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

1   (6) improve quality of care, drive positive health outcomes, and

2 cultivate population health through the use of augmented and other artificial

3 intelligence.

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

5   CHAPTER 42C. NEUROLOGICAL RIGHTS

6 § 1891. PURPOSE; INDIVIDUAL RIGHTS

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

8   (1) mental and neural data privacy;

9   (2) the freedom of thought;

10   (3) nondiscrimination in the development and application of

11 neurotechnologies;

12   (4) change an individual's decision regarding neurotechnology and the

13 right to determine by what means to change that decision;

14   (5) be afforded protection from neurotechnological interventions of the

15 mind and from unauthorized access to or manipulation of an individual's brain

16 activity; and

17   (6) be afforded protection from unauthorized neurotechnological

18 alterations in mental functions critical to personality.

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

20 § 5023. ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

1   (a) Advisory Council. There is established the Artificial Intelligence

2   Advisory Council to provide advice and counsel to the Director of the Division

3   of Artificial Intelligence with regard to the Division's responsibilities to review

4   all aspects of artificial intelligence systems developed, employed, or procured

5   in State government. The Advisory Council, in consultation with the Director

6   of the Division, shall also engage in public outreach and education on artificial

7   intelligence.

8   (b) Members.

9   (1) Members. The Advisory Council shall be composed of the

10   following members:

11   * * *

12   (F) one member with experience in the field of ethics and human

13   rights, appointed by the ~~Governor~~ National Association of Social Workers,

14   Vermont Chapter;

15   (G) one member who is an academic at a postsecondary institute,

16   appointed by the Vermont Academy of Science and Engineering;

17   (H) the ~~Commissioner of Health~~ Secretary of Human Services or

18   designee;

19   (I) one member with experience in health care, appointed by the

20   Vermont Medical Society;

1   (J) one member with experience in public education, appointed by

2   the Vermont-National Education Association;

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

4   ~~(J)~~(L) the Attorney General or designee;

5   (M) the State Treasurer or designee; and

6   (N) one member with relevant knowledge and expertise, appointed

7   by the Governor.

8   * * *

9   (h) Repeal. This section shall be repealed on June 30, ~~2027~~ 2030.

10   Sec. 4. RESPONSIBLE AND ETHICAL USE OF ARTIFICIAL

11   INTELLIGENCE IN HEALTH CARE, HUMAN SERVICES, AND

12   EDUCATION; REPORT

13   (a) The Artificial Intelligence Advisory Council, in coordination with the

14   Director of the Division of Artificial Intelligence and in consultation with

15   interested stakeholders, shall:

16   (1) review guidelines and recommendations from the American Medical

17   Association, National Association of Social Workers, National Education

18   Association, and other relevant professional organizations regarding the use of

19   artificial intelligence in the fields of health care, human services, education,

20   public participation, and public finance;

1   (2) research existing and potential uses of artificial intelligence in public

2   participation processes and in public finance; and

3   (3) create opportunities for public education and engagement in the

4   development of artificial intelligence policy.

5   (b) On or before January 15, 2027, the Artificial Intelligence Advisory

6   Council, in coordination with the Director of the Division of Artificial

7   Intelligence, shall submit a written report to the General Assembly:

8   (1) recommending any additional statutory changes necessary to further

9   the purposes of this act, including:

10   (A) protections for neurological rights, protections related to

11   neurotechnologies, and proposed definitions for relevant terminology;

12   (B) guidance on the use of generative artificial intelligence by

13   regulated professions; and

14   (C) regulating the use of artificial and augmented intelligence in

15   health insurance utilization review processes;

16   (2) summarizing any additional ways that government can promote the

17   ethical and responsible use of artificial intelligence technology in health and

18   human services and in education;

19   (3) proposing pilot projects that improve public engagement in public

20   finance using ethical and responsible artificial intelligence technology; and

1   (4) identifying any reasons for further delaying or removing the new

2   2030 sunset of the Artificial Intelligence Advisory Council as set forth in Sec.

3   4 of this act.

4   Sec. 5. EFFECTIVE DATE

5   This act shall take effect on passage.