June 19, 2024

# U.S. A.I. LAWS

A State-by-State Study

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# US AI LAWS

| STATE | BILL / ACT / LAW | DESCRIPTION |
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| Washington | SB5643 and its companion HB1616 - Proposed | Introduced on January 31, 2023, SB5643 and its companion HB1616, known as the People's Privacy Act, aim to prohibit any covered entity or Washington governmental body from using or installing equipment with "**artificial intelligence-enabled profiling**" in public spaces such as resorts, accommodations, gatherings, or amusement venues.<br>Additionally, the act forbids the use of **artificial intelligence-enabled profiling for decisions with legal impacts**, such as denial or degradation of vital services like financial or lending services, housing, insurance, educational enrollment, criminal justice, employment, healthcare, and access to basic necessities like food and water.<br>"**Artificial intelligence-enabled profiling**" is defined as the automated or semi-automated analysis of an individual's characteristics to infer or determine their state of mind, character, tendencies, protected class status, political or religious affiliations, immigration status, or employability.<br>The bill also bans the use of "face recognition" technology in public spaces, which is defined as the automated or semi-automated process of identifying an individual by their facial characteristics or analyzing their face to determine their sentiment, state of mind, or other tendencies, including perceived dangerousness. |
| | SB6299 - Proposed | Introduced on January 24, 2024, SB6299 aims to make it **illegal for employers to use artificial intelligence or generative artificial intelligence** to assess or make employment decisions about current employees **without providing written** |

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|  |  | **disclosure**.<br>Employers must inform employees about the use of such technology either at the time of their initial hire or within 30 calendar days of the employer beginning to use the technology for this purpose. |
|  | HB1951 - Proposed | Introduced on December 14, 2023, HB1951 mandates that by January 1, 2025, and annually thereafter, developers and deployers of automated decision tools must complete and document an **impact assessment for each tool they use or develop**, as specified.<br>An "automated decision tool" refers to a system or service using artificial intelligence, specifically developed, marketed, or modified to be a controlling factor in making significant decisions.<br>Upon request, developers or deployers must provide these impact assessments to the office of the attorney general.<br>The bill also requires certain public disclosures and prohibits the use of automated decision tools that result in algorithmic discrimination. |
| Oklahoma | HB 3453 - Proposed | Introduced on February 5, 2024, HB 3453, known as the Oklahoma Artificial Intelligence Bill of Rights, aims to grant Oklahoma residents several **rights concerning interactions with artificial intelligence (AI) systems**.<br>These rights include **the right to be informed** when interacting with AI engines instead of real persons, **the right to know** and **opt-out when their data is used in AI models**, and **the right to transparency** regarding contracts and documents generated by AI engines. Additionally, the bill provides rights regarding the consumption of AI-generated images or text, the verification of authenticity through watermarks, and ensuring industry-standard security measures for data privacy. Furthermore, it guarantees rights regarding the approval of derivative media using individuals' voices or images, as well as protection against algorithmic bias based on various legally protected classifications. If enacted, the act would come into effect on November 1, 2024. |

| | HB 3577 - Proposed | Introduced on February 5, 2024, HB 3577, titled the Artificial Intelligence Utilization Review Act, proposes several mandates regarding the use of artificial intelligence (AI) by health insurers in Oklahoma. Firstly, it requires health insurers to **disclose their use of AI algorithms**. Additionally, the bill mandates that **health insurers submit their AI systems to the Oklahoma Department of Insurance for review**. Violations of these requirements would be considered unfair methods of competition and unfair or deceptive acts or practices, subjecting offenders to civil penalties ranging from $5,000 to $10,000. If the act is passed, it would become effective on November 1, 2024. |
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| | HB 3835 - Proposed | Introduced on February 5, 2024, HB 3835, known as the **Ethical Artificial Intelligence Act**, proposes various measures to regulate the deployment and development of automated decision tools in Oklahoma. The bill directs deployers and developers of such tools to complete and document specific **impact assessments**, including assessments of updates, which must be provided to the **Office of the Attorney General**. It mandates developers to provide documentation to deployers and make certain information publicly available. Additionally, the act prohibits deployers from engaging in algorithmic discrimination. Enforcement of the act would be overseen by the attorney general, with violations considered unfair or deceptive acts under the Oklahoma Consumer Protection Act, allowing harmed parties to pursue civil action. If enacted, the act would come into effect on November 1, 2024. |
| California | SB 1001 – Enacted | Introduced as SB 1001 in 2018, **the Bolstering Online Transparency Act (BOT)** took effect in July 2019. BOT prohibits the use of bots to interact online with Californian individuals for sales, services, or election influence without disclosing the bot's automated nature. |

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| | | A "bot" is defined as an automated online account where most actions or posts are non-human. The law is applicable only to public-facing platforms with over 10 million monthly U.S. visitors and users and pertains specifically to interactions with Californian individuals. Notably, BOT does not grant a private right of action. |
| | California Consumer Privacy Act – Enacted | The California Consumer Privacy Act (CCPA), as augmented by the California Privacy Rights Act (CPRA), regulates profiling and automated decision-making. Under the CCPA, consumers possess **opt-out rights** concerning businesses' utilization of "automated decision-making technology," encompassing the "profiling" of consumers based on various personal attributes. "Profiling" is defined as any automated processing of personal information to evaluate aspects of an individual, with specifics to be further outlined in CCPA regulations. Moreover, the CCPA mandates businesses to conduct privacy risk assessments for processing activities posing a "**significant risk**" to consumers' privacy or security, although the precise definition of "significant risk" awaits regulatory clarification. As of the present, regulations concerning automated decision-making remain unpublished. |
| | AB2013 - Proposed | Introduced on January 31, 2024, AB2013 proposes requirements for developers of artificial intelligence systems or services offered to Californians. By January 1, 2026, developers would be mandated to publish documentation on their website detailing the data utilized to train the AI system or service, irrespective of whether the usage terms involve compensation. |
| | SB970 – Proposed | Introduced on January 25, 2024, SB970 proposes regulations for sellers or providers of artificial intelligence technology used to generate synthetic images, video, or voice. It mandates these entities to provide consumers with **warnings** about potential civil or criminal liability resulting from misuse of the technology. The Department of Consumer Affairs would be tasked with specifying the form and content of these warnings. Violations of the consumer warning requirement could result |

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| | | in civil penalties of up to twenty-five thousand dollars ($25,000) per day that the technology is offered to the public without compliance. |
| | AB 331 – Failed | Introduced on January 30, 2023, AB 331 proposes regulations for entities utilizing automated decision tools (**ADTs**) to make consequential decisions. It mandates these entities, referred to as deployers and developers, to conduct annual impact assessments for each ADT used. These assessments must detail the purpose, benefits, and deployment contexts of the ADT, with reports submitted to the Civil Rights Department within 60 days of completion. Prior to using an ADT for consequential decisions, deployers must inform affected individuals and offer alternatives if feasible. |
| Ohio | SB217 – Proposed | Introduced on January 24, 2024, SB 217 proposes regulations for AI-generated products in Oklahoma. Under this bill, AI-generated products must bear a **watermark**, and removing such a watermark would be prohibited. The bill also bans the creation of **simulated child pornography** and prohibits identity fraud using replicas of individuals. It allows for injunctive relief and imposes a civil penalty of up to $10,000 for unauthorized removal of an AI watermark. If passed, this legislation would provide essential safeguards against misuse and abuse of AI-generated content, promoting accountability and protecting individuals from potential harm. |
| New York | Local Law 144 - Enacted | In December 2021, New York City implemented Local Law 144, pioneering legislation in the United States mandating bias audits for AI-enabled tools used in employment decisions. The law places significant obligations on employers utilizing Automated Employment Decision Tools (**AEDTs**). Employers must subject these tools to **bias audits** conducted by independent auditors within one year of their implementation. |

|  | | Additionally, employers must make public the date of the most recent bias audit, along with a summary of its results, on their website's career or jobs section. Furthermore, they must provide applicants with notice detailing the use of AEDTs in their evaluation, including specific job qualifications and characteristics considered, and inform candidates of their right to request alternative selection processes or accommodations. Enforcement of the law, facilitated by the **Department of Consumer and Worker Protection** (DCWP), commenced on July 5, 2023, following the publication of the law's Final Rule on April 6, 2023. |
|  | S7735 – Proposed | Introduced on November 3, 2023, S7735 (assembly version A7906) proposes legislation aimed at regulating the use of automated decision tools by **landlords**. The bill stipulates that it would be unlawful for landlords to utilize such tools unless they conduct a disparate impact analysis annually to evaluate the actual impact of the tool and publicly file the assessment. Furthermore, landlords must notify all applicants of the use of automated decision tools and provide them with specific disclosures related to these tools. If passed, the law would take immediate effect, signaling a proactive approach to ensuring fairness and transparency in the housing sector. |
|  | S7592 – Proposed | Introduced on July 7, 2023, S7592 (assembly version A7904) proposes amendments to election law aimed at **transparency in political communications.** The bill mandates that any political communication utilizing images or video footage generated wholly or partially with artificial intelligence must disclose the use of AI. This requirement ensures transparency regarding the origin of media used in political messaging. If enacted, the law would contribute to fostering informed public discourse by providing voters with essential information about the technology employed in political campaigns. |
|  | A8126 – | Introduced on October 13, 2023, A8126 (senate version S8209) proposes the |

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| | Proposed | establishment of the **New York Artificial Intelligence Bill of Rights**, aimed at safeguarding the rights and protections of residents affected by non-human decision-making systems.<br><br>Under this bill, New York residents would be entitled to several key rights and protections, including: (i) the right to safe and effective systems; (ii) protections against algorithmic discrimination; (iii) protections against abusive data practices; (iv) the right to have agency over one's data; (v) the right to be informed when an automated system is utilized; (vi) the right to understand the mechanisms and rationale behind automated system outcomes; (vii) the right to opt out of automated systems; and (viii) the right to human intervention when deemed necessary. If enacted, this legislation would provide essential safeguards and empower individuals in their interactions with automated systems, ensuring transparency, accountability, and fairness in AI-driven decision-making processes. |
| | A8098 – Proposed | Introduced on September 29, 2023, A8098 proposes legislation mandating disclosure by publishers of **books created using generative artificial intelligence** (AI).<br><br>Under this bill, publishers would be required to disclose the use of generative AI in the creation of books, whether wholly or partially, before completing the sale.<br><br>The disclosure obligation applies to all books, regardless of format (printed or digital), encompassing various content types such as text, pictures, audio, puzzles, games, or any combination thereof.<br><br>This legislation aims to ensure transparency and inform consumers about the AI involvement in the creation of books, fostering trust and transparency in the publishing industry. |
| | A8158 – Proposed | Introduced on October 16, 2023, A8158 (senate version S7847) proposes legislation mandating disclosure in newspapers, magazines, or other publications printed or electronically published in the state of New York.<br><br>Under this bill, if a **publication** contains content generated by generative artificial |

| | | intelligence or other information communication technology, it must be identified as such.<br>This requirement aims to ensure transparency regarding the origin of content produced through AI or similar technologies, providing readers with essential information about the composition of the publication. |
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| | S8214 – Proposed | Introduced on January 12, 2024, S8214 proposes legislation requiring certain companies operating in the field of artificial intelligence (AI) to register with the Department of State in New York. This requirement applies to companies whose **primary business purpose is related to AI,** as indicated by specific North American Industry Classification System (NAICS) codes, and who are either based in New York or sell their products or services within the state.<br>The registration fee is set at $200, and failure to register may incur fines of up to ten thousand dollars. Additionally, companies knowingly failing to register could face penalties, including a potential prohibition from operating or selling AI products or services in New York for up to ten years. |
| | A8195 – Proposed | Introduced on October 27, 2023, A8195, known as the **Advanced Artificial Intelligence Licensing Act**, proposes comprehensive regulations for high-risk advanced artificial intelligence (AI) systems.<br>The bill mandates the registration and licensing of such systems, aiming to ensure accountability and oversight in their development and operation.<br>Additionally, the legislation establishes an advanced artificial intelligence ethical code of conduct to govern the use of these systems, emphasizing ethical principles and responsible practices.<br>Furthermore, certain artificial intelligence systems are prohibited from development and operation under this act, likely those deemed to pose significant risks or ethical concerns. |
| | S8206 – | Introduced on January 12, 2024, S8206 (assembly version A8105) proposes regulations |

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| | Proposed | for operators of **generative or surveillance advanced artificial intelligence (AI) systems** accessible to residents of the state.<br>The bill mandates that users create an account prior to utilizing such services. Before creating an account, operators must present users with a conspicuous digital or physical document, which users must affirm under penalty of perjury.<br>This document outlines specific affirmations, including commitments not to use the platform for creating or disseminating harmful content, aiding illegal activities, spreading defamatory or offensive material, or distributing false information intended to mislead the public or cause panic. |
| | SO7623 - Proposed | Introduced on August 4, 2023, SO7623 proposes statewide regulations for tools incorporating artificial intelligence (AI) in **employee monitoring and decision-making processes**.<br>The bill outlines several key provisions: (1) defining specific allowable purposes for electronic monitoring tools (EMTs); (2) mandating that EMTs be used only when "strictly necessary" and as the "least invasive means" to achieve their goals; (3) requiring minimal data collection on as few employees as possible to fulfill objectives.<br>Additionally, the legislation stipulates the necessity for "meaningful human oversight" of automated tool decisions, mandates independent bias audits with public posting of results, and enforces notification requirements for candidates regarding tool usage. |
| | SB 5641 - Proposed | Introduced on March 10, 2023, SB 5641 proposes amendments to labor law, establishing criteria for the use of **automated employment decision tools** (**AEDTs**). This bill closely resembles NYC's Local Law 144.<br>Key provisions include: (1) requiring employers to obtain a disparate impact analysis from the AEDT seller annually; (2) mandating public availability of the analysis date, summary results, and AEDT distribution date on the employer's or employee agency's website before tool implementation; and (3) annual submission of the most recent disparate impact analysis summary to the labor department. |

| | SB 365 – Failed | Introduced on January 4, 2023, SB 365, known as the **New York Privacy Act**, represents the state's inaugural comprehensive privacy legislation. Under this proposed law, companies would be obligated to disclose their utilization of automated decision-making processes that could adversely impact consumers, such as denying financial services, housing, healthcare, insurance, or essential necessities, or producing legal or similarly significant outcomes. Additionally, companies must establish a mechanism for consumers to challenge negative automated decisions, request a human review, and conduct **annual impact assessments** to mitigate bias, discrimination, unfairness, or inaccuracies in their automated decision-making systems.<br>Furthermore, the New York Privacy Act allows consumers to **opt-out** of "profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer."<br>Profiling, as defined, encompasses any form of automated processing used to assess, analyze, or predict personal aspects such as economic status, health, preferences, behavior, or location. Lastly, the law mandates companies to conduct data protection assessments for their profiling activities, recognizing profiling as a processing activity posing a heightened risk of harm to consumers. |
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| | A216 – Failed | Introduced on January 4, 2023, A216 proposes legislation mandating advertisements to disclose their utilization of synthetic media.<br>**Synthetic media**, as defined in the bill, encompasses computer-generated voices, photographs, images, or likenesses created or altered through artificial intelligence to mimic human characteristics.<br>Additionally, it includes videos modified by AI algorithms to replicate human likenesses. Violations of this requirement would incur civil penalties, with a $1,000 fine for initial offenses and a $5,000 penalty for subsequent violations. |
| | A5309 – Failed | Introduced on March 7, 2023, A5309 aims to amend state finance law by mandating that state units purchasing products or services incorporating algorithmic decision |

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| | | systems must ensure adherence to responsible artificial intelligence standards.<br>Under the proposed legislation, the commissioner of taxation and finance is tasked with adopting regulations to support this requirement. |
| | S6638 & A7106 - Failed | Introduced on May 3, 2023, S6638 and May 10, 2023, A7106, **the Political Artificial Intelligence Disclaimer (PAID) Act**, proposes amendments to election and legislative law concerning the use and disclosure of synthetic media in political communications. The act would mandate that any political communication created with synthetic media must include a disclosure, either in printed or digital form, stating: "This political communication was created with the assistance of artificial intelligence." If enacted, the act is slated to take effect on January 1, 2024. |
| | S7422 & A7634 - Failed | S7422, introduced on May 24, 2023, and A7634, introduced on May 25, 2023, propose prohibiting film production companies applying for the Empire State film production credit from utilizing **synthetic media** in any production component that displaces a natural person from their role.<br>This prohibition extends to all media forms, such as text, image, video, or sound, created or altered through artificial intelligence.<br>Compliance with this legislation would become a prerequisite for receiving the credit. Should the bill pass, it would come into effect immediately. |
| Oregon | SB619 - Enacted | On August 1, 2023, Oregon enacted SB619, its inaugural comprehensive consumer privacy legislation.<br>This bill aligns with the **Virginia Consumer Data Protection Act**, establishing guidelines for profiling and automated decision-making. It grants individuals the right to opt-out of data processing aimed at profiling them for decisions that have legal or similarly significant impacts. Profiling is described as "automated processing of personal data to evaluate, analyze, or predict a consumer's economic status, health, personal preferences, interests, reliability, behavior, location, or movements." |

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| | | Additionally, controllers are required to conduct data protection assessments for high-risk profiling activities. The law will take effect on July 1, 2024. |
| Virginia | Virginia Consumer Data Protection Act (VCDPA) - Enacted | The Virginia Consumer Data Protection Act (VCDPA), effective as of January 1, 2023, establishes guidelines for **profiling** and **automated decision-making**. Under the VCDPA, individuals have the option to opt-out of "profiling for decisions resulting in legal or similarly significant effects" regarding them. This includes actions such as denying or providing financial and lending services, housing, insurance, educational opportunities, involvement in criminal justice, employment, healthcare services, or access to basic necessities. Controllers are additionally required to conduct data protection impact assessments for **high-risk profiling activities.** |
| | HB 747 - Proposed | Introduced on January 10, 2024, HB 747, known as the **Artificial Intelligence Developer Act**, proposes restrictions on developers of **"high-risk artificial intelligence systems"** from distributing them without providing sufficient information for a risk assessment. This includes detailing potential risks and benefits, as well as intended uses. Similar requirements would extend to developers of generative artificial intelligence. The Act mandates that deployers of artificial intelligence must take reasonable measures to prevent foreseeable "algorithmic discrimination" and can only use high-risk AI for significant decisions if they have a risk management policy in place. It outlines elements necessary for a risk assessment, such as processing purpose, transparency measures, training data description, among others. Non-compliance may result in civil penalties up to $1,000 plus legal expenses, with willful violations facing penalties ranging from $1,000 to $10,000. The law is slated to take effect on July 1, 2026. |
| Vermont | H710 – Proposed | Introduced on January 9, 2024, H710 proposes obligations for both **developers and deployers of "high-risk artificial intelligence systems."** Developers would be required to exercise reasonable care to prevent algorithmic |

|  |  | discrimination that could reasonably be anticipated as a consequence of developing or modifying such systems for consequential decision-making.<br><br>They must also provide disclosures regarding the system, including information about its limitations, foreseeable risks of algorithmic discrimination, data processing purposes, mitigation measures, and other pertinent details necessary for risk assessment. Similar requirements would extend to developers of generative artificial intelligence.<br><br>Deployers would need to exercise reasonable care to prevent **algorithmic discrimination** resulting from deploying or using high-risk artificial intelligence systems.<br><br>These systems could only be used if the deployer has implemented a risk management policy at least as rigorous as the Artificial Intelligence Risk Management Framework published by NIST and conducted a risk assessment for the system.<br><br>Search engines and social media platforms utilizing synthetic digital content would be obligated to signal to consumers if the content was generated by generative artificial intelligence.<br><br>Non-compliance with the Act would be considered an unfair and deceptive trade practice, subject to enforcement under 9 VSA 2453. The Attorney General may grant a cure period at their discretion. The Act is slated to take effect on July 1, 2024. |
|  | H711 – Proposed | Introduced on January 9, 2024, H711 proposes the establishment of an oversight and **enforcement agency** to manage risk assessments associated with high-risk artificial intelligence systems.<br><br>The legislation mandates that each deployer of **"inherently dangerous artificial intelligence systems"** must submit a risk assessment before deployment and every two years thereafter, with updated assessments required for substantial system changes.<br><br>Additionally, deployers must provide testing results at 1-, 6-, and 12-month intervals to demonstrate system reliability and outline any variances or mitigation measures to mitigate risks.<br><br>The bill also imposes a duty on deployers and developers to adhere to a standard of care |

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| | | in using inherently dangerous AI systems that could reasonably impact consumers. Deployment of such systems posing disproportionate risks is prohibited unless evaluated against the Artificial Intelligence Risk Management Framework published by NIST.<br><br>Violations of the Act would be considered unfair practices in commerce, with provisions for a private right of action for consumers harmed by violations. The legislation is slated to take effect on July 1, 2024. |
| | H114 – Proposed | Introduced on January 25, 2023, H114 proposes limitations on electronic monitoring of employees and the use of **automated decision systems** (ADSs) for employment decisions. Under the bill, **electronic monitoring of employees** is permissible only for specific purposes such as ensuring compliance with labor laws or safeguarding employee well-being, provided that adequate notice is given to employees at least 15 days before monitoring begins.<br><br>ADSs utilized for employment-related decisions must meet various criteria, including human oversight to corroborate system outputs and the creation of a written impact assessment prior to implementation. However, the legislation was not passed before the conclusion of the legislative session in May 2023. |
| New Jersey | S332 – Enacted | Initially introduced on January 11, 2022, S332, establishes an **omnibus consumer privacy law** resembling the **Washington Privacy Act**.<br><br>It mandates companies to conduct data protection assessments for processing posing a heightened risk of harm to consumers, including **profiling activities**.<br><br>"Profiling" encompasses automated processing evaluating personal aspects. Consumers gain the right to opt-out of profiling for decisions with legal or significant impacts. Signed into law on January 16, 2024, it will become effective on January 15, 2025. |
| | A4909 – Failed | Introduced on December 5, 2022, A4909 aims to regulate the use of automated tools in hiring decisions to reduce discrimination in employment. It places restrictions on the |

| | | sale of automated employment decision tools (**AEDTs**), necessitating bias audits and mandating candidate notification within 30 days of tool utilization. |
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| | A537 – Failed | Introduced on January 1, 2022, A537 proposes that automobile insurers utilizing automated or predictive underwriting systems must annually furnish documentation and analysis to the Department of Banking and Insurance, verifying that pricing outcomes do not discriminate based on race, ethnicity, sexual orientation, or religion as determined by the insurer's system. The bill defines **"automated or predictive underwriting system"** as a computer-generated process assessing policyholder risk and determining insurance rates, potentially incorporating robotic process automation, artificial intelligence, or other specialized technology. |
| | S1402 – Failed | Introduced on February 10, 2022, S1402 declares it unlawful discrimination for an automated decision system (**ADS**) to discriminate against any individual or group belonging to a protected class. Such discrimination is prohibited in various contexts, including loan granting, insurance coverage, and provision of health care services. An ADS, defined as a computational process facilitating decision-making, is deemed discriminatory if it disproportionately selects protected class members for participation or eligibility compared to non-members. If enacted, the law would take effect on the first day of the third month following its enactment. |
| Pennsylvania | HB49 – Proposed | Introduced on March 7, 2023, HB49 proposes that the Department of State establish a registry of businesses operating artificial intelligence systems within the State. This registry would contain various details, including the name of the business, its IP address, the type of code used for artificial intelligence, the software's purpose, and personal information about a designated contact person at the business. Additionally, the registry would include contact details such as the address, email address, and telephone number of the designated contact person. Furthermore, the |

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| | | registry would require a signed statement from the business indicating their agreement with the Department of State to store their information. However, it's important to note that the bill was introduced but not accepted before the end of the legislative session. |
| | HB708 – Proposed | Introduced on March 27, 2023, HB708 proposes the establishment of an **omnibus consumer privacy law**, similar to those implemented in states such as Virginia. The bill grants consumers the right to **opt-out of the processing of their personal data for profiling purposes** leading to decisions with legal or similarly significant effects concerning the consumer. "Profiling" under this bill refers to automated processing of personal data to assess, analyze, or predict various personal aspects of an identified or identifiable individual, including economic situation, health, preferences, behavior, and more. Moreover, the bill mandates data protection assessments for profiling activities presenting foreseeable risks, such as discriminatory treatment, financial or reputational harm, intrusion into privacy, or other significant injuries to consumers. If passed, the act would come into effect 18 months after its enactment. However, it's worth noting that the bill was introduced but not accepted before the conclusion of the legislative session. |
| | HB1201 - Proposed | Introduced on December 13, 2023, HB1201 proposes the establishment of an omnibus consumer privacy law, akin to HB708, aimed at safeguarding consumer data. The bill grants consumers the right to opt-out of the processing of their personal data for targeted advertising, sale of personal data (with exceptions), and **profiling** leading to solely automated decisions with legal or similarly significant effects. Under HB1201, "profiling" refers to any automated processing of personal data to assess, analyze, or predict various personal aspects of an identified or identifiable individual, encompassing economic situation, health, preferences, behavior, and more. Furthermore, the bill mandates data protection impact assessments in cases where profiling presents foreseeable risks, including unfair treatment, financial or reputational |

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| | | harm, intrusion into privacy, or other significant injuries to consumers.<br>If passed, the act would come into effect within 6 months of its enactment. However, it's important to note that the bill was introduced but not accepted before the conclusion of the legislative session. |
| | HB1663 - Proposed | Introduced on September 7, 2023, HB1663 proposes requirements for **health insurers** to **disclose the use of artificial intelligence-based algorithms** in the utilization review process. These requirements include disclosing to clinicians, subscribers, and the public that claims evaluations utilize AI algorithms, defining such algorithms as clinical review criteria subject to existing laws and regulations, and mandating specialized health care professionals to individually review and document clinical records before denying a claim based on initial AI algorithms.<br>Additionally, health insurance companies would need to submit their AI-based algorithms and training datasets to the Pennsylvania Department of Insurance for transparency and certification to minimize bias risks and adhere to evidence-based clinical guidelines. If enacted, the act would take effect in 60 days. |
| | HB1598 - Proposed | Introduced on August 7, 2023, HB1598 seeks to amend the Unfair Trade Practices and Consumer Protection Law by broadening the definition of an unfair trade practice to encompass the creation, distribution, or publication of **content generated by artificial intelligence** without clear and conspicuous disclosure.<br>This disclosure, which must include written text, images, audio and video content, and other media forms, must indicate that the content was AI-generated and be presented in a manner easily understandable and noticeable to consumers. If enacted, the act would become effective in 60 days. |
| Utah | SB149 – Proposed | Introduced on January 24, 2024, SB 149 proposes that covered businesses must clearly and prominently inform consumers when they are interacting with **"generative artificial intelligence and not a human."** |

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| | | Generative artificial intelligence, as defined in the bill, refers to an artificial system trained on data that engages with individuals through text, audio, or visual communication, producing non-scripted outputs akin to human-generated ones, with minimal or no human oversight. Non-compliance with the legislation would lead to a civil penalty of up to $5,000 per violation. |
| Massach usetts | SD 745 - Proposed | Introduced on January 18 and 19, 2023, the **Massachusetts Data Privacy Protection Act (MDPPA)** was filed in both the Senate SD 745 and in the House HD 2281. Modeled after the federal **American Data Privacy Protection Act**, this bill introduces additional provisions pertaining to workplace surveillance. <br><br> Under the MDPPA, companies would be obligated to conduct impact assessments if they utilize a **"covered algorithm"** in a manner that poses a significant risk of harm to individuals. The bill defines a "covered algorithm" as a computational process employing machine learning, natural language processing, artificial intelligence techniques, or similar complex computational processing methods. <br><br> These algorithms are utilized to make decisions or facilitate human decision-making regarding covered data, including determining the provision of products or services, or influencing the delivery or display of information to individuals. |
| | SD 1971 - Proposed | Introduced on January 20, 2023, in both the Senate SD 1971 (assigned SB227) and in the House HD 3263, the **Massachusetts Information Privacy and Security Act** (MIPSA) establishes various rights for individuals regarding the processing of their personal information. <br><br> These rights include the entitlement to receive a privacy notice at or before the point of collection of personal information, the option to opt out of the processing of personal information for purposes of sale and targeted advertising, and the rights to access, transport, delete, and correct personal information, as well as the right to revoke consent. <br><br> Additionally, the MIPSA mandates that large data holders conduct risk assessments |

| | | when processing personal information based on an **algorithmic computational process**.<br>A "large data holder" is defined as a controller meeting two criteria within a calendar year: having annual global gross revenues exceeding $1,000,000,000 and determining the purposes and means of processing personal information for not fewer than 200,000 individuals, excluding data processed solely for completing payment-only transactions where no personal information is retained beyond the transaction itself. |
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| | HD4788 - <u>Proposed</u> | Introduced on January 11, 2024, HD4788, known as the **Artificial Intelligence Disclosure Act,** aims to regulate generative artificial intelligence systems used to create audio, video, text, or print AI-generated content within Massachusetts.<br>The bill mandates that such content includes a clear and conspicuous disclosure meeting specific criteria: the disclosure must clearly and conspicuously identify the content as AI-generated, using appropriate language for the medium of the content.<br>Additionally, the notice should be permanent or difficult to remove by subsequent users, to the extent technically feasible. Furthermore, the content must include metadata that identifies it as AI-generated, provides information about the system, tool, or platform used to create the content, and specifies the date and time the content was generated. |
| | H. 83 – <u>Proposed</u> | Introduced on February 16, 2023, H. 83 proposes the **Massachusetts Data Privacy Protection Act**, an omnibus consumer privacy law aimed at regulating various aspects of data usage, including the collection and processing of personal information.<br>One significant provision of the bill pertains to the use of automated decision-making technologies, referred to as **Covered Algorithms**. It mandates that entities employing such technologies conduct impact assessments and scrutinize the training data used to develop these algorithms. The objective is to mitigate the risk of potential harms arising from the utilization of automated decision-making systems. |
| | HB1974 – | Introduced on February 16, 2023, HB1974 aims to regulate the utilization of artificial |

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| | Failed | intelligence (AI) in the delivery of **mental health services**.<br>The bill outlines specific conditions that must be met when licensed mental health professionals employ AI in their practice.<br>These conditions include obtaining pre-approval from the relevant professional licensing board, ensuring that any AI system used prioritizes safety and undergoes continuous monitoring by the professional, informing patients of the AI's involvement in their treatment, providing patients the option to receive treatment from a licensed professional, and obtaining patients' informed consent for receiving mental health services through AI. The bill defines AI broadly as any technology capable of simulating human intelligence, encompassing various techniques such as natural language processing, training language models, reinforcement learning, and machine learning systems. |
| | H1873 – Failed | Introduced on February 16, 2023, H1873, titled **"An Act Preventing A Dystopian Work Environment,"** proposes regulations to ensure transparency and fairness in the use of Automated Decision Systems (**ADS**) by employers.<br>The bill mandates that employers provide specific notice to employees and independent contractors before deploying an ADS and grants them the right to request information about their data's use and the resulting ADS output.<br>ADS, defined as any computational process aiding employment-related decisions, would require employers to review and adjust decisions based on inaccurate data, informing affected workers of any adjustments made.<br>Additionally, employers and their vendors must maintain and annually submit a list of all ADS in use to the Department of Labor. The bill also outlines circumstances where ADS use is prohibited and necessitates algorithmic impact assessments to be conducted. |
| | SB31 – Failed | Introduced on February 16, 2023, SB31, titled **"An Act to Regulate Generative Artificial Intelligence Models,"** aims to establish regulations for large-scale **generative artificial intelligence models**, such as ChatGPT. |

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| | | The bill mandates that companies operating such models comply with specified operating standards, including implementing reasonable security measures to safeguard individual data used for model training, obtaining informed consent from individuals before collecting, using, or disclosing their data, and conducting regular risk assessments.<br>A "large-scale generative artificial intelligence model" is defined as a machine learning model with a capacity of at least one billion parameters that generates text or other outputs. Additionally, the bill requires companies operating such models to register with the Attorney General and provide detailed information about the model. |
| Maryland | HB1202 – Enacted | Maryland law, HB 1202, prohibits employers from utilizing a facial recognition service to create a facial template during an applicant's pre-employment interview unless the applicant provides explicit consent by signing a designated waiver. This legislation, focusing on **workplace AI regulations**, became effective on October 1, 2020. |
| Maine | HP569 – Proposed | Introduced on March 2, 2023, HP 569, also known as **"An Act To Protect Workers From Employer Surveillance**," mandates that employers must furnish, upon request by an employee, information regarding whether employee data interfaces with an automated decision system. This legislation was further amended by H-173 and H-575. |
| | LD 1973 - Proposed | Introduced on May 18, 2023, LD 1973 proposes the enactment of the **Maine Consumer Privacy Act**, designed to safeguard consumer data. Section 9603 stipulates that a consumer must explicitly opt-in to processing if the controller intends to process consumer data for profiling in furtherance of solely automated decisions that yield legal or similarly significant effects concerning the consumer, unless the consumer opts-in to such processing.<br>Section 9607 mandates that a controller performs a Data Protection Assessment (DPA) if processing personal data for profiling poses a reasonably foreseeable risk to the consumer. Notably, the legislation does not provide a definition for profiling. |

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| | HP 1270 - Proposed | Introduced on May 23, 2023, the **Data Privacy and Protection Act**, HP 1270, is a comprehensive legislative proposal aimed at safeguarding consumer data. The Act encompasses retention limits, use restrictions, and reporting obligations. Notably, Section 9615 specifically addresses the utilization of algorithms. Under this section, covered entities employing covered algorithms, which encompass various technologies like **machine learning, AI, and natural language processing tools,** for collecting, processing, or transferring data in a manner that poses a consequential risk of harm, are required to conduct an impact assessment of the algorithm. This assessment must be submitted to the Attorney General's office within 30 days of its completion and should include a publicly accessible summary. Moreover, the Act mandates covered entities to undertake a design evaluation before deploying a covered algorithm, which should encompass the design, structure, and inputs of the algorithm. |
| Indiana | SB5 – Enacted | Introduced on January 9, 2023, SB5 aimed to establish an omnibus consumer privacy law akin to the Virginia Consumer Data Privacy Act and the Colorado Privacy Act, focusing on regulating the collection and processing of personal information. Notably, the bill delineated regulations regarding **profiling** and **automated decision-making**. It afforded individuals the right to opt-out of "profiling in furtherance of decisions that produce legal or similarly significant effects" regarding the consumer. Profiling, as defined, encompassed any automated processing of personal data to assess, analyze, or predict personal aspects pertaining to an identified or identifiable individual's economic situation, health, preferences, interests, behavior, location, or movements. Additionally, controllers were mandated to conduct data protection impact assessments for high-risk profiling activities. |
| Colorado | SB 205 – Enacted | The Act mandates developers and deployers of high-risk artificial intelligence systems (AI) to prevent **algorithmic discrimination**. Developers must disclose system details, provide impact assessment information, and |

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| | | manage discrimination risks, while deployers must implement risk management policies, conduct impact assessments, and notify consumers of consequential decisions.<br>Both developers and deployers must publicly disclose system types, manage discrimination risks, and report discriminatory incidents to the attorney general. Compliance with specified provisions establishes a rebuttable presumption of reasonable care. |
| | SB 21-169 - Enacted | In 2021, Colorado enacted SB 21-169, aimed at safeguarding consumers from unfair discrimination in insurance practices, particularly in **rate-setting mechanisms**.<br>The law prohibits insurers from unfairly discriminating based on various protected characteristics when using external consumer data and algorithms in insurance practices. Subsequently, on February 1, 2023, the **Colorado Division of Insurance (CDI)** introduced the initial draft of regulations to implement the law.<br>Following this, on September 21, 2023, the CDI adopted Regulation 10-1-1 - Governance and Risk Management Framework Requirements for Life Insurers. This regulation outlines guidelines for the use of **algorithms** and **predictive models** involving external consumer data sources by Colorado-licensed life insurers. Notably, it mandates these insurers to submit a **compliance progress report** by June 1, 2024, followed by an **annual compliance attestation** beginning December 1, 2024. |
| | Colorado Privacy Act – Enacted | The Colorado Privacy Act (CPA), effective from July 1, 2023, grants consumers the right to opt-out of personal data processing for profiling intended to make legally significant decisions.<br>These decisions encompass various areas such as financial services, housing, insurance, and more. Controllers must conduct a data protection impact assessment (DPIA) if processing poses a heightened risk of harm, including profiling that may lead to unfair treatment, financial or physical injury, intrusion into privacy, or other substantial harm to consumers. **Automated decision-making**, whether involving AI or not, must be carefully designed and implemented to mitigate these risks, as stipulated in the DPIA. |

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| | | Finalized rules implementing the CPA were issued by the Colorado Attorney General's Office on March 15, 2023. |
| Illinois | Illinois AI Video Interview Act - Enacted | In 2019, Illinois took a pioneering step by enacting the **Illinois AI Video Interview Act,** which set restrictions on the use of **artificial intelligence (AI) in hiring processes**. <br> Building upon this foundation, amendments made in 2021 and enforced in 2022 extended the law's provisions, placing specific obligations on employers leveraging AI-enabled assessments for hiring. <br> Among these mandates, employers are required to notify applicants of AI usage, provide explanations about how the AI functions and the criteria it employs for assessment, secure consent from applicants, manage applicant data responsibly, honor deletion requests for applicant videos, and submit annual reports outlining demographic breakdowns of applicants at various stages of the hiring process. |
| | HB 1002 – Failed | Introduced on December 19, 2022, HB 1002 proposes amendments to the **University of Illinois Hospital Act** and the **Hospital Licensing Act**, aiming to introduce regulations concerning the use of diagnostic algorithms in patient diagnosis within hospitals. <br> Under the proposed legislation, hospitals would be mandated to ensure that any diagnostic algorithm used for patient diagnosis has received certification from both the **Department of Public Health** and the **Department of Innovation and Technology.** Furthermore, hospitals must verify that the **algorithm** demonstrates diagnostic accuracy equal to or surpassing alternative diagnostic methods and is not the exclusive means of diagnosis available to patients. |
| | HB 3773 – Failed | Introduced on February 17, 2023, HB 3773 proposes amendments to the **Human Rights Act**, focusing on regulating the use of predictive data analytics in employment decisions. Under this proposed legislation, employers utilizing predictive data analytics |

|  | | in their employment processes would be prohibited from considering an applicant's race or ZIP code as a proxy for race when making decisions related to recruitment, hiring, promotion, renewal of employment, training or apprenticeship selection, discharge, discipline, tenure, or terms and conditions of employment. |
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|  | HB 3943 – Failed | Introduced on February 17, 2023, HB 3943 proposes the **Social Media Content Moderation Act,** which aims to regulate social media companies' content moderation practices. <br> Under this legislation, social media platforms would be required to post clear terms of service for each platform they own or operate, ensuring users are informed of the rules governing their use. <br> Additionally, these companies would need to submit semi-annual reports to the Attorney General, detailing their content moderation systems and providing information on flagged content, including actions taken, particularly when flagged by AI software. |
|  | HB 3385- Failed | Introduced on February 17, 2023, HB 3385 presents the **Illinois Data Privacy and Protection Act**, aimed at regulating various aspects of data usage, particularly the collection and processing of personal information and the utilization of "covered algorithms." <br> Under this proposed legislation, a "covered algorithm" is broadly defined as a computational process incorporating machine learning, natural language processing, or other advanced techniques to make decisions or assist human decision-making concerning covered data. Although the term "covered algorithm" is defined within the bill, its specific application and implications within the legislation remain unspecified. |
|  | HB 3880 – Failed | Introduced on February 17, 2023, HB 3880 aims to protect children's online privacy through the Children's Privacy Protection and Parental Empowerment Act. The bill prohibits **default profiling of children in online services** unless necessary for the |

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| | | service and with parental consent. Profiling, defined as automated processing of personal data, must serve the child's best interests. The act empowers parents to oversee their children's digital interactions effectively. |
| Hawaii | SB974 – Proposed | SB974, introduced on January 20, 2023, proposes the **Hawaii Consumer Data Protection Act**, aiming to regulate personal consumer data access by controllers and processors. <br><br> It introduces penalties and establishes a consumer privacy special fund. The bill allows consumers to opt-out of personal data processing for profiling, affecting various services. "Profiling" encompasses automated processing to assess personal aspects. <br><br> Covered entities must conduct data protection assessments for profiling purposes posing foreseeable risks. Initially stalled, the bill was carried over to the 2024 legislative session, with a scheduled effective date of July 1, 2050. |
| | SB1110 - Proposed | SB1110, introduced on January 20, 2023, proposes an iteration of the **Hawaii Consumer Data Protection Act**, mirroring SB974's obligations regarding "profiling." It addresses **automated processing for personal aspects evaluation**. While initially stalling in 2023, the bill resumed in the 2024 regular legislative session. |
| Texas | HB4 – Enacted | Introduced on February 16, 2023, HB4, also known as the **Texas Data Privacy and Security Act**, draws inspiration from the Virginia Consumer Data Protection Act. Once enacted, the legislation will establish comparable provisions allowing individuals to opt-out of "profiling" leading to legal or similarly substantial consequences for them. Moreover, controllers will be obligated to conduct data protection assessments for high-risk profiling activities. |
| | HB4695 – Failed | Introduced on March 10, 2023, HB4695 proposes to restrict the use of artificial intelligence technology for offering counseling, therapy, or other mental health services. Under the bill, such services can only be provided through an application approved by the commission and must be administered by a licensed mental health professional or |

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| | | under the supervision of one. Artificial intelligence technology must undergo testing and approval by the Texas Health and Human Services Commission, with the results being made publicly accessible. If enacted, the law would become effective on September 1, 2023. |
| Tennessee | HB1181 – Enacted | Effective July 1, 2024, HB1181, known as the **Tennessee Information Protection Act**, establishes a comprehensive consumer privacy law similar to those enacted in states such as Virginia. <br> Among its provisions, the bill requires the performance of data protection assessments for "**profiling**" activities that pose foreseeable risks, including unfair treatment of consumers, financial or reputational harm, intrusion into privacy, or other significant injury. <br> "Profiling" is defined as automated processing of personal information to assess various aspects of an individual's life. The law grants authority to the Tennessee Attorney General's Office to impose civil penalties on companies found in violation of its provisions. |
| Rhode Island | SB146 – Failed | Introduced on February 1, 2023, SB146 proposes restrictions on the utilization of automated decision systems and algorithmic operations related to **video-lottery terminals** and **sports betting applications.** However, despite its introduction, the law was not accepted before the conclusion of the legislative session in June 2023. If passed, the law would have taken effect immediately upon its passage. |
| | HB6236 – Failed | Introduced on March 30, 2023, HB6236, also known as the **Rhode Island Data Transparency And Privacy Protection Act,** proposes to establish a comprehensive consumer privacy law akin to those enacted in states like Virginia. <br> The bill offers consumers the right to opt-out of the processing of their personal data for profiling purposes that lead to solely automated decisions with legal or similarly significant effects. |

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| | | "Profiling" under this act encompasses any automated processing of personal data to evaluate, analyze, or predict various personal aspects of an identified or identifiable individual. The legislation also mandates data protection assessments for profiling activities presenting foreseeable risks, including unfair treatment, financial or reputational harm, intrusion into privacy, or other significant injuries to consumers. Despite its introduction, the law was not accepted before the conclusion of the legislative session in June 2023. |
| | H6286 – Failed | Introduced on April 19, 2023, H6286 aims to regulate companies' utilization of **generative artificial intelligence models**. According to the bill, any company employing large-scale generative AI is prohibited from engaging in discriminatory practices.<br>The AI model must be configured to include a unique watermark in generated text to deter plagiarism. Companies are required to implement reasonable security measures to safeguard the data of individuals used to train the model and obtain informed consent from these individuals before utilizing their data.<br>Additionally, companies must conduct regular risk assessments to identify potential risks and harm associated with their services.<br>Within 90 days of the act's effective date, any company utilizing large-scale generative AI must register with the attorney general, providing details such as the company name, a description of the AI model, and information on the company's data gathering practices. However, it's worth noting that the bill was introduced but not accepted before the conclusion of the legislative session. |
| South Carolina | H4696 – Proposed | Introduced on January 9, 2024, H4696 proposes a definition for **"profiling"** as any exclusively automated processing of personal data aimed at assessing or predicting various personal aspects of an identified or identifiable individual.<br>These aspects include economic status, health, preferences, interests, behavior, location, or movements. If enacted, the act would take effect immediately. |

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| | H4660 – Proposed | Introduced on January 9, 2024, H4660 proposes that within ninety days of an election featuring a candidate for elective office, it would be prohibited for any person, corporation, committee, or entity to distribute a **synthetic media message** known or reasonably suspected to be a deceptive and fraudulent deepfake of a candidate on the ballot. If the bill is passed, it would take effect immediately. |
| | H4842 – Proposed | Introduced on January 16, 2024, H4842, the **South Carolina Age-Appropriate Design Code Act**, would be applicable to businesses operating in South Carolina meeting certain criteria related to revenue, consumer data transactions, or revenue sources. Covered entities under this act would be restricted from default **"profiling"** of children under 18, unless specific conditions are met to ensure the best interests of the children involved. "Profiling" in this context refers to any automated processing of personal data aimed at evaluating, analyzing, or predicting various personal aspects of an identified or identifiable individual. However, processing information that does not result in an assessment or judgment about a person is excluded from this definition. If passed, the act would take effect immediately upon enactment. |
| | SB404 – Failed | Introduced on January 18, 2023, SB404 aims to prohibit operators of websites, online services, or mobile applications, including social media platforms, from using automated decision systems (**ADS**) for content placement for users under eighteen years old. Additionally, operators using ADS for content placement for South Carolina residents aged eighteen and above must conduct age verification through an independent third-party service, unless alternative protections outlined in the bill are employed. The bill also grants individuals a private right of action. If enacted, this legislation would impose restrictions on the use of ADS for content placement, particularly concerning users under eighteen, while also mandating age verification measures for adult users. |
| Georgia | H4696 – | Introduced on January 9, 2024, H4696 defines **"profiling"** as automated processing |

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| | Proposed | assessing personal aspects like economic situation, health, and behavior. If enacted, the act would take effect immediately. |
| | H4660 – Proposed | Introduced on January 9, 2024, H4660 aims to prohibit the dissemination of deceptive and fraudulent **deepfake videos of candidates** participating in an upcoming election within ninety days of the election date. The bill targets individuals, corporations, committees, or entities involved in the distribution of synthetic media messages that are known or should be known to be deceptive deepfakes. Deepfakes are synthetic media generated using artificial intelligence to manipulate or fabricate visual or audio content, often making it appear as though a person said or did something they did not. |
| | H4842 – Proposed | Introduced on January 16, 2024, H4842, the **South Carolina Age-Appropriate Design Code Act,** targets businesses operating within the state, particularly those with significant revenue or data-sharing activities. The bill aims to protect **children under the age of 18 from being profiled by default by covered entities,** such as businesses meeting specific criteria related to revenue or data handling. Under H4842, covered entities are prohibited from engaging in profiling of children unless certain conditions are met. These conditions include demonstrating appropriate safeguards to ensure that profiling aligns with the best interests of children and restricting profiling to aspects of online services or products in which children are actively and knowingly engaged. Alternatively, a covered entity must demonstrate a compelling reason for profiling children. The term "profiling" is defined broadly as any automated processing of personal data to evaluate, analyze, or predict various personal aspects of an identified or identifiable individual. However, the bill clarifies that processing information that does not lead to an assessment or judgment about a person does not fall under the definition of profiling. |
| | SB404 – | Introduced on January 18, 2023, SB404 aims to regulate the use of automated decision |

| | Failed | systems (ADS) by online platforms in South Carolina. It prohibits **ADS** for content placement for users under eighteen and mandates age verification for residents aged eighteen or older. The bill includes provisions for a private right of action, enabling legal recourse for violations. If enacted, SB404 would establish measures to protect minors and ensure responsible content placement online. |
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| Florida | SB 850 – Proposed | Introduced on January 19, 2024, SB 850, the **Use of Artificial Intelligence in Political Advertising,** proposes regulations for political campaigns regarding the disclosure of AI use in digital content like images, videos, audio, and text. The bill, effective from July 1, 2024, aims to combat deceptive campaign practices, particularly deepfakes, by mandating disclaimers on AI-generated political ads. Generative artificial intelligence is defined within the bill, and violators may face civil penalties. Complaints regarding potential violations can be lodged with the Florida Elections Commission. This legislation applies to any individual or entity disseminating political advertisements or related content in Florida. |
| District of Columbia | B114 – Failed | Introduced on February 2, 2023, B114, the **Stop Discrimination by Algorithms Act of 2023 (SDAA),** aims to prevent organizations, both for-profit and nonprofit, from using algorithms that discriminate based on protected personal traits. Under this bill, it's unlawful for a DC business to base decisions on algorithms that consider a wide range of personal characteristics, such as race, religion, gender identity, sexual orientation, and more, if it denies "important life opportunities" to individuals or groups. Violators could face civil penalties of up to $10,000 per violation. |
| Delaware | Delaware Personal Data Privacy Act - Enacted | The **Delaware Personal Data Privacy Act**, effective January 1, 2025, grants consumers the right to opt-out of profiling if it's used for solely automated decisions with legal or similarly significant effects on the consumer. Controllers are mandated to conduct data protection assessments when processing data poses a "heightened risk of harm," including profiling that may result in unfair |

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| | | treatment, financial or reputational harm, intrusion on privacy, or other substantial injury to consumers. |
| Connecticut | Connecticut Privacy Act - Enacted | The **Connecticut Privacy Act (CTPA),** effective July 1, 2023, grants consumers the right to **opt-out of profiling** if it's used for automated decision-making with legal or similarly significant effects. Controllers are required to conduct data risk assessments before processing consumer data in situations where there's a "heightened risk of harm." This includes certain profiling activities that may result in unfair treatment, financial or reputational harm, intrusion on privacy, or other substantial injury to consumers. |
| | HB 1147 - Proposed | Introduced on January 29, 2024, HB 1147 proposes a statutory framework to regulate the **use of deepfakes** generated through artificial intelligence in communications regarding candidates for public office. The bill prohibits distributing communications containing undisclosed deepfakes with actual malice regarding their deceptiveness or falsity related to a candidate. |
| New Hampshire | SB 255 – Enacted | Introduced on January 19, 2023, SB 255 aims to establish a comprehensive consumer privacy law drawing from the Colorado Privacy Act, Connecticut Data Privacy Act, and Virginia Consumer Data Protection Act. The bill focuses on regulating **profiling** and **automated decision-making**, allowing individuals to opt-out of automated decisions with significant legal consequences. Profiling, defined as automated processing of personal data to evaluate or predict personal aspects, is subject to opt-out provisions. Controllers conducting high-risk profiling activities must perform data protection assessments. The bill was reintroduced and passed by the legislature on January 18, 2024. |
| Montana | SB384 – Enacted | Introduced on February 16, 2023, SB384, known as the **Consumer Data Privacy Act**, aims to establish a comprehensive consumer privacy law. The bill regulates various data practices, including the collection and processing of personal information, as well as **profiling** and **automated decision-making.** |

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| | | It imposes transparency requirements on profiling and grants individuals the right to opt-out of profiling for automated decisions with significant legal consequences. Profiling, defined as automated processing to evaluate or predict personal aspects, falls under opt-out provisions. Controllers engaging in high-risk profiling activities must conduct data protection assessments to comply with the law. |
| Minnesota | HF2309 – Failed | Introduced on March 1, 2023, HF2309 aims to establish an omnibus consumer privacy law modeled after the Colorado Privacy Act and Connecticut Data Privacy Act. The proposed legislation seeks to regulate various data practices, including the collection and processing of personal information. Notably, the bill addresses profiling and automated decision-making, allowing individuals to opt-out of profiling for decisions with significant legal consequences. Profiling, defined as automated processing to evaluate or predict personal aspects, is subject to opt-out provisions. Controllers engaged in high-risk profiling activities must conduct data privacy and protection assessments to comply with the law. |
| | SF2915 – Failed | Introduced on March 15, 2023, SF2915 aims to establish consumer rights concerning personal data. Under this proposed legislation, consumers would have the right to access and correct their personal data collected by controllers. Additionally, they would be empowered to request the deletion of personal data and opt-out of data used for targeted advertising or profiling. Profiling, encompassing automated processing to evaluate or predict personal aspects, falls within the scope of consumer opt-out provisions. If passed, the act is scheduled to become effective on July 31, 2024. |
| New Mexico | SB 68 – Proposed | Introduced on January 17, 2024, SB 68, known as the **Age-Appropriate Design Code Act**, targets entities operating for profit in New Mexico and offering online products or services to individuals, particularly children.<br>The bill prohibits profiling children under 18 unless certain conditions are met, such as demonstrating appropriate safeguards and necessity. |

| | | Profiling is defined as automated processing of personal data to evaluate various aspects of a person's life, excluding data processing that doesn't result in assessments or judgments about individuals. SB 68 closely resembles SB 319, introduced on February 2, 2023, which failed to pass. |
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| West Virginia | HB3498 – Failed | Introduced on February 14, 2023, HB3498, known as the Consumer Data Protection Act, proposes an omnibus consumer privacy law akin to the Virginia Consumer Data Protection Act. The bill allows individuals to opt-out of the processing of their personal data for profiling purposes that lead to significant effects. Profiling, as defined, covers various automated processes evaluating personal aspects. Controllers are mandated to conduct data protection assessments for high-risk profiling activities. |