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## **OLR Bill Analysis**

### **sSB 86**

#### ***AN ACT ADDRESSING INNOVATIONS IN AND THE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE.***

#### **SUMMARY**

This bill requires:

1. the state's chief data officer to review executive branch agencies' inventory of high value data and identify and publish any that could be useful for artificial intelligence (AI) systems, machine learning, and other statistical means of data analysis;
2. the economic and community development (DECD) commissioner to develop a plan to establish an AI regulatory sandbox program (one that allows for temporary testing of products or services with fewer legal requirements); and
3. companion chatbot operators to establish protocols to prevent certain outcomes, make related disclosures, and have additional safeguards when the operator knows the user is a minor.

EFFECTIVE DATE: July 1, 2027, except that the chatbot provision is effective January 1, 2027.

#### **§ 1 — HIGH VALUE DATA ANALYSIS FOR AI USE**

By January 1, 2028, the bill requires the chief data officer, in consultation with executive branch agency data officers, to review the inventory of all high value data that these agencies have or collect under existing law. Under existing law, "high value data" is any data that the department head determines:

1. can increase an agency's accountability and responsiveness, improve public knowledge about an agency and its operations, further its core mission, or create economic opportunity;

2. is critical to the agency's operation or used to satisfy any legislative or other reporting requirements; or
3. is frequently requested by the public or responds to a need and demand identified through public consultation.

Under the bill, the chief data officer must identify and publish any of this data that could be useful for AI systems, machine learning, and other statistical means of data analysis. He must do so to create economic opportunity and support state economic development goals, through private businesses, nonprofit organizations, and other entities that will use the data, consistent with applicable laws and regulations.

In reviewing the data, the chief data officer and agency data officers must:

1. identify appropriate data to make available for use by AI systems, machine learning, and other statistical means of data analysis;
2. develop policies and procedures for data quality and governance to ensure data are appropriate for the intended purpose and do not lead to any unlawful discrimination against any person or group of people, or disparate impact on any individual or group, based on any actual or perceived differentiating characteristic (such as age, race, disability);
3. determine any needed aggregation, redaction of individually identifiable information, or use of other techniques needed to ensure and preserve privacy and to satisfy all applicable state or federal laws and regulations for publicly disclosing data; and
4. determine the procedures for agencies to publish their data on the online repository that the Office of Policy and Management operates and maintains under existing law.

## **§ 2 — AI REGULATORY SANDBOX PROGRAM**

The bill requires the DECD commissioner, in consultation with the

banking, administrative services, public health, and insurance commissioners, to develop a plan to establish an AI regulatory sandbox program. The program must allow an applicant to temporarily test an innovative product or service on a limited basis under reduced licensure, regulatory, and other legal requirements.

The plan must be developed to make Connecticut's business environment competitive, relative to other places, for developing and deploying AI technologies.

By January 1, 2028, the DECD commissioner must submit recommendations for any required legislative proposals for implementing the plan to the governor and the Banking, Commerce, Insurance and Real Estate, and Public Health committees.

### **§ 3 — COMPANION CHATBOT**

The bill generally requires a companion chatbot operator to disclose to in-state users that the chatbot is not human and to have certain protocols to prevent certain content. The bill also requires an operator to have additional safeguards when it knows the user is a minor.

Under the bill, a "companion chatbot" is an AI system with a natural language interface that gives adaptive, human-like responses to user inputs, and can meet a user's social needs by, among other things, exhibiting anthropomorphic features and having the ability to sustain a relationship across multiple interactions. It does not include any chatbot that is used solely for (1) a business' internal operations for matters such as productivity, source information analysis, research, or technical assistance, or (2) customer service, shopping, or product discovery. It also does not include a chatbot in a video game, as long as it (1) can only maintain a dialogue about topics related to the game and (2) cannot maintain a dialogue on mental health, self-harm, or sexually explicit conduct.

An "AI system" is a machine-learning-based system that, for any explicit or implicit objective, infers from inputs how to generate outputs, such as content, decisions, predictions, or recommendations, capable of

influencing physical or virtual environments. It does not include any rules-based or deterministic software system, data analytics tool, or scripted decision tree.

***Disclosure***

The bill generally requires an operator (individual or entity) that makes a companion chatbot platform available to a user to clearly disclose to the user that the chatbot is artificial and not human. The operator must do this if it allows the user to engage a chatbot in a way that would mislead a reasonable person into believing that he or she was interacting with a human.

***Protocols***

Additionally, the bill requires operators to establish and maintain protocols to prevent the companion chatbot from giving users any content about suicidal ideation, suicide, or self-harm. The protocols must also, using evidence-based methods for measuring suicidal ideation or intention to perform self-harm, refer a user to a crisis service provider, including a suicide hotline or crisis text line, if the user expresses to the chatbot any suicidal ideation or intent of self-harm.

The operator must (1) publish a description of its protocol at a publicly accessible location on the operator’s website and (2) disclose to each companion chatbot user that these chatbots may not be suitable for certain minors.

***Operator Requirements When User is a Minor***

Under the bill, when the operator makes a companion chatbot available to a user it knows is a minor, the operator must:

1. disclose to the user that he or she is interacting with an AI system;
2. notify the user, in a clear and conspicuous manner at least once every three continuous hours of interaction with the chatbot, that he or she is interacting with an AI system and to take a break from using the companion chatbot; and
3. institute reasonable measures to prevent the chatbot from giving

the user a visual depiction of any sexually explicit conduct, or directly stating to the user that he or she should engage in any sexually explicit conduct.

### ***Report***

Starting by February 1, 2028, the bill requires each operator to prepare and submit an annual report to the attorney general, in a way he prescribes, disclosing the following information for the prior calendar year: (1) the protocols the operator established and maintained and (2) how often the operator referred a user to a crisis service provider as the bill requires.

The bill prohibits these reports from including any (1) information other than what is required under the bill or (2) personal data (non-public information that is linked or reasonably linkable to an identified or identifiable individual).

The attorney general must post each submitted report on the office's website.

### ***Penalty***

Under the bill, an operator's violation of the chatbot provisions is considered a Connecticut Unfair Trade Practices Act violation, solely enforced by the attorney general (and not by a private right of action or class action).

## **BACKGROUND**

### ***Related Bill***

sSB 2, favorably reported by the General Law Committee, has an identical regulatory sandbox provision and similar AI companion provisions.

## **COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/16/2026)