

1 H.814

2 An act relating to neurological rights and the use of artificial intelligence
3 technology in health and human services

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. INTENT

6 It is the intent of the General Assembly to:

7 (1) protect human rights, promote equity, increase efficiency, enhance
8 accessibility, create transparency, and guarantee accountability in health care
9 and human services through the ethical and responsible use of artificial
10 intelligence technology;

11 (2) maximize the benefits and minimize the risks of the use of artificial
12 intelligence in health care and human services;

13 (3) promote the ethical and responsible use of augmented intelligence in
14 service delivery, coverage determinations, and access to health care and human
15 services;

16 (4) prevent harm from the use of augmented and other artificial
17 intelligence in health care and human services;

18 (5) improve the experience of patients, providers, and payers through
19 the use of augmented and other artificial intelligence; and

20 (6) improve quality of care, drive positive health outcomes, and
21 cultivate population health through the use of augmented and other artificial
22 intelligence.

1 Sec. 2. 18 V.S.A. chapter 42C is added to read:

2 CHAPTER 42C. NEUROLOGICAL RIGHTS

3 § 1891. PURPOSE; INDIVIDUAL RIGHTS

4 The State of Vermont recognizes that each individual has the right to:

5 (1) mental and neural data privacy;

6 (2) the freedom of thought;

7 (3) nondiscrimination in the development and application of
8 neurotechnologies;

9 (4) change an individual's decision regarding neurotechnology and the
10 right to determine by what means to change that decision;

11 (5) be afforded protection from neurotechnological interventions of the
12 mind and from unauthorized access to or manipulation of an individual's brain
13 activity; and

14 (6) be afforded protection from unauthorized neurotechnological
15 alterations in mental functions critical to personality.

16 Sec. 3. 3 V.S.A. § 5023 is amended to read:

17 § 5023. ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

18 (a) Advisory Council. There is established the Artificial Intelligence
19 Advisory Council to provide advice and counsel to the Director of the Division
20 of Artificial Intelligence with regard to the Division's responsibilities to review
21 all aspects of artificial intelligence systems developed, employed, or procured

1 in State government. The Advisory Council, in consultation with the Director
2 of the Division, shall also engage in public outreach and education on artificial
3 intelligence.

4 (b) Members.

5 (1) Members. The Advisory Council shall be composed of the
6 following members:

7 * * *

8 (F) one member with experience in the field of ethics and human
9 rights, appointed by the ~~Governor~~ National Association of Social Workers,
10 Vermont Chapter;

11 (G) one member who is an academic at a postsecondary institute,
12 appointed by the Vermont Academy of Science and Engineering;

13 (H) the ~~Commissioner of Health~~ Secretary of Human Services or
14 designee;

15 (I) one member with experience in health care, appointed by the
16 Vermont Medical Society;

17 (J) one member with experience in public education, appointed by
18 the Vermont-National Education Association;

19 (K) the Executive Director of Racial Equity or designee; ~~and~~

20 (L) the Attorney General or designee;

21 (M) the State Treasurer or designee; and

1 (b) On or before January 15, 2027, the Artificial Intelligence Advisory
2 Council, in coordination with the Director of the Division of Artificial
3 Intelligence, shall submit a written report to the General Assembly:

4 (1) recommending any additional statutory changes necessary to further
5 the purposes of this act, including:

6 (A) protections for neurological rights, protections related to
7 neurotechnologies, and proposed definitions for relevant terminology;

8 (B) guidance on the use of generative artificial intelligence by
9 regulated professions; and

10 (C) regulating the use of artificial and augmented intelligence in
11 health insurance utilization review processes;

12 (2) summarizing any additional ways that government can promote the
13 ethical and responsible use of artificial intelligence technology in health and
14 human services and in education;

15 (3) proposing pilot projects that improve public engagement in public
16 finance using ethical and responsible artificial intelligence technology; and

17 (4) identifying any reasons for further delaying or removing the new
18 2030 sunset of the Artificial Intelligence Advisory Council as set forth in
19 Sec. 3 of this act.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.