**OLR Bill Analysis**

**sSB 2**

***AN ACT CONCERNING ARTIFICIAL INTELLIGENCE.***

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*Except for the CHRO enforcement actions described above, provides the attorney general and DCP commissioner exclusive authority to enforce the AI provisions listed above; requires them to provide a one-year grace period to allow violators an opportunity to cure violations; provides certain affirmative defenses; and deems violations CUTPA violations, but does not provide a private right of action*

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*Establishes a new crime of unlawful dissemination of a synthetic intimate image; makes it a class A misdemeanor if the image is disseminated to one person and a class D felony if it is disseminated to more than one through certain electronic means*

## §§ 18 & 19 — ELECTIONS AND DECEPTIVE AI MEDIA

*Generally prohibits anyone from distributing any deceptive media before an election or primary; defines "deceptive media" as AI-produced media showing a person doing or saying something he or she did not do or say that a reasonable person would believe; provides several exemptions, including for images with disclaimers and for parodies and satires; subjects violators to criminal penalties and civil remedies*

## § 20 — STATE AGENCY STUDY OF AI

*Requires each state agency, in consultation with the labor unions, to study how generative AI may be incorporated in its processes to improve efficiencies; requires each agency to submit a report on the study and potential pilot projects by January 1, 2025, which the DAS commissioner must assess; requires the DAS commissioner to submit a legislative report on the pilot projects and recommendations on additional ones*

## § 21 — STATE EMPLOYEE TRAINING

*Requires the DAS commissioner to (1) develop training for state agency employees on how to use certain generative AI tools and methods to identify and mitigate potential issues and (2) make these trainings available to state employees at least annually, beginning July 1, 2025*

## § 22 — OFFICE OF WORKFORCE STRATEGY

*Requires the chief workforce officer, in consultation with others, to (1) incorporate AI into workforce training programs and (2) design an outreach program to promote broadband Internet access*

§ 23 — CONNECTICUT CITIZENS ACADEMY
*Requires BOR to establish a "Connecticut Citizens Academy" to offer online courses on AI and its responsible use and to award certificates and badges for completion*

§ 24 — CERTIFICATE PROGRAMS
*Requires BOR to establish certificate programs for certain AI-related fields*

§ 25 — DECD COLLABORATIONS
*Requires DECD, by December 31, 2024, in collaboration with various entities, to develop a plan to offer high-performance computing services, establish a statewide research collective, and conduct a "CT AI Symposium"*

§§ 26 & 27 — PILOT STUDIES AND PROGRAMS
*Requires DECD to, within available appropriations, establish and administer grant programs to fund pilot studies and programs to reduce health inequities and integrate algorithms or use virtual training*

§ 28 — DECD AI POINT OF CONTACT
*Requires the DECD commissioner to designate an employee as the primary point of contact for economic development in the AI field*

§ 29 — REMOTE PATIENT MONITORING
*Defines what remote health monitoring means as a part of telehealth services under CMAP (i.e., Medicaid and HUSKY B)*

§ 30 — HEALTH CARE AI STUDY
*Requires DPH to study and make recommendations on governance standards for health care providers who use AI*

BACKGROUND

## SUMMARY

This bill establishes a framework for regulating artificial intelligence (AI) developers and deployers. It requires them to use reasonable care to protect consumers from any known or reasonably foreseeable risks of algorithmic discrimination (i.e., risks of any unjustified differential treatment or impact that disfavors any individual or group of individuals based on certain traits, such as age, ethnicity, or religion). It deems a deployer's failure to use reasonable care a discriminatory practice, subject to Commission on Human Rights and Opportunities (CHRO) enforcement, including a fine of between $3,000 and $7,000.

Beginning July 1, 2025, the bill requires, among other things:

1. a developer to provide the deployer with a general statement describing the system's intended uses and certain documentation that describes the system, other information related to risk mitigation, and a statement summary; and

2. deployers to (a) implement a risk management policy and program before deploying high-risk AI systems and (b) complete an impact assessment on the system before deploying or after any intentional and substantial modification of it.

The bill also generally requires each developer of a general-purpose AI model, by January 1, 2026, to create, maintain, implement, and make available certain technical documentation, information, policies, and summaries.

It generally requires (1) anyone doing business in Connecticut who deploys an AI system that interacts with consumers to ensure the AI discloses to each consumer it interacts with that the consumer is interacting with an AI system and (2) an AI system developer or deployer that generates or manipulates synthetic digital content to provide certain labels, technical solutions, or disclosures.

Besides the CHRO enforcement actions described above, the bill provides the attorney general and the Department of Consumer Protection (DCP) commissioner exclusive authority to enforce the AI provisions. It also deems violations Connecticut Unfair Trade Practices Act (CUTPA) violations, but does not provide a private right of action.

Additionally, the bill makes various other changes related to AI, including:

1. establishing a new crime of unlawful dissemination of a synthetic intimate image;

2. generally prohibiting anyone from distributing any deceptive media before an election or primary;

3. establishing an advisory council and requiring various studies, including on health care providers using AI;

4. requiring various agencies and higher education institutions to create certain trainings, certificate programs, and pilot programs.

Finally, unrelated to AI, the bill defines what remote health monitoring means as a part of telehealth services under the Connecticut Medical Assistance Program (i.e., Medicaid and HUSKY B).

EFFECTIVE DATE: October 1, 2024, except when otherwise provided.

### §§ 1-3 & 9-11 — REASONABLE CARE

*Requires each developer of any AI model or system and deployer of a high-risk AI system to use reasonable care to protect consumers from any known or reasonably foreseeable risks of algorithmic discrimination; deems a deployer's failure to use reasonable care a discriminatory practice, subject to CHRO enforcement, including a fine of between $3,000 and $7,000; provides certain affirmative defenses and an opportunity to correct violations for a year*

Beginning July 1, 2025, the bill requires each developer of any AI model or system and deployer of a high-risk AI system to use reasonable care to protect consumers (i.e., Connecticut residents) from any known or reasonably foreseeable risks of algorithmic discrimination. An AI system is any machine-based system that, for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including content, decisions, predictions, or recommendations, that can influence physical or virtual environments.

Under the bill, a "developer" is any person (i.e., individual, association, corporation, limited liability company, partnership, trust, or other legal entity) doing business in this state who develops or intentionally and substantially modifies:

1. a general-purpose AI model (i.e., any form of AI system that displays significant generality, is capable of competently performing a wide range of distinct tasks, and can be integrated into a variety of downstream applications or systems, but not any AI model used for developing, prototyping, and researching

activities before the model is released to the market);

2. a generative AI system (i.e., an AI system, such as a general-purpose AI model, that can produce or manipulate synthetic digital content); or

3. a high-risk AI system (i.e., any AI system specifically developed and marketed, or intentionally and substantially modified, to make, or be a controlling factor in making, a consequential decision, which are decisions that have a material legal or similarly significant effect on a consumer's ability to get access to, or the availability, costs, or terms of, any criminal justice remedy, education enrollment or opportunity, employment or employment opportunity, essential good or service, financial or lending service, essential government service, health care service, housing, insurance, or legal service).

The bill defines "intentional and substantial modification" to mean any deliberate change made to:

1. a generative AI system, other than a change made because of learning after the system has been deployed, that (a) affects the system's compliance or (b) changes the system's purpose; or

2. a high-risk AI system that creates, or potentially creates, any new risk of algorithmic discrimination.

A "deployer" is any person doing business in this state who deploys (i.e., uses) (1) a generative AI system, or (2) a high-risk AI system.

"Algorithmic discrimination" means any condition in which an AI system materially increases the risk of any unjustified differential treatment or impact that disfavors any individual or group of individuals based on their actual or perceived age, color, disability, ethnicity, genetic information, limited English language proficiency, national origin, race, religion, reproductive health, sex, veteran status, or other classification protected under Connecticut law.

It does not include:

1. any offer, license, or use of an AI system by a developer or deployer for the sole purpose of (a) self-testing to identify, mitigate, or prevent discrimination or ensure compliance with state and federal law, or (b) expanding an applicant, customer, or participant pool to increase diversity or redress historic discrimination; or

2. any act or omission by or on behalf of a club or other establishment that is not open to the public as outlined in the federal Civil Rights Act of 1964 (42 U.S.C. § 2000a(e)).

### *Enforcement*

Under the bill, in any enforcement action the attorney general or DCP commissioner brings after July 1, 2025, there is a rebuttable presumption that a developer or deployer used reasonable care if the developer or deployer complied with the relevant requirements under the bill (see § 9 below). For deployers, this also applies to enforcement actions brought by the Commission on Human Rights and Opportunities (CHRO).

### *Discriminatory Practice*

***Notice to CHRO.*** The bill requires the attorney general or DCP commissioner to notify CHRO, in a form and manner the attorney general or commissioner prescribes, each time one commences an action against a deployer for failing to use reasonable care to protect consumers from algorithmic discrimination. The notice must include the deployer's name and any other relevant information required by the attorney general or commissioner, in consultation with CHRO.

***Notice of and Opportunity to Correct Violations.*** Under the bill, beginning July 1, 2025, it is a "discriminatory practice" under CHRO laws for a high-risk AI system deployer to fail to use reasonable care to protect any consumer from any known or reasonably foreseeable risks of algorithmic discrimination. By doing this, the bill allows individuals aggrieved by these violations, or CHRO itself, to file a complaint with CHRO alleging discrimination.

Regardless of other CHRO laws, the bill generally requires CHRO to

provide a grace period to give violators an opportunity to cure a violation between July 1, 2025, and June 30, 2026. The bill requires the commission, before initiating any action for a violation of the deployer provisions, to issue a notice of violation to the deployer if it determines a cure is possible. If the deployer fails to cure the violation within 60 days after receiving notice, CHRO may bring an action to enforce.

Under the bill, by January 1, 2027, CHRO must submit a report to the General Law Committee disclosing:

1. the number of notices of violations the commission issued,
2. the nature of each violation,
3. the number of violations cured within the 60-day period, and
4. any other matters the commission deems relevant.

***Violations After July 1, 2026.*** Beginning on July 1, 2026, CHRO may, in determining whether to give a deployer the opportunity to cure an alleged discriminatory practice, consider:

1. the number of violations,
2. the deployer's size and complexity and the nature and extent of its business,
3. the substantial likelihood of injury to the public,
4. the safety of individuals or property, and
5. whether the alleged violation was likely caused by human or technical error.

### *Affirmative Defenses*

Under the bill, in any CHRO action for a discriminatory practice violation, it is an affirmative defense that the high-risk AI deployer implemented and maintains a program that complies with:

1. the latest version of the "Artificial Intelligence Risk Management

Framework" that the National Institute of Standards and Technology publishes or another nationally or internationally recognized risk management framework for AI systems;

2. any AI risk management framework systems designated by the Banking or Insurance commissioners, if the deployer is regulated by them; or

3. any AI risk management framework systems that the attorney general may designate.

Additionally, the deployer must also:

1. encourage the high-risk AI system users to provide feedback to the deployer;

2. discover any discriminatory practice violation (a) due to the feedback described above; (b) through adversarial testing or red-teaming, as defined or used by the National Institute of Standards and Technology; or (c) through an internal review process; and

3. within 60 days of discovering the violation, cure it and notify CHRO, in a commission-prescribed form and manner, that the violation has been cured and evidence that any harm the violation caused has been mitigated.

The deployer bears the burden of demonstrating to CHRO that the requirements for these affirmative defenses have been satisfied.

Generally, "adversarial testing" is a method for systematically evaluating a machine learning model with the intent of learning how it behaves when provided with malicious or inadvertently harmful input. A "Red Team" means a group of people authorized and organized to simulate a potential adversary's attack or exploitation capabilities against a security posture. The Red Team's objective is to improve cybersecurity by demonstrating the impacts of successful attacks and by demonstrating what works for the defenders (i.e., the Blue Team) in an operational environment.

### *Prohibition on Certain Concurrent Actions*

The bill prohibits CHRO from taking any action against a deployer for a discriminatory practice if the attorney general or DCP commissioner has initiated an action against the deployer for failing to use reasonable care and the violations are based on the same omission or conduct.

### *Fines*

Under the bill, any deployer that engages in any discriminatory practice in violation of its reasonable care requirement must be fined between $3,000 and $7,000 for each violation.

## § 2 — DEVELOPERS

*Generally requires, beginning July 1, 2025, that any developer making a high-risk AI system available to a deployer provide the deployer a general statement describing the system's intended uses and certain documentation that describes the system, other information related to risk mitigation, and a statement summary; allows the attorney general and DCP commissioner to inspect these documents*

### *General Statement of Intended Uses and Other Documentation*

The bill generally requires, beginning July 1, 2025, any developer offering, selling, leasing, licensing, giving, or otherwise making a high-risk AI system available to a deployer to provide the deployer a general statement describing the system's intended uses and certain documentation. The required documentation must disclose:

1. known or reasonably foreseeable limitations to the system, including risks of algorithmic discrimination arising from the intended uses;

2. the system's purpose; and

3. the system's intended benefits and uses.

The documentation must also describe:

1. the types of data used to train the system;

2. how the system was evaluated for performance and relevant information related to explainability before the system was

offered, sold, leased, licensed, given, or otherwise made available to the deployer;

3. the governance measures used to cover the training datasets and the measures used to examine the suitability of the data sources, possible biases, and appropriate mitigation;

4. the system's intended outputs;

5. the measures the developer took to mitigate any known or reasonably foreseeable risks of algorithmic discrimination that may arise from the system being deployed; and

6. a description of how an individual will use or monitor the system when the system is used to make, or is a controlling factor in making, a consequential decision.

***Risk Mitigation***

On and after July 1, 2025, the bill requires, among other things, a high-risk AI systems developer:

1. that offers, sells, leases, licenses, gives, or otherwise makes available to a deployer a high-risk AI system to provide the deployer, to the extent feasible, the documentation and information needed for the deployer or its third-party contractor to complete an impact assessment the bill requires (see § 3 below). The developer must provide the documentation and information to the deployer through artifacts such as model cards, dataset cards, or other impact assessments.

2. to disclose to the attorney general, DCP commissioner, and all known high-risk AI system deployers, any known or reasonably foreseeable risk of algorithmic discrimination arising from the system's intended uses within 90 days of when the developer (a) discovers through its ongoing testing and analysis that the system has been deployed and caused, or is reasonably likely to have caused, algorithmic discrimination; or (b) receives a credible report from a deployer that the system has been

deployed and caused, or is reasonably likely to have caused, algorithmic discrimination.

### *Statement Summary*

Beginning on that same date, developers must make available, in a clear and readily available way, a statement summarizing certain aspects of the high-risk AI system. They must make the summary available for public inspection on their website or in a public use case inventory. The summary statement must include:

1. the types of high-risk AI systems the developer (a) has developed or intentionally and substantially modified and (b) currently makes available to deployers; and

2. how the developer manages known or reasonably foreseeable risks of algorithmic discrimination arising from development or intentional and substantial modification of these types of high-risk AI systems described above.

The bill requires each developer to update the statement (1) as needed to ensure that the statement remains accurate, and (2) within 90 days of the developer intentionally and substantially modifying any high-risk AI system.

### *Trade Secrets*

The bill specifies that the developer provisions above should not be construed to require a developer to disclose any trade secret or other confidential or proprietary information.

A "trade secret" is information, including a formula, pattern, compilation, program, device, method, technique, process, drawing, cost data, or customer list, that (1) derives actual or potential independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other individuals who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

### *Disclosure*

The bill allows the attorney general or DCP commissioner, beginning July 1, 2025, to require developers disclose to either of them any statement or documentation described above if it is relevant to an investigation either of them conducts. The attorney general or commissioner may evaluate the statement or documentation to ensure compliance with these provisions. Under the bill, these documents are exempt from Freedom of Information Act (FOIA) disclosure and to the extent any information in a disclosed document includes information subject to attorney-client privilege or work product protection, the act specifies that a disclosure does not constitute a waiver of the privilege or protection.

## § 3 — DEPLOYERS

*Generally requires deployers, beginning July 1, 2025, to (1) implement a risk management policy and program before deploying high-risk AI systems; (2) complete an impact assessment on the system before deploying or after any intentional and substantial modification of it; (3) review each deployed system at least annually to ensure the system is not causing algorithmic discrimination; and (4) notify the attorney general or DCP commissioner within 90 days of discovering the system caused an algorithmic discrimination*

### *Risk Management Policy and Program*

The bill requires deployers, beginning on July 1, 2025, to implement a risk management policy and program before they deploy a high-risk AI system. The policy and program must specify and incorporate the principles, processes, and personnel the deployer uses to identify, document, and eliminate any known or reasonably foreseeable risks of algorithmic discrimination. Each policy and program implemented and maintained must be reasonable, considering:

1. the same guidance, standards, and frameworks as the affirmative defenses for CHRO violations (see above);

2. the deployer's size and complexity;

3. the nature and scope of the high-risk AI system the deployer deployed, including the intended uses of the system; and

4. the sensitivity and volume of data processed in connection with

the systems the deployer deployed.

The bill allows a risk management policy and program to cover multiple high-risk AI systems deployed by the same deployer.

### *Impact Assessment*

The bill generally requires a high-risk AI system deployer or one's third-party contractor that deploys a system on or after July 1, 2025, to (1) complete an impact assessment on the system and (2) do another assessment within 90 days after any intentional and substantial modification is made available.

Each impact assessment must include, at a minimum:

1. a statement by the deployer disclosing the system's purpose, intended use cases, and deployment context and benefits;

2. an analysis of whether the deployment of the system poses any known or reasonably foreseeable risks of algorithmic discrimination and, if so, the nature of the algorithmic discrimination and steps that have been taken to eliminate the risks;

3. a description of the (a) categories of data the system processes as inputs and (b) outputs the system produces;

4. if the deployer used data to customize the system, an overview of the categories of data the deployer used to retrain the system;

5. any metrics used to evaluate the system's performance and known limitations;

6. a description of any transparency measures taken on the system, including any measures taken to disclose to a consumer that the system is in use when it is in use; and

7. a description of the post-deployment monitoring and user safeguards provided on the system, including the oversight process the deployer established to address issues from

deploying the system.

***Additional Statement.*** In addition to the impact assessment after an intentional and substantial modification to the system, the bill requires a statement disclosing the extent to which the system was used in a manner that was consistent with, or varied from, the developer's intended uses of the system.

***Single Assessment.*** The bill allows a single assessment to address a comparable set of systems a deployer deploys. If a deployer or its third-party contractor completes an assessment to comply with another applicable law or regulation, that assessment is deemed to satisfy the assessment requirements if the assessment is reasonably similar in scope and effect as the assessment would have been if completed under this provision.

***Completed Assessments.*** A deployer must maintain the most recently completed assessment, any prior ones, and all records on each assessment for at least three years after the final deployment of the system.

### *Annual Review*

The bill requires a deployer, or its third-party contractor, to review, at least annually, each system the deployer deployed to ensure the system is not causing algorithmic discrimination.

### *Notification*

Beginning July 1, 2025, and by the time a deployer deploys a high-risk AI system to make, or be a controlling factor in making, a consequential decision concerning a consumer, the deployer must notify the consumer that the deployer has deployed a system to make, or be a controlling factor in making, the consequential decision; and provide to the consumer:

1. a statement disclosing the (a) system's purpose, and (b) nature of the consequential decision;

2. the deployer's contact information; and

3. a plain-language description of the system, which at a minimum includes a description of (a) any human components of the system and (b) how any automated components of the system are used to inform the consequential decision.

The deployer may provide a consumer this information and description in any way that is clear and readily available.

### *Public Inspection*

The bill requires each deployer to make available, in a way that is clear and readily available for public inspection, a statement summarizing (1) the types of high-risk artificial intelligence systems that the deployer currently deploys and (2) how the deployer manages any known or reasonably foreseeable risks of algorithmic discrimination that may arise from deployment of each system. A deployer must periodically update this statement.

### *Notification to Attorney General or DCP of Algorithmic Discrimination*

If a deployer deploys a high-risk AI system on or after July 1, 2025, and subsequently discovers the system has caused, or is reasonably likely to have caused, algorithmic discrimination against consumers, then the deployer must notify the attorney general or the DCP commissioner within 90 days of the discovery.

### *Trade Secrets*

The bill specifies that the deployer provisions above should not be construed to require a deployer to disclose any trade secret or other confidential or proprietary information.

### *Disclosure*

Substantially similar to the developer disclosure provision in § 2, the bill allows the attorney general or DCP commissioner, beginning July 1, 2025, to require deployers and their third-party contractors to disclose to either of them any risk management policy, impact assessment, or record if it is relevant to an investigation either of them conducts. The attorney general or commissioner may evaluate these items to ensure

compliance with these provisions. Under the bill, these documents are exempt from FOIA disclosure, and a disclosure does not constitute a waiver of the attorney-client privilege or work product protection.

## § 4 — GENERAL-PURPOSE AI MODEL DEVELOPER REQUIREMENTS

*Generally requires each developer of a general-purpose AI model, by January 1, 2026, to create, maintain, implement, and make available certain technical documentation, information, policies, and summaries; allows the attorney general or DCP commissioner to require developers disclose certain documents*

The bill requires each general-purpose AI model developer, by January 1, 2026, to create, maintain, implement, and make available certain technical documentation and information. It also requires these developers to (1) establish, implement, and maintain a policy regarding federal and state copyright laws and (2) create, maintain, and make publicly available a detailed summary on the content used to train the general-purpose AI model, in an attorney general-prescribed form and manner.

### *Technical Documentation*

Each developer must create and maintain technical documentation for the AI model that includes the model's training and testing processes, the evaluation results, and at least the following information, as appropriate considering the size and risk profile of the model:

1. the tasks the model is intended to perform,
2. the type and nature of AI systems where the model can be integrated,
3. acceptable use policies for the model,
4. the date the model is released,
5. the methods by which the model is distributed,
6. the architecture and number of parameters for the model, and
7. the modality and format of inputs and outputs for the model.

The bill also requires the documentation be reviewed and revised at least annually or more frequently if needed to maintain its accuracy.

### *Certain Documentation and Information for Integration in AI Systems*

The developer must also create, implement, maintain, and make available to deployers that intend to integrate the model into their AI systems documentation and information that allows the deployers to understand the model's capabilities and limitations and comply with its obligations under the bill. The developer must also disclose, at a minimum:

1. the technical means required for the model to be integrated into the deployers' AI systems;

2. the design specifications of, and training processes for, the model, including the model's (a) training methodologies and techniques and (b) key design choices, including the rationale and assumptions made;

3. what the model is designed to optimize and the relevance of the different parameters, as applicable; and

4. a description of the data that was used for training, testing, and validation, where applicable, including (a) the type and origin of the data; (b) curation methodologies; (c) the number of data points, their scope, and main characteristics; (d) how the data was obtained and selected; and (e) all other measures used to identify unsuitable data sources and methods used to detect identifiable biases, where applicable.

The bill also requires this documentation and information to be reviewed and revised at least annually or more frequently if needed to maintain its accuracy.

### *Exemption*

These requirements do not apply to a developer that develops, or intentionally and substantially modifies, a general-purpose AI model on

or after January 1, 2026, if:

1. the developer releases the model under a free and open-source license, and

2. the model's parameters, including the weights and information concerning the model architecture and usage, are made publicly available unless the model is deployed as a high-risk AI system.

A developer that claims the exemption bears the burden of demonstrating its actions qualify for the exemption.

### *Trade Secrets*

The bill specifies that its documentation requirement provision should not be construed to require a developer to disclose any trade secret or other confidential or proprietary information.

### *Disclosure*

Substantially similar to the high-risk AI system developer and deployer disclosure provisions in § 2 and § 3, the bill allows the attorney general or DCP commissioner, beginning January 1, 2026, to require general-purpose AI model developers disclose to either of them any documentation relevant to an investigation either of them conducts. The attorney general or commissioner may evaluate the documentation to ensure compliance with these provisions and any implementing regulations. Under the bill, these documents are exempt from FOIA disclosure, and a disclosure does not constitute a waiver of the attorney-client privilege or work product protection.

### *Regulations*

The bill allows the DCP commissioner to adopt regulations to implement these provisions.

## § 5 — PUBLIC DISCLOSURE REQUIREMENTS

*Generally requires anyone doing business in Connecticut who deploys an AI system that interacts with consumers to ensure the AI discloses to each consumer it interacts with that the consumer is interacting with an AI system*

The bill generally requires anyone doing business in the state,

including each deployer that deploys, offers, sells, leases, licenses, gives, or otherwise makes available, as applicable, an AI system that is intended to interact with consumers, to ensure that the AI system discloses to each consumer who interacts with the system that the consumer is interacting with an AI system.

This disclosure is not required when (1) a reasonable person would deem it obvious that he or she is interacting with an AI system or (2) the deployer did not make the AI system directly available to consumers.

## §§ 6 & 7 — SYNTHETIC DIGITAL CONTENT

*Generally requires an AI system developer or deployer that generates or manipulates synthetic digital content to provide certain labels, technical solutions, or disclosures*

### *Developer Labeling and Technical Standards*

The bill generally requires developers of AI systems that generate or manipulate synthetic digital content to provide certain labels and ensure their technical solutions are effective, among other things.

Under the bill, "synthetic digital content" means any digital content, including any audio, image, text, or video, that is produced or manipulated by a generative AI system.

The AI system developer must ensure the AI system outputs are marked in a machine-readable format and detectable as synthetic digital content, and the outputs are marked and distinguishable (1) by the time the consumer first interacts with, or is exposed to, the outputs and (2) in a manner that is clear to consumers and respects any applicable accessibility requirements. As technically feasible and as reflected in any relevant technical standards, the developer must ensure its technical solutions are effective, interoperable, robust, and reliable, considering the specificities and limitations of the different types of synthetic digital content, the implementation costs, and the generally acknowledged state-of-the-art.

These requirements do not apply to the extent that any AI system:

1. performs an assistive function for standard editing;

2. does not substantially alter the deployer's provided input data or its semantics; or

3. is used to detect, prevent, investigate, or prosecute any crime when authorized by law.

### *Deployer Disclosures*

The bill generally requires an AI system deployer, including a general-purpose AI model deployer, that generates or manipulates any synthetic digital content to disclose to the consumer that the content has been artificially generated or manipulated. The disclosure must be (1) by the time the consumer interacts with, or is exposed to, the content and (2) in a manner that is clear to, and distinguishable by, consumers and respects any applicable accessibility requirements.

***Exemptions.*** For synthetic digital content that is in an audio, image, or video format and is part of an evidently artistic, creative, satirical, fictional analogous work or program, the required disclosure may be limited to a disclosure that does not hamper the display or enjoyment of the work or program.

For synthetic digital content that is in the form of text published to inform the public on any matter of public interest, no disclosure is required if (1) the content has gone through a process of human review or editorial control and (2) a person holds editorial responsibility for publishing the content.

The disclosure requirements also do not apply to the extent any AI system is used to detect, prevent, investigate, or prosecute any crime when authorized by law.

## § 8 — ABILITY TO COMPLY WITH STATE OR FEDERAL LAWS OR TAKE CERTAIN OTHER ACTIONS

*Specifies that the bill's requirements do not restrict a developer's or deployer's ability to take certain actions (e.g., comply with federal and state law, cooperate with law enforcement, and engage in research)*

The bill specifies that nothing in its provisions should be construed to restrict a developer's or deployer's ability to:

1. comply with federal, state, or municipal ordinances or regulations, or a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other governmental authorities;

2. cooperate with law enforcement agencies concerning conduct or activity that the developer or deployer reasonably and in good faith believes may violate federal, state, or municipal ordinances or regulations;

3. investigate, establish, exercise, prepare for, or defend legal claims;

4. take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or a person;

5. prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for these actions;

6. engage in public- or peer-reviewed scientific or statistical research in the public interest that follows applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board or similar independent oversight entity that determines (a) that the research's expected benefits outweigh the privacy risk and (b) if the developer or deployer has implemented reasonable safeguards to mitigate risks associated with the research;

7. conduct any research, testing, and development activities on any AI system or model, other than testing under real world conditions, before the system or model is placed on the market or put into service; or

8. assist another developer or deployer with any obligations imposed under the bill.

The bill specifies that the obligations imposed on developers or deployers do not:

1. restrict their ability to (a) effectuate a product recall or (b) identify and repair technical errors that impair existing or intended functionality or

2. apply where compliance by the developer or deployer would violate an evidentiary privilege under state law.

The bill states that its provisions are not to be construed to impose an obligation on a developer or deployer that adversely affects the rights and freedoms of any person, including his or her rights to free speech or freedom of the press guaranteed under the First Amendment of the U.S. Constitution or rights under the state law protecting news media from compelled disclosure of information (CGS § 52-146t).

The bill exempts from its requirements any developer or deployer who develops, deploys, or intentionally and substantially modifies an AI system (1) that has been approved by the federal Food and Drug Administration and (2) in accordance with all applicable federal laws, regulations, rules, and procedures concerning the AI system.

Under the bill, if a developer or deployer engages in an exempted action, it bears the burden of demonstrating that the action qualifies for the exemption.

## § 9 — ATTORNEY GENERAL AND DCP ENFORCEMENT

*Except for the CHRO enforcement actions described above, provides the attorney general and DCP commissioner exclusive authority to enforce the AI provisions listed above; requires them to provide a one-year grace period to allow violators an opportunity to cure violations; provides certain affirmative defenses; and deems violations CUTPA violations, but does not provide a private right of action*

Under the bill, except for the CHRO enforcement actions described above, the attorney general and DCP commissioner have exclusive authority to enforce the AI provisions above.

Substantially similar to the provision above for deployers who violate the CHRO laws, but also applying to developers, the bill establishes a

grace period from July 1, 2025, to June 30, 2026, during which the attorney general or DCP commissioner must give violators an opportunity to cure any violations. Beginning July 1, 2026, the bill gives the attorney general or DCP commissioner discretion over whether to provide an opportunity to correct an alleged violation.

The bill specifies that none of its provisions should be construed as providing the basis for, or be subject to, a private right of action for violations under the act or any other law.

Under the bill, any violation of the bill's requirements is a CUTPA violation, but CUTPA's private right of action and class action provisions do not apply to the violation.

### *Violations and Affirmative Defenses*

The bill provides the same requirements and procedures to the attorney general and DCP commissioner as it did to CHRO, including providing an opportunity to cure violations for a year, submitting a report to the General Law Committee on certain statistics, and providing the same affirmative defenses.

## §§ 10 & 12-15 — CHRO POWERS AND DUTIES

*Authorizes CHRO to require a deployer or its third-party contractor to provide the commission any completed impact assessment, beginning July 1, 2025*

Under the bill, CHRO has the power and duty to, beginning July 1, 2025, require a deployer or its third-party contractor to provide the commission any completed impact assessment. They must provide the assessment to CHRO in a manner the commission prescribes and within seven days after the request. The assessment is exempt from FOIA disclosure. To the extent the impact assessment includes any information subject to attorney-client privilege or work product protection, the disclosure is not considered a waiver of this privilege or protection.

The bill specifies that it does not require a deployer or its third-party contractor to disclose any trade secret or other confidential or proprietary information.

## § 16 — AI ADVISORY COUNCIL

*Establishes a 23-member legislative AI Advisory Council to make recommendations to the General Law Committee and DECD commissioner on certain issues concerning AI, beginning by January 1, 2025*

The bill establishes a 23-member legislative AI Advisory Council to make recommendations to the General Law Committee and the Department of Economic and Community Development (DECD) commissioner on certain issues concerning AI. The advisory council is part of the legislative branch and must engage stakeholders and experts to:

1. study other states' laws and regulations on AI to ensure the definitions included in, and the requirements imposed by, Connecticut law and regulations on AI are consistent with other states;

2. maintain an ongoing dialogue between academia, government, and industry concerning AI;

3. make recommendations on adopting legislation to ensure Connecticut is a leader in AI innovation; and

4. advise DECD in attracting and promoting the growth of technology businesses in the state.

For the purposes of the council, "AI" means (1) a set of techniques, including machine learning, designed to approximate a cognitive task or (2) an artificial system that meets certain criteria. These criteria are as follows:

1. performs tasks under varying and unpredictable circumstances without significant human oversight or can learn from experience and improve performance when exposed to datasets;

2. is developed in any context, including software or physical hardware, and solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action; or

3. is designed to (a) think or act like a human, such as by using a cognitive architecture or neural network, or (b) act rationally, such as by using an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communication, decision-making, or action.

### *Voting Members*

Under the bill, the advisory council has membership similar to the AI Working Group established in PA 23-16. The advisory council's voting members consist of the General Law Committee chairpersons and the members with qualifications listed below. In addition, all voting members must have professional experience or academic qualifications in AI, automated systems, government policy, or another related field.

**Table: Advisory Council Voting Member Appointment and Qualifications**

| *Appointing Authority* | *Member Qualifications* |
|---|---|
| House speaker | Representative of industries developing AI |
| Senate president pro tempore (two appointments) | Representative of a state employee labor union<br>Representative of industries using AI |
| House majority leader | Academic with a concentration in the study of technology and technology policy |
| Senate majority leader | Academic with a concentration in the study of government and public policy |
| House minority leader | Representative of an industry association for industries developing AI |
| Senate minority leader | Representative of an industry association for industries using AI |
| General Law Committee chairpersons (one appointment each) | Not specified |
| Governor (two appointments) | Two Connecticut Academy of Science and Engineering (CASE) members |

The bill requires appointing authorities to make initial appointments within 30 days after the bill's passage and fill any vacancies. Any advisory council action must be taken by a majority vote of all voting members present, and no action may be taken unless at least 50% of voting members are present.

### *Nonvoting Ex-Officio Members*

The advisory council also includes the following 10 nonvoting ex-officio members, or their designees:

1. attorney general;
2. state comptroller;
3. state treasurer;
4. Department of Administrative Services (DAS) commissioner;
5. DECD commissioner;
6. chief data officer;
7. Freedom of Information Commission executive director;
8. Commission on Women, Children, Seniors, Equity and Opportunity executive director;
9. chief court administrator; and
10. CASE executive director.

### *Chairpersons and Meetings*

The bill makes the DECD commissioner or his designee, and the CASE executive director or her designee, the advisory council's chairpersons. They must schedule the group's first meeting, to be held within 60 days after the bill's passage.

The act requires the General Law Committee's administrative staff to serve as the advisory council's administrative staff.

### *Report*

The bill requires the advisory council to submit a report on its findings and recommendations to the General Law Committee and DECD commissioner by January 1, 2025, and at least annually thereafter.

EFFECTIVE DATE: Upon passage

## § 17 — UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE

*Establishes a new crime of unlawful dissemination of a synthetic intimate image; makes it a class A misdemeanor if the image is disseminated to one person and a class D felony if it is disseminated to more than one through certain electronic means*

The bill establishes a new crime of unlawful dissemination of a synthetic intimate image that is similar to the existing crime of unlawful dissemination of an intimate image. A person is guilty of this crime when the person intentionally disseminates, by electronic or other means, a film, videotape, or other image that is not wholly recorded by a camera and is either partially or wholly generated by a computer system, and:

1. the image includes a synthetic representation, that is virtually indistinguishable from an actual representation, of (a) certain body parts of another person (i.e., genitals, pubic area, or buttocks; or female breasts below the top of the nipple) without a fully opaque covering or (b) another person engaged in sexual intercourse;

2. the person disseminates the synthetic intimate image without the other person's consent; and

3. the other person suffers harm because of the dissemination.

As under existing law, "harm" includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

### *Exemptions*

The bill does not apply to disseminating an image if:

1. it serves the public interest,

2. the person voluntarily (a) exposed himself or herself or (b) engaged in sexual intercourse in a public place (a public or privately owned area used or held out for use by the public) or commercial setting, or

3. the person is not clearly identifiable.

It also does not apply to a person who did not know the other person did not consent to the dissemination of the image.

### *Penalties*

The bill makes unlawful dissemination of a synthetic intimate image to (1) a single person a class A misdemeanor (punishable by up to 364 days imprisonment, up to a $2,000 fine, or both) and (2) more than one person by means of an interactive computer service, information service, or telecommunications service a class D felony (punishable by up to five years imprisonment, up to a $5,000 fine, or both).

### *Liability*

The bill specifies that it does not impose liability on certain service providers for content provided by another. This applies to interactive computer services, such as Internet access services; information services, such as electronic publishing; and telecommunications services.

### *Background — Definitions*

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet, and the systems libraries or educational institutions operate or offer services for (47 U.S.C. § 230).

"Information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but excludes any use of any such capability for managing, controlling, or operating a telecommunications system or managing a telecommunications service (47 U.S.C. § 153).

"Telecommunications service" means any transmission in one or more geographic areas (1) between or among points the user specifies; (2) of information of the user's choosing; (3) without change in the information's form or content as sent and received; (4) by electromagnetic transmission means, including fiber optics, microwave,

and satellite; (5) with or without benefit of any closed transmission medium; and (6) including all instrumentalities, facilities, apparatus, and services, except customer premises equipment, which are used for collecting, storing, forwarding, switching, and delivering such information and are essential to the transmission (CGS § 16-247a).

## §§ 18 & 19 — ELECTIONS AND DECEPTIVE AI MEDIA

*Generally prohibits anyone from distributing any deceptive media before an election or primary; defines "deceptive media" as AI-produced media showing a person doing or saying something he or she did not do or say that a reasonable person would believe; provides several exemptions, including for images with disclaimers and for parodies and satires; subjects violators to criminal penalties and civil remedies*

### *Prohibition*

The bill generally prohibits anyone from distributing or entering into an agreement with another person to distribute any deceptive media in the 90 days before the availability of overseas ballots for an election or primary under certain conditions. "Deceptive media" means an image, audio, or video that (1) depicts a human being engaging in speech or conduct in which the human being did not engage; (2) a reasonable viewer or listener would incorrectly believe depicts the human being engaging in the speech or conduct; and (3) was produced, in whole or in part, by AI. (The prohibition appears to apply to any election (any electors' meeting where electors choose public officials through voting tabulators or paper ballots) but ties the prohibition to when overseas ballots are available for federal elections. It is unclear when the prohibition would begin for other elections.)

For this provision, "AI" means a machine-based system that (1) can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments and (2) uses machine- and human-based inputs to (a) perceive real and virtual environments, (b) abstract the perceptions into models through an automated analysis, and (c) formulate options for information or action through model inference.

Under the bill, in order for the prohibition to apply, the person must (1) know the deceptive media depicts any human being doing or saying something that the human being did not do or say, and (2) in

distributing the deceptive media or entering into the agreement to do so, intend to (a) harm the candidate's reputation or electoral prospects in the primary or election, and (b) change the electors' voting behaviors by deceiving them into incorrectly believing that the human being did or said what was shown. Additionally, it must be reasonably foreseeable that the distribution would cause this harm or change the electors' behavior.

### *Exemptions*

The bill allows a person to distribute, or enter into an agreement with another person to distribute, deceptive media during this 90-day period under other conditions. A person may do so if the deceptive media includes a disclaimer informing viewers or listeners, as applicable, that the media has been manipulated by technical means and shows speech or conduct that did not occur. The disclaimer must take different forms depending on the media type. If it is:

1. a video, then the disclaimer must (a) appear throughout the entire video; (b) be clearly visible to, and readable by, the average viewer; (c) be in letters at least as large as the majority of the other text in the video, or if there is no other text, in a size that an average viewer can easily read; and (d) be in the same language used in the deceptive media.

2. exclusively audio, the disclaimer must be (a) read at the beginning and end of the audio, (b) clearly spoken and in a pitch that an average listener can easily hear, and (c) interspersed within the audio at maximum intervals of two minutes if the audio is longer than two minutes in duration.

3. an image, the disclaimer must have the same readability, text size, and language requirements as a video (see above).

4. generated by editing an existing image, audio, or video, the disclaimer must include a citation directing the viewer or listener to the original source, where an unedited version may be found.

The bill specifies that the prohibition does not apply to any deceptive

media that is considered a parody or satire.

### *Penalties*

***Criminal.*** Under the bill, violators of these election provisions are guilty of a class C misdemeanor (punishable by up to three months imprisonment, up to a $500 fine, or both). But a violation committed within five years of a prior conviction is a class D felony (punishable by up to five years imprisonment, up to a $5,000 fine, or both). These criminal penalties are in addition to any injunctive or equitable relief the bill provides below.

***Civil.*** The bill allows the attorney general, the human being deceptively depicted, the candidate, or an organization representing the electors' interests to start a civil action in a court with jurisdiction to seek to permanently enjoin anyone who is alleged to have committed a violation from continuing the violation. The candidate for office must have been, or be likely to be, injured by the deceptive media distribution, while the electors must have been, or be likely to be, deceived by the distribution.

Under the bill, in these civil actions, the plaintiff bears the burden of proving, by clear and convincing evidence, that the defendant distributed deceptive media in violation of these provisions. Besides the attorney general, the bill allows any other party who prevails in these civil proceedings to be awarded reasonable attorney's fees and costs to be taxed by the court.

EFFECTIVE DATE: July 1, 2024

## § 20 — STATE AGENCY STUDY OF AI

*Requires each state agency, in consultation with the labor unions, to study how generative AI may be incorporated in its processes to improve efficiencies; requires each agency to submit a report on the study and potential pilot projects by January 1, 2025, which the DAS commissioner must assess; requires the DAS commissioner to submit a legislative report on the pilot projects and recommendations on additional ones*

The bill requires each state agency, in consultation with the labor unions representing that agency's employees, to study how generative AI may be incorporated in its processes to improve efficiencies. Each agency must prepare for these incorporations with input from its

employees, including any applicable collective bargaining unit, and appropriate experts from civil society organizations, academia, and industry.

By January 1, 2025, each agency must submit the study results to DAS, including a request for approval of any potential pilot project using generative AI the agency intends to establish, provided the use follows the OPM-established AI policies and procedures. Any pilot project must measure how generative AI (1) improves Connecticut residents' experience with and access to government services and (2) supports agency employees in performing their duties in addition to any domain-specific impacts the agency measures. The DAS commissioner (1) must assess these proposals and ensure they will not result in any unlawful discrimination or disparate impact and (2) may disapprove any pilot that fails the assessment or requires additional legislative authorization.

By February 1, 2025, the DAS commissioner must submit a report to the General Law and Government Administration and Elections committees with a summary of all approved pilot projects and any recommendations for legislation needed to implement additional ones.

For this study, AI means any technology including machine learning that uses data to train an algorithm or predictive model to enable a computer system or service to autonomously perform any task, including visual perception, language processing, or speech recognition, that is normally associated with human intelligence or perception. A state agency is any executive branch department, board, council, commission, or institution, including each public institution of higher learning and each constituent unit.

EFFECTIVE DATE: Upon passage

## § 21 — STATE EMPLOYEE TRAINING

*Requires the DAS commissioner to (1) develop training for state agency employees on how to use certain generative AI tools and methods to identify and mitigate potential issues and (2) make these trainings available to state employees at least annually, beginning July 1, 2025*

Existing law requires DAS to do ongoing assessments of systems employing AI that state agencies use to make sure that no system will result in any unlawful discrimination or disparate impact against specified people or groups of people. For this provision, the "AI" definition is the same as the one the advisory council uses (see § 16 above).

The bill requires the DAS commissioner, in consultation with other state agencies, state employee collective bargaining units, and industry experts, to develop training for state agency employees. The training must be on (1) the use of generative AI tools that the commissioner determines, based on the assessment above, achieve equitable outcomes, and (2) methods for identifying and mitigating potential output inaccuracies, fabricated text, hallucinations, and biases of generative AI while respecting the public's privacy and complying with all applicable state laws and policies. Under the bill, generative AI is any form of AI, including a foundation model, that can produce synthetic digital content.

The bill requires the commissioner to make these trainings available to state agency employees at least annually, beginning July 1, 2025.

EFFECTIVE DATE: July 1, 2024

## § 22 — OFFICE OF WORKFORCE STRATEGY

*Requires the chief workforce officer, in consultation with others, to (1) incorporate AI into workforce training programs and (2) design an outreach program to promote broadband Internet access*

By law, the Office of Workforce Strategy is led by the chief workforce officer, who is the principal advisor to the governor on workforce development policy, strategy, and coordination. The chief workforce officer must also have knowledge of publicly funded workforce training programs and possess the training and experience to perform certain statutory duties. The bill adds the following to her duties:

1. incorporate AI training into workforce training programs offered in Connecticut, in consultation with the regional workforce development boards, DECD, and other relevant state agencies;

and

2. consult with DECD, the Connecticut Academy of Science and Engineering, the DAS educational technology commission, and broadband Internet access service providers to (a) design an outreach program to promote broadband Internet access following the state digital equity plan in underserved communities in the state and (b) identify a nonprofit organization to implement and lead the program.

Under the bill, the nonprofit organization must lead the program under the supervision of the chief workforce officer, DECD, the academy, and the commission.

The state digital equity plan is an educational technology commission plan to ensure access to affordable Internet and devices and the skills and support to use digital tools in ways that improve residents' lives.

EFFECTIVE DATE: July 1, 2024

## § 23 — CONNECTICUT CITIZENS ACADEMY

*Requires BOR to establish a "Connecticut Citizens Academy" to offer online courses on AI and its responsible use and to award certificates and badges for completion*

The bill requires the Board of Regents (BOR) to establish, by July 1, 2025, and on behalf of Charter Oak State College and in consultation with Connecticut independent institutions of higher education, a "Connecticut Citizens Academy" to curate and offer online courses on AI and its responsible use. BOR must, in consultation with Charter Oak State College, develop certificates and badges to be awarded to individuals who successfully complete the courses. For this provision, the "AI" definition is the same as the one the state agency study uses (see § 20 above).

EFFECTIVE DATE: July 1, 2024

## § 24 — CERTIFICATE PROGRAMS

*Requires BOR to establish certificate programs for certain AI-related fields*

The bill requires BOR to establish, on behalf of the regional

community-technical colleges, certificate programs in prompt engineering (i.e., the process of guiding a generative AI system to generate a desired output), AI marketing for small businesses, and AI for small business operations. For this provision, the "AI" definition is the same as the one the state agency study uses (see § 20 above).

EFFECTIVE DATE: July 1, 2024

## § 25 — DECD COLLABORATIONS

*Requires DECD, by December 31, 2024, in collaboration with various entities, to develop a plan to offer high-performance computing services, establish a statewide research collective, and conduct a "CT AI Symposium"*

The bill requires DECD, by December 31, 2024, to collaborate with:

1. UConn and the Connecticut state colleges and universities, to develop a plan to offer high-performance computing services to Connecticut businesses and researchers;

2. UConn, to establish a statewide research collaborative among health care providers to enable the development of advanced analytics, ethical and trustworthy AI, and hands-on workforce education while using methods that protect patient privacy; and

3. industry and academia, to conduct a "CT AI Symposium" to foster collaboration between academia, government, and industry for the purpose of promoting the establishment and growth of AI businesses in the state.

EFFECTIVE DATE: July 1, 2024

## §§ 26 & 27 — PILOT STUDIES AND PROGRAMS

*Requires DECD to, within available appropriations, establish and administer grant programs to fund pilot studies and programs to reduce health inequities and integrate algorithms or use virtual training*

The bill requires DECD to, within available appropriations, establish and administer a competitive grant program to fund pilot:

1. studies for using AI to reduce health inequities in the state, up to $20,000 per grant; and

2. programs that hospitals, fire departments, schools, nonprofit providers, the judicial branch, and the Department of Correction establish for clinically integrating algorithms or using virtual training, up to $75,000 per grant.

For the pilot studies, the "AI" definition is the same as the one the state agency study uses (see § 20 above).

EFFECTIVE DATE: Upon passage

## § 28 — DECD AI POINT OF CONTACT

*Requires the DECD commissioner to designate an employee as the primary point of contact for economic development in the AI field*

The bill requires the DECD commissioner to designate a department employee to serve as the primary point of contact for economic development in the AI field.

EFFECTIVE DATE: July 1, 2024

## § 29 — REMOTE PATIENT MONITORING

*Defines what remote health monitoring means as a part of telehealth services under CMAP (i.e., Medicaid and HUSKY B)*

Under existing law for Connecticut Medical Assistance Program ("CMAP," i.e., Medicaid and HUSKY B) telehealth services, telehealth includes, among other things, remote health monitoring.

The bill defines "remote health monitoring" for these purposes to mean the collecting and interpreting of a patient's physiologic data that is digitally transmitted to a telehealth provider, and the treatment management services involving the provider using the data to manage the patient's treatment plan.

EFFECTIVE DATE: July 1, 2024

## § 30 — HEALTH CARE AI STUDY

*Requires DPH to study and make recommendations on governance standards for health care providers who use AI*

The bill requires the Department of Public Health (DPH) to study and make recommendations on adopting governance standards for health

care providers who use AI. The study must assess the extent to which health care providers currently use AI, approaches to increase use, any risks stemming from the use, and any methods available to monitor AI-produced outcomes to ensure the outcomes have the desired effects on patient outcomes. For this provision, the "AI" definition is the same as the one the state agency study uses (see § 20 above).

By January 1, 2025, DPH must submit the study's results and any recommendations to the General Law and Public Health committees.

EFFECTIVE DATE: Upon passage

## BACKGROUND

### *CUTPA*

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to $5,000 for willful violations and up to $25,000 for a restraining order violation.

### *Related Bills*

sHB 5198 (File 124), favorably reported by the Public Health Committee, among other things authorizes the Department of Social Services commissioner, to the extent allowed under federal law, to enable CMAP to cover applicable services provided through audio-only telehealth services.

sHB 5236, § 25, (File 103) favorably reported by the General Law Committee, among other things allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations, after an administrative hearing.

sHB 5450, favorably reported by the Government Administration and Elections Committee, makes it a crime for a person to (1) distribute

a communication with deceptive synthetic media or (2) enter into an agreement to distribute it.

## COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 22 Nay 0 (03/12/2024)