sixteen years of age; and (4) establish a task force to (A) study artificial intelligence, and (B) develop an artificial intelligence bill of rights.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

