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RE: S.B. 1249, An Act Addressing Innovations in Artificial Intelligence — OPPOSE

Dear Connecticut Legislators:

The undersigned groups urge you to oppose S.B. 1249 as it does little to protect Connecticut residents from the harms they are already enduring from the use of discriminatory, opaque, and unproven AI decision-making tools. The General Assembly should instead turn its attention to strengthening and passing legislation like S.B. 2, which works to address harms felt by Connecticut residents by the use of AI decision-making tools.

Companies increasingly use AI decision-making tools to make decisions about everyday consumers and workers. These include tools that impact whether you get a job, what rent you pay, if your health insurance claim will be approved, what interest rate you'll receive on a loan, and whether you receive a college scholarship. Most of the time, consumers and workers do not know these tools are being used to help make these important decisions, let alone who made it or how the system works.

In most of these circumstances, an entity with immense power is using an AI decision-making tool to make decisions about individuals or groups with significantly less power – and they are doing so without transparency or testing for accuracy, equity, and accountability. The lack of transparency surrounding such tools work poses numerous risks to workers and consumers, both

due to novel risks that these tools create and because even existing civil rights, consumer protection, and labor laws cannot function effectively given that these tools are often hidden from the people they affect.

Numerous stories about harmful uses of AI decision-making tools have come to light thanks to whistleblowers and investigative journalists. ProPublica has published reports on how the healthcare giant Cigna secretly used an algorithm to mass-reject policyholders' claims. This was part of a broader push to get its medical directors to quickly "clear" claims; Cigna actually threatened to fire a physician who tried to take more time to ensure she was evaluating claims properly. This illustrates that, unfortunately, we cannot take at face value companies' claims or determinations that designated human decision-makers are actually driving key decisions.

Consumers and workers should not be forced to rely on whistleblowers and nonprofit news outlets to bring these issues to light, nor to fight harmful uses of AI decision-making tools. **Without strong regulation that requires transparency from companies about when and how these tools are being used, existing civil rights, labor, and consumer protections cannot be enforced effectively.**

Many uses of these tools are unfair for everyone, and they have been consistently proven to be most unfair for communities of color, individuals with disabilities, and women. Now is the time to stem this unfairness by passing a strong AI law that creates ground rules, requires transparency, and sets clear expectations for developers of AI tools. Policymakers waited too long to regulate social media companies and we are all living with the consequences. States should not repeat that mistake with AI decision-making tools.

Instead of tackling this problem and empowering workers and consumers, S.B. 1249 ignores these harms and instead allocates taxpayer money to and establishes regulatory safe spaces for tech companies. Furthermore, the bill's few mentions of discrimination do not provide Connecticut residents with any additional protections. Instead, the bill merely reiterates the point that the use of AI is not a defense to a discrimination claim, which has never been in doubt. The bill relieves developers of AI tools—often the party best poised to disclose key information and do much-needed assessments—of nearly any responsibility, shifting responsibility to the Connecticut-based companies using the tools instead.

The result is a bill that would exacerbate rather than mitigate the risks associated with AI, leaving Connecticut businesses and citizens to suffer while the pocketbooks of tech developers flourish. The bill's approach to regulating AI is thus fundamentally flawed.

Rather than advancing this bill, the General Assembly should focus on improving and then passing S.B. 2, which is part of a thoughtful multistate effort to establish commonsense transparency and accountability requirements for AI.

We are happy to work with you to address the harms and ongoing risks created by the use of AI decision-making tools. Don't hesitate to reach out to us at vinhcent@techequity.us and bwinters@consumerfed.org.

Sincerely,

Access Humboldt
Consumer Federation of America
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TechEquity