STATE OF CONNECTICUT

General Assembly | *Amendment*

February Session, 2024 | LCO No. **4955**

SB00000204955HRO

Offered by:
REP. CANDELORA V., 86th Dist.

To: Subst. Senate Bill No. **2**   File No. 188   Cal. No. 426

(As Amended by Senate Amendment Schedules "A" and "B")

"AN ACT CONCERNING ARTIFICIAL INTELLIGENCE."

1   Strike subdivision (11) of section 1 in its entirety and substitute the
2 following in lieu thereof:

3   "(11) "Intentional and substantial modification" (A) means any
4 deliberate change made to (i) an artificial intelligence system that results
5 in any new reasonably foreseeable risk of algorithmic discrimination, or
6 (ii) a general-purpose artificial intelligence model that (I) affects
7 compliance of the general-purpose artificial intelligence model, (II)
8 materially changes the purpose of the general-purpose artificial
9 intelligence model, or (III) results in any new reasonably foreseeable risk
10 of algorithmic discrimination, and (B) does not include any change
11 made to a high-risk artificial intelligence system, or the performance of
12 a high-risk artificial intelligence system, if (i) the high-risk artificial
13 intelligence system continues to learn after such high-risk artificial
14 intelligence system is (I) offered, sold, leased, licensed, given or
15 otherwise made available to a deployer, or (II) deployed, and (ii) such

16 change (I) is made to such high-risk artificial intelligence system as a
17 result of any learning described in subparagraph (B)(i) of this
18 subdivision, and (II) is included in the technical documentation for such
19 high-risk artificial intelligence system;"

20 Strike section 2 in its entirety and substitute the following in lieu
21 thereof:

22 "Sec. 2. (NEW) (*Effective July 1, 2025*) (a) Beginning on February 1,
23 2026, each developer of a high-risk artificial intelligence system shall use
24 reasonable care to protect consumers from any known or reasonably
25 foreseeable risks of algorithmic discrimination arising from the
26 intended and contracted uses of such high-risk artificial intelligence
27 system. In any enforcement action brought on or after said date by the
28 Attorney General pursuant to section 7 of this act, there shall be a
29 rebuttable presumption that a developer used reasonable care as
30 required under this subsection if the developer complied with the
31 provisions of this section.

32 (b) Beginning on February 1, 2026, and except as provided in
33 subsection (e) of this section, the developer of a high-risk artificial
34 intelligence system shall make available to each deployer, or other
35 developer, of such high-risk artificial intelligence system:

36 (1) A general statement describing the intended uses of such high-
37 risk artificial intelligence system;

38 (2) Documentation disclosing (A) high-level summaries of the type of
39 data used to train such high-risk artificial intelligence system, (B) the
40 known or reasonably foreseeable limitations of such high-risk artificial
41 intelligence system, including, but not limited to, the known or
42 reasonably foreseeable risks of algorithmic discrimination arising from
43 the intended uses of such high-risk artificial intelligence system, (C) the
44 purpose of such high-risk artificial intelligence system, and (D) the
45 intended benefits and uses of such high-risk artificial intelligence
46 system;

47   (3) Documentation describing (A) how such high-risk artificial
48   intelligence system was evaluated for performance before such high-
49   risk artificial intelligence system was offered, sold, leased, licensed,
50   given or otherwise made available to a deployer, (B) the data
51   governance measures used to cover the training datasets and the
52   measures used to examine (i) the suitability of data sources, and (ii)
53   possible biases and appropriate mitigation, (C) the intended outputs of
54   such high-risk artificial intelligence system, (D) the measures the
55   developer has taken to mitigate any known or reasonably foreseeable
56   risks of algorithmic discrimination that may arise from deployment of
57   such high-risk artificial intelligence system, and (E) how such high-risk
58   artificial intelligence system should be used or monitored by an
59   individual when such high-risk artificial intelligence system is used to
60   make, or as a substantial factor in making, a consequential decision; and

61   (4) Documentation that is reasonably necessary to assist a deployer to
62   (A) understand the outputs of such high-risk artificial intelligence
63   system, and (B) monitor the performance of such high-risk artificial
64   intelligence system for any risk of algorithmic discrimination.

65   (c) A developer that also serves a deployer for any high-risk artificial
66   intelligence system shall not be required to generate the documentation
67   required by this section unless such high-risk artificial intelligence
68   system is provided to an unaffiliated entity acting as a deployer.

69   (d) (1) Beginning on February 1, 2026, each developer shall make
70   available, in a manner that is clear and readily available for public
71   inspection on such developer's Internet web site or in a public use case
72   inventory, a statement summarizing:

73   (A) The types of high-risk artificial intelligence systems that such
74   developer (i) has developed or intentionally and substantially modified,
75   and (ii) currently makes available to deployers; and

76   (B) How such developer manages known or reasonably foreseeable
77   risks of algorithmic discrimination arising from development or
78   intentional and substantial modification of the types of high-risk

79   artificial intelligence systems described in subparagraph (A) of this
80   subdivision.

81   (2) Each developer shall update the statement described in
82   subdivision (1) of this subsection (A) as necessary to ensure that such
83   statement remains accurate, and (B) not later than ninety days after the
84   developer intentionally and substantially modifies any high-risk
85   artificial intelligence system described in subparagraph (A) of
86   subdivision (1) of this subsection.

87   (e) Nothing in subsections (b) to (d), inclusive, of this section shall be
88   construed to require a developer to disclose any trade secret, as defined
89   in section 35-51 of the general statutes, or other confidential or
90   proprietary information.

91   (f) Beginning on February 1, 2026, the Attorney General may require,
92   including, but not limited to, by way of a written demand made by the
93   Attorney General, that a developer disclose to the Attorney General, in
94   a form and manner prescribed by the Attorney General, any statement
95   or documentation described in subsection (b) of this section if such
96   statement or documentation is relevant to an investigation conducted
97   by the Attorney General. The Attorney General may evaluate such
98   statement or documentation to ensure compliance with the provisions
99   of this section. To the extent any such statement or documentation
100 includes any proprietary information or any trade secret that is exempt
101 from disclosure under the Freedom of Information Act, as defined in
102 section 1-200 of the general statutes, such statement or documentation
103 shall be exempt from disclosure under said act. In making any
104 disclosure pursuant to this subsection, a developer may designate any
105 such statement or documentation as including any such proprietary
106 information or trade secret. To the extent any information contained in
107 any such statement or documentation includes any information subject
108 to the attorney-client privilege or work product protection, such
109 disclosure shall not constitute a waiver of such privilege or protection."

110   Strike section 3 in its entirety and renumber the remaining sections

111   and internal references accordingly

112   Strike subsection (b) of section 8 in its entirety and substitute the
113   following in lieu thereof:

114   "(b) Each legislative leader may request that the executive director of
115   the Connecticut Academy of Science and Engineering designate a
116   member of said academy to serve as such legislative leader's liaison with
117   said academy, the Office of the Attorney General and the Department of
118   Economic and Community Development for the purpose of:

119   (1) Designing a tool to enable any person to determine whether such
120   person is in compliance with the provisions of sections 1 to 7, inclusive,
121   of this act;

122   (2) Conducting meetings with relevant stakeholders to formulate a
123   plan to utilize The University of Connecticut School of Law's Intellectual
124   Property and Entrepreneurship Law Clinic to assist small businesses
125   and startups in their efforts to comply with the provisions of sections 1
126   to 7, inclusive, of this act;

127   (3) Making recommendations concerning establishing a framework
128   to provide a controlled and supervised environment in which artificial
129   intelligence systems may be tested, which recommendations shall
130   include, at a minimum, recommendations concerning the establishment
131   of (A) an office to oversee such framework and environment, and (B) a
132   program that would enable consultations between the state, businesses
133   and other stakeholders concerning such framework and environment;

134   (4) Evaluating (A) the adoption of artificial intelligence systems by
135   businesses, (B) the challenges posed to, and needs of, businesses in (i)
136   adopting artificial intelligence systems, and (ii) understanding laws and
137   regulations concerning artificial intelligence systems, and (C) how
138   businesses that use artificial intelligence systems hire employees with
139   necessary skills concerning artificial intelligence systems;

140   (5) Creating a plan for the state to provide high-performance

141 computing services to businesses and researchers in the state;

142 (6) Evaluating the benefits of creating a state-wide research
143 collaborative among health care providers to enable the development of
144 advanced analytics, ethical and trustworthy artificial intelligence
145 systems and hands-on workforce education while using methods that
146 protect patient privacy; and

147 (7) Evaluating, and making recommendations concerning, (A) the
148 establishment of testbeds to support safeguards and systems to prevent
149 the misuse of artificial intelligence systems, (B) risk assessments for the
150 misuse of artificial intelligence systems, (C) evaluation strategies for
151 artificial intelligence systems, and (D) the development, testing and
152 evaluation of resources to support state oversight of artificial
153 intelligence systems."