**Substitute Senate Bill No. 1103**

# *Public Act No. 23-16*

## *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:

Section 1. (NEW) (*Effective July 1, 2023*) (a) For the purposes of this section:

(1) "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; and

(2) "State agency" has the same meaning as provided in section 4d-1

of the general statutes.

(b) (1) Not later than December 31, 2023, and annually thereafter, the Department of Administrative Services shall conduct an inventory of all systems that employ artificial intelligence and are in use by any state agency. Each such inventory shall include at least the following information for each such system:

(A) The name of such system and the vendor, if any, that provided such system;

(B) A description of the general capabilities and uses of such system;

(C) Whether such system was used to independently make, inform or materially support a conclusion, decision or judgment; and

(D) Whether such system underwent an impact assessment prior to implementation.

(2) The Department of Administrative Services shall make each inventory conducted pursuant to subdivision (1) of this subsection publicly available on the state's open data portal.

(c) Beginning on February 1, 2024, the Department of Administrative Services shall perform ongoing assessments of systems that employ artificial intelligence and are in use by state agencies to ensure that no such system shall result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (b) of section 2 of this act. The department shall perform such assessment in accordance with the policies and procedures established by the Office of Policy and Management pursuant to subsection (b) of section 2 of this act.

Sec. 2. (NEW) (*Effective July 1, 2023*) (a) For the purposes of this section:

(1) "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; and

(2) "State agency" has the same meaning as provided in section 4d-1 of the general statutes.

(b) (1) Not later than February 1, 2024, the Office of Policy and Management shall develop and establish policies and procedures concerning the development, procurement, implementation, utilization and ongoing assessment of systems that employ artificial intelligence and are in use by state agencies. Such policies and procedures shall, at a minimum, include policies and procedures that:

(A) Govern the procurement, implementation and ongoing assessment of such systems by state agencies;

(B) Are sufficient to ensure that no such system (i) results in any unlawful discrimination against any individual or group of individuals, or (ii) has any unlawful disparate impact on any individual or group of individuals on the basis of any actual or perceived differentiating characteristic, including, but not limited to, age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex,

gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability or lawful source of income;

(C) Require a state agency to assess the likely impact of any such system before implementing such system; and

(D) Provide for the Department of Administrative Services to perform ongoing assessments of such systems to ensure that no such system results in any unlawful discrimination or disparate impact described in subparagraph (B) of this subdivision.

(2) The Office of Policy and Management may revise the policies and procedures established pursuant to subdivision (1) of this subsection if the Secretary of the Office of Policy and Management determines, in said secretary's discretion, that such revision is necessary.

(3) The Office of Policy and Management shall post the policies and procedures established pursuant to subdivision (1) of this subsection, and any revision made to such policies and procedures pursuant to subdivision (2) of this subsection, on the office's Internet web site.

(c) Beginning on February 1, 2024, no state agency shall implement any system that employs artificial intelligence (1) unless the state agency has performed an impact assessment, in accordance with the policies and procedures established pursuant to subsection (b) of this section, to ensure that such system will not result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (b) of this section, or (2) if the head of such state agency determines, in such agency head's discretion, that such system will result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (b) of this section.

Sec. 3. (NEW) (*Effective July 1, 2023*) (a) For the purposes of this section, "artificial intelligence" means (1) an artificial system that (A) 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, (B) 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 (C) 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 (2) a set of techniques, including, but not limited to, machine learning, that is designed to approximate a cognitive task.

(b) (1) Not later than December 31, 2023, and annually thereafter, the Judicial Department shall conduct an inventory of the department's systems that employ artificial intelligence. Each such inventory shall include at least the following information for each such system:

(A) The name of such system and the vendor, if any, that provided such system;

(B) A description of the general capabilities and uses of such system;

(C) Whether such system was used to independently make, inform or materially support a conclusion, decision or judgment; and

(D) Whether such system underwent an impact assessment prior to implementation.

(2) The Judicial Department shall make each inventory conducted pursuant to subdivision (1) of this subsection publicly available on the department's Internet web site.

(c) (1) Not later than February 1, 2024, the Judicial Department shall develop and establish policies and procedures concerning the

department's development, procurement, implementation, utilization and ongoing assessment of systems that employ artificial intelligence. Such policies and procedures shall, at a minimum, include policies and procedures that:

(A) Govern the department's procurement, implementation and ongoing assessment of such systems;

(B) Are sufficient to ensure that no such system (i) results in any unlawful discrimination against any individual or group of individuals, or (ii) has any unlawful disparate impact on any individual or group of individuals on the basis of any actual or perceived differentiating characteristic, including, but not limited to, age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability or lawful source of income;

(C) Require the department to assess the likely impact of any such system before implementing such system; and

(D) Provide for ongoing assessments of such systems to ensure that no such system results in any unlawful discrimination or disparate impact described in subparagraph (B) of this subdivision.

(2) The Judicial Department may revise the policies and procedures established pursuant to subdivision (1) of this subsection if the Chief Court Administrator determines, in said administrator's discretion, that such revision is necessary.

(3) The Judicial Department shall post the policies and procedures established pursuant to subdivision (1) of this subsection, and any revision made to such policies and procedures pursuant to subdivision (2) of this subsection, on the department's Internet web site.

(d) Beginning on February 1, 2024, the Judicial Department shall:

(1) Not implement any system that employs artificial intelligence (A) unless the department has performed an impact assessment, in accordance with the policies and procedures established pursuant to subsection (c) of this section, to ensure that such system will not result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (c) of this section, or (B) if the Chief Court Administrator determines, in said administrator's discretion, that such system will result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (c) of this section; and

(2) Perform ongoing assessments of the department's systems that employ artificial intelligence to ensure that no such system shall result in any unlawful discrimination or disparate impact described in subparagraph (B) of subdivision (1) of subsection (c) of this section.

Sec. 4. (NEW) (*Effective October 1, 2023*) Notwithstanding any provision of the general statutes, no state contracting agency shall enter into any contract with a business on or after October 1, 2023, unless such contract contains a provision requiring the business to comply with all applicable provisions of sections 42-515 to 42-525, inclusive, of the general statutes. For the purposes of this section, "business", "contract" and "state contracting agency" have the same meanings as provided in section 4e-1 of the general statutes.

Sec. 5. (*Effective from passage*) (a) For the purposes of this section, "artificial intelligence" means (1) an artificial system that (A) 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, (B) 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 (C) 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 (2) a set of techniques, including, but not limited to, machine learning, that is designed to approximate a cognitive task.

(b) There is established a working group to engage stakeholders and experts to: (1) Make recommendations concerning, and develop best practices for, the ethical and equitable use of artificial intelligence in state government; (2) make recommendations concerning the policies and procedures developed pursuant to subsection (b) of section 2 of this act; (3) assess the White House Office of Science and Technology Policy's "Blueprint for an AI Bill of Rights" and similar materials and make recommendations concerning the (A) regulation of the use of artificial intelligence in the private sector based, among other things, on said blueprint, and (B) adoption of a Connecticut artificial intelligence bill of rights based on said blueprint; and (4) make recommendations concerning the adoption of other legislation concerning artificial intelligence.

(c) (1) (A) The working group shall be part of the Legislative Department and consist of the following voting members: (i) One appointed by the speaker of the House of Representatives, who shall be a representative of the industries that are developing artificial intelligence; (ii) one appointed by the president pro tempore of the Senate, who shall be a representative of the industries that are using artificial intelligence; (iii) one appointed by the majority leader of the House of Representatives, who shall be an academic with a concentration in the study of technology and technology policy; (iv) one appointed by the majority leader of the Senate, who shall be an academic with a concentration in the study of government and public policy; (v) one appointed by the minority leader of the House of Representatives,

who shall be a representative of an industry association representing the industries that are developing artificial intelligence; (vi) one appointed by the minority leader of the Senate, who shall be a representative of an industry association representing the industries that are using artificial intelligence; (vii) one appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to general law; (viii) one appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to general law; and (ix) two appointed by the Governor, who shall be members of the Connecticut Academy of Science and Engineering.

(B) All voting members appointed pursuant to subparagraph (A) of this subdivision shall have professional experience or academic qualifications in matters pertaining to artificial intelligence, automated systems, government policy or another related field.

(C) All initial appointments to the working group shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(D) Any action taken by the working group shall be taken by a majority vote of all members present who are entitled to vote, provided no such action may be taken unless at least fifty per cent of such members are present.

(2) The working group shall include the following nonvoting, ex-officio members: (A) The House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to general law; (B) the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to general law; (C) the Attorney General, or the Attorney General's designee; (D) the Comptroller, or the Comptroller's designee; (E) the Treasurer, or the Treasurer's designee; (F) the Commissioner of

Administrative Services, or said commissioner's designee; (G) the Chief Data Officer, or said officer's designee; (H) the executive director of the Freedom of Information Commission, or said executive director's designee; (I) the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or said executive director's designee; (J) the Chief Court Administrator, or said administrator's designee; and (K) the executive director of the Connecticut Academy of Science and Engineering, or said executive director's designee.

(d) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to general law and the executive director of the Connecticut Academy of Science and Engineering shall serve as chairpersons of the working group. Such chairpersons shall schedule the first meeting of the working group, which shall be held not later than sixty days after the effective date of this section.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to general law shall serve as administrative staff of the working group.

(f) Not later than February 1, 2024, the working group shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to general law, in accordance with the provisions of section 11-4a of the general statutes. The working group shall terminate on the date that the working group submits such report or February 1, 2024, whichever is later.